

Arizona Dual Jurisdiction Study

Final Report

by

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November 30, 2004

National Center for Juvenile Justice

NCJJ

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Arizona Dual Jurisdiction Study

Executive Summary

Introduction and Background

In March 2003, the Arizona Supreme Court, Administrative Office of the Courts (AOC) entered into a contract with the National Center for Juvenile Justice (NCJJ) to conduct a study of youth who experience simultaneous dependency¹ and delinquency court involvement. These so-called “dual jurisdiction” or “dually involved” cases² pose unique dilemmas for juvenile courts and child welfare agencies across the country.

The Arizona study required NCJJ to examine barriers to effective court handling of dual jurisdiction cases, and to provide recommendations to address the challenges posed by this population. NCJJ worked closely with the AOC and the four study sites (the juvenile courts in Cochise, Coconino, Maricopa, and Pima counties) to establish the study’s parameters.

A growing body of research confirms the strong correlation between child maltreatment and subsequent delinquency. There has been very little research, however, conducted on how best to process or intervene in cases in which an adolescent is concurrently before the court on both delinquency and dependency matters, particularly teenagers 13 years of age and older. Numerous questions arise regarding the proper court response in these matters (including whether case consolidation is appropriate), the degree of case coordination between juvenile probation/parole, child welfare and behavioral health required to effectively intervene in these cases; and how best to access and fund the myriad of expensive services these youth typically need to at least provide them a realistic opportunity to spend their teen-age years in living arrangements that have some semblance of permanency, a realistic opportunity to become functional, law-abiding adults, and to address immediate and long-term community safety issues.

The findings of a brief national survey conducted by NCJJ, covered in a paper funded through an Office of Juvenile Justice and Delinquency Prevention (OJJDP) grant and entitled *When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases* (see Appendix A), and our experience in numerous courts across the country, confirm that a relatively small number of courts, probation departments, and child welfare agencies have instituted special court practices and/or comprehensive programs specifically for dual jurisdiction matters. This paper (developed in conjunction with work on this current project) highlights promising court-based practices and programs that have the potential to address the difficult challenges posed by dual jurisdiction cases. It is an initial effort to present what juvenile courts are currently doing or what juvenile courts can do to improve coordination of dual jurisdiction matters.³

¹ Like many states, Arizona law and Arizona’s juvenile courts use the term “dependency” to refer to child abuse and neglect cases.

² In this report, “dual jurisdiction,” “dual involvement,” “dual wards,” and other similar terms will be used interchangeably to denote youth with co-occurring dependency and delinquency court involvement.

³ Please see Gene Siegel and Rachael Lord. *When System Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases*. Technical Assistance to the Juvenile Court: Special Project Bulletin (Summer 2004), NCJJ, Pittsburgh, PA. The paper can be accessed on-line at: <http://ncjj.servehttp.com/NCJJWebsite/pdf/dualjurisdiction.pdf>. (downloaded on November 19, 2004)

Dual jurisdiction cases present unique challenges to the juvenile court/juvenile probation, child welfare, and the behavioral/mental health communities. Because of their complexity, these cases drain scarce resources from child welfare agencies, probation departments, behavioral health systems of care, and the courts themselves. They prompt unintended duplication of case management efforts. They usually guarantee the influx of multiple parties and professionals, some with conflicting goals and missions, adding substantial costs and detracting from effective and timely action.

Almost by definition, dual jurisdiction youth defy singular categorization. Dual system youth display an exceptional range of behaviors, needs, and risks. We believe, along with many child welfare and juvenile justice professionals in Arizona, that the unique characteristics of dual jurisdiction cases and the systemic impact these cases present, require different approaches than standard probation, standard child welfare, or standard behavioral health case management. The challenge, of course, is how to implement effective changes in times of austere resources.

This report documents some of the special approaches being taken in each of the four study sites. Until a few years ago, efforts to more effectively handle dual system matters in Arizona have been marred by the often adversarial relationships between CPS and juvenile probation. This dynamic tension was frequently related to the lack of resources and funding to serve this special population, as well as the “lack of clarity as to the roles and responsibilities” of juvenile probation and CPS in the supervision, case management and provision of services in these cases. Much has changed in this regard. Fieldwork conducted in the four targeted counties, reveal evidence of expanded interagency collaboration and cooperation at the local and state levels, though a strong consensus persists regarding the need to continue to improve.

We believe this study provides empirical support for handling dual jurisdiction cases differently than others. Two data sets were analyzed over the course of this study – an extract of data from the participating county juvenile courts’ automated systems (JOLTS),⁴ and data manually collected by NCJJ project staff from court files (that is, legal files maintained by the Clerk of the Court’s office and social files maintained by court probation staff and CPS liaison staff).

Analysis of JOLTS Data

Data extracted from JOLTS represent the court history of all juveniles with an ACTIVE dependency, delinquency or status referral/petition in FY2002 (7/1/01 through 6/30/02) for the four counties included in our study – Cochise, Coconino, Maricopa and Pima counties. Each record in the JOLTS extract data set represents the summarized court history involvement of a child on all delinquency, status and dependency matters through FY2003 and is current through August 2003.

The JOLTS extract data file allows for comparison of the dual jurisdiction population with those of juveniles only active with the court on a delinquency matter in FY2002. These

⁴ JOLTS is an acronym for Juvenile On-Line Tracking System. Each of the state’s 15 juvenile courts utilizes JOLTS to track both its dependency and delinquency caseloads. However, there are three slightly different versions of JOLTS existing in Arizona.

latter youth are referred to as our *delinquency-only* comparison population. The JOLTS data extract also permitted NCJJ staff to identify the *dual jurisdiction* population – that is, minors eight years of age and older at the start of the fiscal year (July 1, 2001) who were involved with the court on both dependency and delinquency matters at some point during FY2002. The process was further refined to ensure that the court’s involvement on these matters truly overlapped within the fiscal year.

Extensive court history data are available on all youth active with the court during the fiscal year on dependency, delinquency and/or status matters. This includes basic demographic data (date of birth, gender, race/ethnicity), as well as dates of first court involvement, overall number of referrals/petitions, and most serious offense/allegations data. Data on probation supervision, probation placements, detention and commitments to the Arizona Department of Juvenile Corrections (ADJC) are also available. *Probation placements* are defined as youth on probation placed in private group homes and residential treatment facilities paid for, at least in part, by the juvenile court through a special fund appropriated annually by the State Legislature to fund a range of programs and services for delinquent and incorrigible youth.⁵

A number of conclusions can be drawn from our analysis of JOLTS data that should be taken into consideration as Arizona re-examines how its juvenile courts identify and process the cases of juveniles with a court history of both dependency and delinquency involvement. These include:

1. Youth with histories of court involvement on dependency matters are *twice* as likely to recidivate if referred on a delinquency offense than juveniles with no history of dependency court involvement (62% compared to 30%, respectively).
2. Recidivism rates for first-time referred females with dependency court histories are *similar and somewhat higher* than for their male counterparts (65% versus 61%, respectively). Among the general population of juveniles referred for the first time for a delinquent act, males are considerably more likely to recidivate than females – 33% for males and 23% for females.
3. Dependent children over the age of eight are also very likely to be (or become) involved with the court on delinquency matters. The likelihood increases substantially for children 14 years of age and older.⁶ That is, 73% of active FY2002 dependent youth ages 14-17 had been referred to the court on at least one delinquency referral and 57% had been petitioned to the court on a delinquency matter prior to August 2003. Furthermore, 49% of these older dependent juveniles ultimately were placed on probation supervision and 51% were at some point detained.

⁵ Youth placed in private group homes or residential treatment facilities funded solely through CPS and Arizona Behavioral Health Care System funds cannot be identified as such in the JOLTS extract database.

⁶ While no data are available in JOLTS, we suspect these types of patterns would be maintained for youth who were informally involved with CPS. The authors suspect that prior or concurrent informal CPS involvement would be a very good indicator of future recidivism for juveniles referred to the court on their first delinquency referral.

4. While only comprising a very small fraction of a juvenile court's informal diversion caseload (1%), dual jurisdiction youth comprise an increasingly larger portion of a court's deeper-end FY2002 delinquency caseload. This includes youth on probation supervision (7%) and a subset of these youth placed in a probation placement (42%).
5. Arizona juvenile courts have a substantial number of juveniles who are both delinquent and dependent. In the state's two largest counties, there are hundreds of juveniles who are both dependent and on probation supervision. The vast majority of these youth spend at least a portion of their time on probation in a group home or residential treatment facility – sometimes paid for fully or in part by the juvenile court.
6. Dual jurisdiction youth tend to start their delinquency careers at an earlier age – considerably earlier than delinquency-only youth on probation supervision and somewhat earlier than juveniles placed in a probation placement. This includes age at first delinquency referral, petition, as well as detention and placement on probation supervision.
7. The delinquency histories of dual jurisdiction youth tend to be more extensive and serious than a court's general probation population but not as extensive or serious as those delinquency-only youth who spent at least a portion of FY2002 in a probation placement.
8. Lastly, dual jurisdiction youth were twice as likely to be committed to ADJC by August 2003 (then end of our tracking period) than delinquency-only juveniles on probation supervision (14% compared to 7%, respectively). However, dual jurisdiction youth were considerably less likely to be committed to ADJC by that time than delinquency-only juveniles spending time in a probation placement (14% versus 23%, respectively).

Analysis of Case File Data

The second data set analyzed for the Arizona Dual Jurisdiction Study reflects data manually collected by NCJJ project staff from court files – that is, legal files maintained by the Clerk of the Court's office and social files maintained by the court and/or CPS liaison. Findings from this analysis focus solely on those dual jurisdiction youth on probation supervision during FY2002 from Maricopa and Pima counties.

A total of 204 case files were reviewed – 129 from Maricopa and 75 from Pima. These cases were randomly selected from a list of potential dual jurisdiction cases. For a juvenile to be on this list, (s)he must have had both a dependency petition active and been on probation supervision during some portion of FY2002. Instances in which the youth's involvement with the juvenile court on both dependency and delinquency matters did not overlap within the fiscal year were discarded and replaced with new cases.

Case files were reviewed over the course of an eight-month period beginning in June 2003 and ending in February 2004. A follow-up review of subsequent court activity for these cases was conducted this past summer and early fall (July – September 2004). This follow-up

provided critical information on delinquency and dependency case outcomes – including dependency case closures and recidivism on any subsequent delinquency, status offense and/or probation violation filings.

Through the case file review, NCJJ staff were able to collect an extensive amount of data on each child. This includes basic demographic data (date of birth, gender, race/ethnicity) as well as data on prior CPS involvement, prior/current involvement with the juvenile court on dependency and delinquency matters,⁷ key case assignments,⁸ presenting family and child problems, detailed placement histories, delinquency and dependency hearing dates, and services ordered in minute entries and/or recommended in case worker and juvenile probation officers reports.

Utilizing this data set, project staff were able to better identify the challenges facing the judiciary, juvenile probation officers, CPS case managers, service providers, and others, in adequately servicing and sanctioning dual jurisdiction youth. Highlights from this analysis include the following:

1. For most dual jurisdiction youth (62%), the delinquency petition resulting in the youth's placement on probation *was filed prior* to the filing of the petition alleging that the juvenile was dependent (and this did not vary much by county).
2. The timing of dependency petition filings was strongly correlated with the referral source – privately-filed petitions were almost always filed after the initiation of delinquency proceedings (92%). The reverse was also true – AG/CPS dependency petitions were frequently filed first – but the correlation was not as strong (58%). A number of agency-initiated dependency petitions were filed after the initiation of delinquency proceedings – particularly in Pima County.
3. These data should not, however, be interpreted to infer that most families of dual jurisdiction youth named on privately-filed dependency petitions had no previous CPS contact. That is, almost two-thirds of these families had been the subject of at least one prior report (65%) and slightly more than half (51%) were the subject of at least one substantiated report. Pima County cases were more likely to be the subject of a prior CPS report/substantiated report regardless of the referral source.
4. Additionally, 25% of the families of dual jurisdiction youth named on private dependency petitions had been the subject of a prior dependency petition which had been previously closed by the juvenile court – which is only slightly lower than the 30% found in the AG/CPS cohort.

⁷ This includes aggregate and most serious offense data related to delinquency, probation violation and status offense referrals prior to the youth's placement on probation in FY2002 as well as post-placement on probation supervision. These data are current through August 2004 or a youth's 18th birthday, whichever came first.

⁸ This includes judge and commissioner case assignments, attorneys assigned to represent the child on delinquency and dependency matters, as well as any GALs and CASA volunteers who may have been appointed.

5. Our sample population of dual jurisdiction youth on probation supervision in FY2002 generally began their delinquent involvement with the juvenile court at an early age. However, only a small percentage of these juveniles were placed on probation for a serious charge – that is, a person or property felony (7% and 11%, respectively).
6. The vast majority of families of dual jurisdiction youth displayed a range of problem attributes – the most frequent being parental substance abuse (78%), domestic violence (70%), and housing/financial problems (61%). Additionally, documentation was found in the case files indicating that in 55% of the cases reviewed there was a history of either or both parents being incarcerated. Families referred to the juvenile court on privately-filed dependency petitions were only slightly less likely to be experiencing these problems but this may be an artifact reflecting better documentation of family problems in agency-initiated petitions.
7. The percentage of dual jurisdiction families with a documented history of domestic violence and parental incarceration are considerably higher than found in the 2000 Arizona CIP-Re-Assessment Study and may be particularly pertinent to behavioral problems experienced by dual wards. However, these findings should be considered very preliminary and subject to further examination.
8. Substance abuse was the most prevalent issue documented – 80% overall – among juveniles in our dual jurisdiction study cohort. The case file review also found that 61% of dual jurisdiction youth had been diagnosed as having severe emotional/mental health problems, a like amount (61%) were taking psychotropic medications (often, multiple types), and 39% had a history of being sexually abused. In more than a quarter (27%) of the cases, documentation existed to suggest these juveniles were seriously considering or had attempted suicide. Educational concerns were also consistently identified – including chronic truancy problems (76%), severe academic deficiencies (59%), special education needs (44%), and a diagnosed/suspected learning disability (23%). The data reflect little variation by county on these measures.
9. In general, females were considerably more likely to exhibit deficiencies in most of the above need areas than males. Substance abuse problems were almost universally a problem (91%) and suicide ideations and/or attempts were also far more prevalent among females – more than double that of the male population (44% compared to 19%, respectively). Lastly, almost two-thirds of females had been sexually abused compared to slightly more than a quarter of the males (64% versus 28%, respectively).
10. Both Maricopa and Pima counties are committed to ensuring consistency in judicial oversight across delinquency and dependency matters. However, this is not the case for attorneys assigned to represent these juveniles. In many respects, this is a structural issue in that the Public Defender's Office represents juveniles in delinquency matters in both counties, while court-

appointed attorneys represent minors in dependency matters in Pima County, and attorneys from the Legal Advocate's Office or other court appointed attorneys represent juveniles in dependency matters in Maricopa County. Lastly, in more than half of the cases in which a GAL was assigned, the same GAL was assigned to advocate for the child's "best interest" on both delinquency and dependency matters before the court. This was more likely the case, however, in instances in which the GAL filed the private dependency petition.

11. Very few dual jurisdiction youth in either county were relatively stable as regards to their living arrangements. During the study period, the vast majority experienced six or more placements changes and almost half moved 11 or more times after a delinquency or dependency petition was filed (regardless of which came first). Additionally, almost all dual jurisdiction youth spent at least some time in a group home and/or residential treatment center (90%) and this did not vary much by referral source, gender or county. On average, dual jurisdiction youth spent almost half of their time in such placements (46%). This dwarfs the average amount of time dual jurisdiction youth spent living with parents (12%) or in other more-home like environments such as relative care (13%) and foster homes (4%).
12. The vast majority of these juveniles (89%) spent time in a juvenile detention center during the study period and, in most instances, experienced multiple detention stays. On average, these youth spent as much time incarcerated (13%) as they did living with parents (12%).
13. Probation outcomes for most dual jurisdiction youth were, in varying degrees, unsuccessful or otherwise problematic. On the positive side, 30% of our dual jurisdiction population satisfactorily completed their probation terms – even if their performance was not necessarily stellar. Outcomes for the remaining 70% of cases were generally unsatisfactory including a considerable portion of youth who were eventually committed to ADJC, referred to adult court, remained on probation until their 18 birthday at which point they aged out of the system, or were released and subsequently placed on probation on new charges.
14. Regardless of their probation outcomes, almost all dual jurisdiction youth included in the study experienced subsequent referrals and petitions to the juvenile court on delinquency, status offense and/or probation violation matters – 92% were referred and 87% were petitioned one or more times. On average, dual jurisdiction youth were referred for delinquency, status and/or probation violation offenses a total of 5.1 times and petitioned 3.5 times *after* being placed on probation.
15. Dual jurisdiction youth also tended to experience poor outcomes with respect to types of permanent living arrangements in place at the time dependency petitions were closed. Both counties experienced difficulties placing youth in home-like settings at case closure. Only a quarter of dual jurisdiction youth in our study were either living at home (with one or both parents) or were

permanently placed with a relative/guardian at petition closure. The two most common outcomes were either that the petition was closed when a youth reached the age of majority (33%) or the petition remained open as of July 2004 – for an average of 4.6 years (32%). As best we can determine, almost all of the youth aging out of the system were either in congregate care, incarcerated or AWOL at the time of their 18th birthdays.

16. During their time on dual jurisdiction status, youth were in court frequently – an average of almost once per month on either a delinquency or dependency matter. Very few hearings held by the court in dual jurisdiction cases, were consolidated hearings in which both delinquency and dependency matters were addressed.

Shared Responsibility for Dual Jurisdiction Wards

Who should take responsibility for supervision, case management and servicing dual jurisdiction youth can be a sensitive issue, one that reflects differences of opinions as to where lines should be drawn (or merged) between the child welfare and juvenile justice systems. These varying perspectives also reflect traditional differences in the missions that have guided child protection and juvenile probation.

Historically, from the CPS perspective, there have been concerns that the juvenile courts and their probation departments, too often, turn to the agency for assistance in funding needed placement and related treatment services for troubled youth who are primarily delinquent juveniles. CPS funds are not unlimited and at least some agency administrators have emphasized that when funds are used to place or treat delinquent youth, there are fewer resources for non-delinquent (dependent) children. For CPS, the circumstances found in dual jurisdiction cases may not initially meet the agency's criteria or threshold needed for prompt formal dependency action. Instead, the agency may offer voluntary services that families may or may not participate in. For the agency, the conundrum associated with dual jurisdiction matters seem particularly acute when a juvenile first comes to the attention of the juvenile court via a delinquency or status offense referral, is petitioned and adjudicated as delinquent or incorrigible, with dependency proceedings initiated at a later date because of what is perceived as limited juvenile justice funding options. Typically, these are cases in which the dependency action is initiated through the filing of a dependency petition by a court-appointed GAL.

In contrast, at least some juvenile court and probation officials have cited the need for CPS to intervene earlier, and more effectively, in the lives of maltreated children, including the need to file dependency petitions before a youth experiences formal delinquency involvement. These juvenile court and probation officials view the initiation of dependency proceedings as frequently legitimate in that the initial investigation of the youth and family often uncovers a serious and/or, possibly, long-standing history of neglect (if not specific physical or sexual maltreatment).

One of the goals of this study is to assist CPS, the juvenile courts, and juvenile probation to move beyond any lingering focus on which agency is ultimately “responsible” for these cases, to greater recognition of the need for expanded interagency collaboration. In the past couple of

years, there has been considerable movement by CPS, the juvenile court, and probation departments to acknowledge that both entities share responsibility in supervising and servicing this population.

This effort at gradual consensus-building and interagency collaboration requires continued nurturing. Growing workload demands, the lack of funding resources, few specialized placements and related services, as well as the general difficulties facing line staff from both organizations in turning around the lives of these juveniles can ultimately frustrate these efforts. Interviews conducted in the four targeted counties indicate a clear recognition that shared responsibility, coordinated case management, interagency collaboration and consistent judicial oversight are keys to addressing the needs of dual jurisdiction wards and their families as well as ensuring that community safety is not unduly compromised. The juvenile court should continue to play a critical role in ensuring that all stakeholders remain committed to these principles.

A number of innovative protocols and collaborative efforts implemented in recent years in the four counties are highlighted in Chapter 4 of this study. These include improved screening and assessment which often involves CPS and mental health liaisons, increased use of interagency resource staffings, and other continuing efforts to form collaborative partnerships to construct individualized case plans, access services and, in general, improve overall case management and supervision. While much still needs to be done, stakeholders in each of the counties should be commended for their efforts to date in re-examining and reconstructing how the needs of dual jurisdiction youth and their families are collectively addressed.

Summary of Recommendations

Comments made by key stakeholders during county interviews revealed strong agreement on the need to improve how juvenile courts, their probation departments, CPS, behavioral health, and the schools handle dual jurisdiction cases. Overall, this consensus and the findings contained in this report, reflect the need to treat dual jurisdiction matters differently than others. What form this differential approach takes, however, is a matter for ongoing discussion and planning at the local and state levels.

In preparing this summary of recommendations, we considered the findings from our JOLTS and case file review data analyses, the key themes identified during county interviews, and our own experiences in numerous juvenile/family courts across the country. We hope these recommendations prove useful as state and local officials continue to strive for ways to improve outcomes for these difficult cases. These recommendations are discussed in more detail in Chapter 5.

1. Revise intake assessment/screening procedures for dual jurisdiction cases.
2. Explore ways to keep the same attorneys assigned in dependency and delinquency matters, and provide special training for attorneys handling these cases.
3. Examine the potential benefits and drawbacks of creating court teams for dual jurisdiction cases.
4. Carefully assess the benefits and drawbacks of having assigned CASA volunteers serve as surrogate parents for special education purposes.

5. Establish or modify diversion programs to address issues presented by dual jurisdiction youth.
6. Continue and expand efforts that reduce prolonged detention stays for dual system juveniles.
7. Examine the feasibility of combining delinquency and dependency hearings – especially for disposition and post-dispositional matters when appropriate
8. Take appropriate steps to reduce delays in obtaining school records and improve school attendance.
9. Revisit options for funding interagency supervision models.
10. Co-locate Behavioral Health, CPS, and Probation where feasible.
11. Carefully assess programs that report positive effects on dual jurisdiction youth and expand capacity where appropriate.
12. Consider modifying “medical necessity” criteria when deciding to move dual jurisdiction youth from more to less restrictive settings.
13. Providers may need special training to more effectively address the effects of prior child sexual abuse victimization and exposure to domestic violence on dual wards.
14. Substance abuse continues to be a major problem area for dual jurisdiction youth and their families and efforts should be expanded to improve access to and the effectiveness of substance abuse treatment programs for both adolescents and parents/guardians..
15. Improve permanency planning and permanency outcomes for dual jurisdiction cases.
16. Improve prevention and early intervention efforts.
17. Establish written interagency agreements and protocols for dual jurisdiction cases.
18. Improve information sharing across agencies at all stages of dual jurisdiction matters.
19. Develop and implement specific cross-training opportunities relevant to dual jurisdiction.
20. Identify single point of contact persons within all RBHAs to address delays in assessments and services.
21. Provide special training for group home personnel on handling dual jurisdiction youth.
22. Conduct regular interagency case reviews of dual jurisdiction cases.
23. Continue efforts to increase access to federal funding (e.g., Title IV-E) and find innovative ways to pool funds for placements and services.
24. Establish a video conferencing pilot project for selected out of county providers to enhance hearing attendance and reduce cost and time demands.
25. Address challenges associated with dependent youth who have been committed to the Arizona Department of Juvenile Corrections.

Chapter 1

Introduction

In March 2003, the Arizona Supreme Court, Administrative Office of the Courts (AOC) entered into a contract with the National Center for Juvenile Justice (NCJJ) to conduct a study of youth who experience simultaneous dependency¹ and delinquency court involvement. These so-called “dual jurisdiction” or “dually involved” cases² pose unique dilemmas for juvenile courts and child welfare agencies across the country.

The contract for the Arizona study required NCJJ to provide information on barriers to effective court handling of dual jurisdiction cases, and to provide recommendations to address the challenges posed by this population. NCJJ worked closely with the AOC and the four study sites (the juvenile courts in Cochise, Coconino, Maricopa, and Pima counties) to establish the study’s parameters.

The contract between the AOC and NCJJ contained a wide range of requirements including the following major tasks to be completed by NCJJ:

- Review state statutes, court rules and administrative orders relevant to the handling of dual jurisdiction cases;
- Conduct a literature search of best practices and promising programs designed to address the needs of dual jurisdiction youth;
- Conduct a brief national survey of current court practices and promising programs involving dual jurisdiction youth instituted by a sample of juvenile courts;
- Analyze an extract of JOLTS³ data to identify the percentage of dependency cases that present prior delinquency involvement; the percentage of delinquency cases that present prior dependency involvement; and to identify the timing and type of initial court involvement for dual jurisdiction youth active with the court;
- Conduct file reviews on a sample of active dual jurisdiction cases to identify presenting family and child-specific characteristics that led to court involvement, types of services provided to youth and their families, placement patterns, and levels of case coordination between juvenile probation and Child Protective Services (CPS);
- Conduct fieldwork in four selected counties (Cochise, Coconino, Maricopa and Pima counties) to determine how each of the four counties handle dually involved cases as well as to clarify current practices and obstacles to effective intervention with this population of juvenile offenders, and

¹ Like many states, Arizona law and Arizona’s juvenile courts use the term “dependency” to refer to child abuse and neglect cases.

² In this report, “dual jurisdiction,” “dual involvement,” “dual wards,” and other similar terms will be used interchangeably to denote youth with co-occurring dependency and delinquency court involvement.

³ JOLTS refers to the Juvenile On Line Tracking System. JOLTS is the automated information system used by all juvenile courts in Arizona to track dependency and delinquency cases, and other court-related information.

- Draft a final report that includes both findings on the above and recommendations for case coordination and court processing in these matters.

Background

A growing body of research confirms the strong correlation between child maltreatment and subsequent delinquency. The research literature is replete with well-designed longitudinal and prospective studies conducted in different locales that consistently reaffirm the effects of child abuse or neglect on a host of behavioral problems, the higher risks of future criminality and violence posed by youth with histories of childhood maltreatment, and the need for effective prevention and early intervention efforts that precede court involvement.⁴

While the professional literature continues to document the strong relationship between histories of childhood maltreatment and subsequent problem behaviors, the focus of this research is to highlight the need for early intervention in the lives of maltreated children. There has been very little research conducted on how best to process or intervene in cases in which a child or adolescent is concurrently before the court on both delinquency and dependency matters, particularly teenagers 13 years of age and above. Numerous questions arise regarding the proper court response in these matters (including whether case consolidation is appropriate), the degree of case coordination between juvenile probation/parole, child welfare and behavioral health required to effectively intervene in these cases; and how best to access and fund the myriad of expensive services these youth typically need to at least provide them a realistic opportunity to spend their teen-age years in living arrangements that have some semblance of permanency, a realistic opportunity to become functional, law-abiding adults, and to address immediate and long-term community safety issues.

The findings of a brief national survey conducted by NCJJ, covered in a paper funded through an Office of Juvenile Justice and Delinquency Prevention (OJJDP) grant entitled *When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases* (see Appendix A), and our experience in numerous courts across the country, confirm that a relatively small number of courts, probation departments, and child welfare agencies have instituted special court practices and/or comprehensive programs specifically for dual jurisdiction matters. This paper identifies and highlights promising court-based practices and programs that have the potential to address the difficult challenges posed by dual jurisdiction cases. It is an initial effort to present what juvenile courts are currently doing or what juvenile courts can do to improve coordination of dual jurisdiction matters and was completed in conjunction with work on this current project.⁵

⁴ See J. Wiig, C.S. Widom, & J.A. Tuell. *Understanding Child Maltreatment & Delinquency: From Research to Effective Program, Practice, and Systemic Solutions*. Child Welfare League of America, 2003.

⁵ Please see Gene Siegel and Rachael Lord. *When System Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases*. Technical Assistance to the Juvenile Court: Special Project Bulletin (Summer 2004), NCJJ, Pittsburgh, PA. This paper was developed by NCJJ staff through an annual OJJDP Technical Assistance to the Juvenile Court grant and completed in conjunction with work on this current project. The paper can be accessed on-line at: <http://ncjj.servehttp.com/NCJJWebsite/pdf/dualjurisdiction.pdf>. (downloaded on November 19, 2004)

Previous research in Arizona has identified substantial numbers of dual jurisdiction youth.⁶ These numbers along with the experiences of juvenile court judges, probation officers, CPS caseworkers, behavioral health case managers, and others involved with these cases, prompted the Arizona Supreme Court to pursue a more comprehensive examination of dual jurisdiction issues.

The roots of the Arizona study stem from the Promoting Safe and Stable Families Amendments of 2001, Public Law 107-133. These amendments were signed by the President in January 2002. These amendments include provisions to expand state-based projects intended to improve juvenile court handling of dependency cases. On April 17, 2002, the Arizona Supreme Court's Court Improvement Advisory Workgroup met to develop new goals for the Arizona Court Improvement Project (CIP). One of these goals was to pursue an in-depth study regarding youth who experience simultaneous involvement in the juvenile court's dependency and delinquency systems. This goal was chosen as a result of the significant findings on this topic in the Arizona Court Improvement Project Re-Assessment report completed by NCJJ in January 2002.⁷ The Re-Assessment found that nearly half of the dependent children over the age of eight displayed prior or concurrent court involvement on a delinquency matter. The percentage increased dramatically as the children's age increased - 71% of dependent children over fifteen had prior or concurrent court involvement on a delinquency matter.

One of the recommendations in the Assessment was that the AOC, the juvenile courts, and the Arizona Department of Economic Security, Administration for Children's Youth and Families (ACYF, the state agency division that administers CPS) should enhance efforts to coordinate the handling of co-occurring dependency/delinquency cases.

As a follow up, the AOC requested technical assistance from NCJJ to provide additional information on dual jurisdiction cases. Technical assistance was provided for two days in March 2002. This was followed by a report which confirmed that Arizona faces a wide range of challenges posed by dually involved youth and that current efforts to effectively manage these cases, with a few notable exceptions, lack coordination and comprehensive planning. Data analysis conducted in support of this TA consult reaffirmed that there are a substantial number of dually involved cases in Maricopa and Pima counties, and that dependency cases that contain delinquency histories take a variety of pathways to penetrate the court system.⁸

Dual jurisdiction cases present unique challenges to the juvenile court/juvenile probation, child welfare, and the behavioral/mental health communities. Because of their complexity, these cases drain scarce resources from child welfare agencies, probation departments, behavioral health systems of care, and the courts themselves. They prompt unintended duplication of case management efforts. They usually guarantee the influx of multiple parties and professionals,

⁶ See G. J. Halembe & G. Siegel. *The Arizona Court Improvement Project: Final Report*. Submitted to the Arizona Supreme Court, Administrative Office of the Courts, Dependent Children's Services Division. 1996. This was the first study to document a high number of dual system cases in Arizona.

⁷ See G. Siegel, G.J. Halembe, R. Gunn, & S. Zawacki. *The Arizona Court Improvement Project: Five Years Later*. National Center for Juvenile Justice, January 28, 2002.

⁸ See G. Siegel & G.J. Halembe. *Arizona Supreme Court Administrative Office of the Courts Dependent Children's Services Division Dually Involved Youth On-Site Technical Assistance Report*. National Center for Juvenile Justice, March 5-6, 2002.

some with conflicting goals and missions, adding substantial costs and detracting from effective and timely action.

There is not a single agency or system in Arizona responsible for addressing the needs of youth who are considered both dependent and delinquent. Instead, like virtually every other state, there are local (county and municipal, for example) and state agencies charged with providing services to children and families. At the state level, Arizona's child-serving system is comprised of multiple agencies with somewhat distinct goals and mandates. This structure, in and of itself, contributes to the lack of coordination that characterizes many dual jurisdiction cases. This structural fragmentation is magnified by different funding streams, complex eligibility requirements, and other factors that force state officials serving children and families to classify cases into certain categories to access certain types of services.

Almost by definition, dual jurisdiction youth defy singular categorization. As will be shown in the data analysis section of this report, dual system youth display an exceptional range of behaviors, needs, and risks. We believe, along with many child welfare and juvenile justice professionals in Arizona, that the unique characteristics of dual jurisdiction cases and the systemic impact these cases present, require different approaches than standard probation, standard child welfare, or standard behavioral health case management. The challenge, of course, is how to implement effective changes in times of austere resources.

This report documents some of the special approaches being taken in each of the four study sites. It also documents some of the emerging efforts in other states.⁹ However, while there appears to be growing recognition of the need to treat dual jurisdiction matters differently than others, there has been little if any research on the impact these cases have on juvenile courts, or the juvenile court's impact on these cases.

Until a few years ago, efforts to more effectively handle dual system matters in Arizona have been marred by the often adversarial relationships between CPS and juvenile probation. This dynamic tension was frequently related to the lack of resources and funding to serve this special population, as well as the "lack of clarity as to the roles and responsibilities" of juvenile probation and CPS in the supervision, case management and provision of services in these cases.¹⁰ Much has changed in this regard. As noted in Chapter 4 (and Appendix B) which summarizes findings resulting from fieldwork conducted in the four targeted counties, there is evidence of expanded interagency collaboration and cooperation at the local and state levels, though a strong consensus persists regarding the need to continue to improve.

⁹ The OJJDP Special Project Bulletin identifies promising court-based and court-linked practices and programs that can effectively address the difficult challenges posed by dual jurisdiction cases. It is an initial effort to present what courts across the country are currently doing or what courts can do to improve coordination of dual jurisdiction matters.

¹⁰ For example, see K. Gottlieb. *One Child – Two Systems: Managing and Supervising Dually Adjudicated Youth*. Arizona Supreme Court, Foster Care Review Board. January 2002. This report cited a number of obstacles to effective management and supervision of dually adjudicated juveniles. A survey conducted by the author revealed that a "majority of stakeholders surveyed agree or strongly agree that the relationship between Child Protective Services and Juvenile Probation is often adversarial." (Pg. 5)

Revisions to the Federal Juvenile Justice Delinquency Prevention Act, Arizona Statutes and State Supreme Court Actions Relevant to Dual Jurisdiction

Three key events have had direct impact on Arizona's growing interest in improving the handling of dual jurisdiction matters. The first involved recent revisions to the reauthorized federal Juvenile Justice and Delinquency Prevention (JJDP) Act. The second involved a series of recommendations from former Chief Justice Thomas A. Zlaket of the Arizona Supreme Court. The third involves Arizona Governor Janet Napolitano's plan to reform CPS and the legislation that resulted from this plan.

The updated JJDP act contains provisions that require states to improve information exchange between child protection agencies and the juvenile court. Specifically, the Act requires:

“that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court”

[and]

“establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders.”¹¹

In 2000, Chief Justice Thomas Zlaket of the Arizona Supreme Court issued a memorandum¹² to all presiding juvenile court judges in the state following a review of a dual system case. This memorandum contained a number of recommendations intended to improve interagency communication and case management for dually adjudicated youth as shown below:

1. If separate attorneys are appointed, one for the delinquency and one for the dependency, then each attorney should be notified of court actions in the other's proceedings. JOLTS should be modified if needed, or the clerk should endorse and notify attorneys on all proceedings.
2. The current probation manual of each department should be modified, if needed, to require immediate notification of a CPS case manager if a CPS ward is placed in detention. JOLTS might need to be modified to help flag such cases and remind detention center personnel to notify CPS immediately.
3. In dual adjudication cases, the probation officer should attend the Foster Care Review Board hearings. The Foster Care Review Board will be requested to send notifications to probation officers on all dually adjudicated cases.

¹¹ Please see Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. 5633 [Sec. 223.a.26-27]). This legislation can be found at: <http://ojjdp.ncjrs.org/about/ojjdpact2002.html>. (downloaded on 11/16/2004)

¹² See Memorandum from Thomas A. Zlaket, Chief Justice to Presiding Juvenile Court Judges. *Dual Wards. Changes in Procedures*. Arizona Supreme Court. February 16, 2000.

4. Foster Care Review Boards will be requested to increase efforts to have older children, who reside in foster care, attend FCRB hearings in person.

This memorandum and the growing interest in dual jurisdiction matters evident in at least some of Arizona's juvenile courts, helped prompt a number of innovations. At the same time, however, other factors contributed to the dissolution of special programs specifically intended for dual wards or children involved in multiple systems. These included closures of the Interagency Case Management Project (ICMP)¹³ and the CPS Dually Adjudicated Youth (DAY)¹⁴ unit in Maricopa County.

The third and more recent phenomenon sparking interest in dual system issues involves the Governor's ambitious effort to reform CPS. Upon taking office in January 2002, Governor Napolitano and her administration launched a broad approach to reforming child protection practices in Arizona. This included establishing a number of advisory work groups that were charged with preparing detailed plans for altering and improving CPS. The work groups completed their tasks in 2003. The administration then took the work groups' recommendations across the state for public comment before calling the state legislature into special session in 2004 to act on the recommended changes.¹⁵

The Governor's plan to reform CPS, and the subsequent legislation passed in special session, includes a specific provision for improving the handling of "dual ward" cases. As part of these reforms, a dually adjudicated youth work group has been established to help facilitate statewide changes in policies and practices.

We believe this study provides empirical support for handling dual jurisdiction cases differently than others. We hope that the data, findings, and recommendations presented in this report, support the work of the dual ward workgroup, as well as other state and local officials, in their continuing efforts to explore effective and feasible options for handling dual jurisdiction matters.

¹³ The Interagency Case Management Project or ICMP originated in the early 1980s only to be disbanded for a period of time, then restarted some years later. ICMP was developed to allow agencies to pool resources to enhance services and outcomes for youth involved with multiple systems. Many ICMP cases involved dual jurisdiction youth but the project had limited capacity. The Maricopa County Juvenile Court had three probation officers assigned to ICMP as of March 2003 but the project was disbanded shortly thereafter.

¹⁴ The CPS DAY unit was established to address substantial numbers of dually adjudicated cases processed through the Durango court facility in southwest Phoenix. It was comprised of three units (one investigative and two ongoing) with an average of 18 to 20 children per worker. The DAY unit was disbanded in 2003.

¹⁵ The special legislative session resulted in passage of House Bill 2024. See summaries of all aspects of Governor Napolitano's CPS reform package and House Bill 2024 at: <http://www.governor.state.az.us/cps/>. (downloaded on 11/24/2004)

Defining “Dual Jurisdiction”

How one defines “dual jurisdiction” is an important consideration, from both the practitioner and research perspectives. From the practitioner point of view, how one defines dual system youth has ramifications in terms of the numbers of cases that may be identified for various interventions or programs, and the timeliness of various interventions or programs (e.g., should CPS and/or the courts focus resources or programs on dually adjudicated youth, pre-adjudicated dual system youth, or some combination?). The data analysis and findings detailed in this report should help the agency and the courts with future planning efforts in this regard.

In its most basic sense, we consider a “dual jurisdiction” case to be one that experiences formal dependency activity (any phase from petition filing on) and delinquency activity resulting in formal or informal court involvement during an overlapping time period, regardless of which activity occurs first. As discussed in the data analysis chapters, however, NCJJ uses multiple parameters of dual involvement in this study. These parameters vary depending on available data, the need for more specific comparison groups, and the scope of the analysis.

This study incorporates data collected and analyzed through four complementary methodological strategies including :

- A brief national survey of juvenile courts to identify current and promising court-based and court-linked practices relevant to dual jurisdiction youth – the findings of this survey are covered in the OJJDP Special Project Bulletin in Appendix A;
- An analysis of JOLTS data comparing dual jurisdiction youth with delinquency-only youth in the four study sites (Cochise, Coconino, Maricopa and Pima counties);
- An analysis of case file data drawn from samples of dual jurisdiction cases *only* in Maricopa and Pima counties.
- Interviews conducted with key stakeholders in the four study sites to ascertain current practices, local innovations, and ongoing challenges.

The next section of this report, Chapter 2, covers the analysis of JOLTS data, including more methodological specifics and key findings. Chapter 3 contains the case file review data analysis and findings. A discussion and summary of issues related to the handling of dual jurisdiction youth identified in our fieldwork in the four targeted counties is provided in Chapter 4. More detailed summaries of county interviews including listings of the interview participants and interview topics, appear in Appendix B. The report culminates in Chapter 5 with a summary of recommendations drawn from the data analyses, the county interviews, and NCJJ staff perspectives.

Chapter 2

Analysis of JOLTS Data

Introduction and Background

Two data sets were analyzed over the course of this study – an extract of data from the participating county juvenile courts' automated systems (JOLTS),¹⁶ and data manually collected by NCJJ project staff from court files (that is, legal files maintained by the Clerk of the Court's office and social files maintained by court probation staff and CPS liaison staff). This chapter will primarily present findings from our analysis of the data extracted from JOLTS. Our analysis of the court file review data is presented in the following chapter.

Data extracted from JOLTS represent the court history of all juveniles with an ACTIVE dependency, delinquency or status referral/petition in FY2002 (7/1/01 through 6/30/02) for the four counties included in our study – Cochise, Coconino, Maricopa and Pima counties. Each record in the JOLTS extract data set represents the summarized court history involvement of a child on all delinquency, status and dependency matters through FY2003 and is current through August 2003.¹⁷ The extract was developed from a cumulative JOLTS research database maintained and updated by the AOC on an annual basis at the end of each fiscal year. A program to extract the specified data was developed by the AOC consultant who annually updates the research database. This extract program was last executed in September 2003 after FY2003 court processing data were added to the JOLTS research database.

The JOLTS extract data file allows for comparison of the dual jurisdiction population with those of juveniles only active with the court on a delinquency matter in FY2002. These latter youth are referred to in this chapter as our *delinquency-only* comparison population. The JOLTS data extract also permitted NCJJ staff to identify the *dual jurisdiction* population – that is, minors eight years of age and older at the start of the fiscal year (July 1, 2001) who were involved with the court on both dependency and delinquency matters at some point during FY2002. The process was further refined to ensure that the court's involvement on these matters truly overlapped within the fiscal year.¹⁸ Once FY2002 dual jurisdiction youth were identified, demographic and court involvement comparisons were conducted with our delinquency-only comparison population.¹⁹

¹⁶ JOLTS is an acronym for Juvenile On-Line Tracking System. Each of the state's 15 juvenile courts utilizes JOLTS to track both its dependency and delinquency caseloads. However, there are three slightly different versions of JOLTS existing in Arizona. Maricopa County maintains its own version of JOLTS and juvenile court information technology (IT) staff from that county's court first developed JOLTS in the late 1970's and early 1980's. A modified version of the original JOLTS was installed in Pima County in the late 1980's which that court maintains and supports independently. The third version is utilized by the remaining 13 counties and is supported and maintained by IT staff from the Arizona AOC.

¹⁷ Many juveniles in the data set have had multiple involvements on various referrals and petitions (delinquent, status and dependent) through August 2003. All of this activity is examined at the person (juvenile) level.

¹⁸ Time overlap is defined as at least one day of overlap during FY2002 during which the youth was, both, the subject of an active dependency petition and had a delinquency matter open or was under probation supervision.

¹⁹ Youth only involved with the court on a status offense during FY2002 are excluded from the analysis. However status offense histories of delinquency-only and dual jurisdiction youth are compiled and contrasted. An early

Extensive court history data are available on all youth active with the court during the fiscal year on dependency, delinquency and/or status matters. This includes basic demographic data (date of birth, gender, race/ethnicity), as well as dates of first court involvement, overall number of referrals/petitions, and most serious offense/allegations data. Data on probation supervision, probation placements, detention and commitments to the Arizona Department of Juvenile Corrections (ADJC) are also available. **Probation placements** are defined as youth on probation placed in private group homes and residential treatment facilities paid for, at least in part, by the juvenile court through a special fund appropriated annually by the State Legislature to fund a range of programs and services for delinquent and incorrigible youth.²⁰

The case file review data set will allow for a closer examination of the dual jurisdiction population on probation during FY2002 – case characteristics, placement histories, youth and family presenting problems, case outcomes, etc. Utilizing this data set, project staff will be able to more clearly identify the challenges facing the judiciary, juvenile probation officers, CPS case managers, service providers and others in adequately servicing and sanctioning dual jurisdiction youth. Some measures of hearing time utilized and time spent in placement will also be provided.

In this chapter, dual jurisdiction is initially defined to include all youth concurrently involved with the court on a dependency and delinquency matter during FY2002. This includes youth with an open dependency petition who were: 1) referred on a delinquency complaint that was diverted or dismissed at intake and 2) those juveniles formally petitioned to the court on a delinquency matter.²¹ In latter sections of this chapter, our analysis is focused specifically on formally petitioned youth who were on probation supervision at some point during FY2002.²²

Data presented in the following pages indicate that dual jurisdiction youth while only comprising a very small fraction of a juvenile court's informal diversion caseload, comprise an increasingly larger portion of a court's deeper-end FY2002 delinquency caseload. This includes youth on probation supervision and a subset of these youth placed in a probation placement for at least a portion of FY2002. Additionally, dual jurisdiction youth tend to start their delinquency careers at an earlier age – considerably earlier than delinquency-only youth on probation supervision and somewhat earlier than juveniles placed in a probation placement. Lastly, the delinquency histories of dual jurisdiction youth tend to be more extensive and serious than the court's general probation population but not as extensive or serious as those delinquency-only youth who spent at least a portion of FY2002 in a probation placement.

review of the data indicated that most dual jurisdiction youth have a combination of both delinquency and status offense histories with the court.

²⁰ Youth placed in private group homes or residential treatment facilities funded solely through CPS and Arizona Behavioral Health Care System funds cannot be identified as such in the JOLTS extract database.

²¹ Delinquency referrals remain open in JOLTS until either the matter is dismissed at intake, the youth completes his/her diversion requirements, or a delinquency petition is filed and disposed. Delinquency petitions remain open in JOLTS until disposition is completed. A disposition of probation will close the petition but result in a status change for the juvenile (from pending adjudication/investigation to placement on probation).

²² These youth's term on probation may have begun before FY2002 and/or continued past the fiscal year.

Dependent Children with Delinquency Court Involvement

The analysis presented in this and the following chapters builds on earlier research conducted by NCJJ for the Arizona Supreme Court, Dependent Children's Services Division. Two studies are of particular importance in this regard.

1. In January 2002, NCJJ completed a follow-up study of the state's court reform efforts designed to improve the timeliness and quality of dependency hearings as well as the amount of oversight exercised by the juvenile court judiciary in these matters. In addition to revealing that court reforms had produced a number of the aforementioned positive effects, the 2002 study identified a substantial number of older dependent youth who were involved with the court on delinquency matters.²³ Close to half of all dependent children eight years of age or older whose court records were examined as part of the study were found to have had prior or concurrent court involvement on a delinquency matter. Additionally, one-third or more of these children had been previously or concurrently placed on probation.
2. These findings resulted in a request by the AOC for NCJJ to provide additional technical assistance and examine cases from a more recent time period as well as to suggest some preliminary recommendations on how best to address issues related to the large number of older dependent youth involved with the court on delinquency matters. Maricopa and Pima County JOLTS extract data provided NCJJ for this follow-up consult confirmed the earlier numbers. This analysis also found that a substantial number of dependent children were involved with the court on a prior or concurrent delinquent referral or petition. Not surprisingly, the highest rates of dual involvement appeared in the oldest age brackets. For dependent youth age 14 through 17, 70% had been referred to the court on a delinquent matter and 59% had been the subject of one or more delinquency petitions.²⁴

The current JOLTS extract further confirms these findings and provides more detail in this regard. The data are similar in that almost half of all older children active with the court on a dependency matter in FY2002 had been referred to the juvenile court on a prior, concurrent and/or subsequent delinquency matter. Figure 2.1 provides percentages by age grouping (8-10; 11-13; and 14-17 years of age)²⁵ of youth active with the court on a FY2002 dependency matter who had been involved with the juvenile court on a delinquency matter at some point through August 2003.²⁶ Percentage breakdowns by age categories are provided for delinquency referrals, delinquency petitions, on probation supervision, and in a probation placement.

²³ Please see G. Siegel, G. Halemmba, R. Gunn, and S. Zawacki. *The Arizona Court Improvement Project: Five Years Later (Final Report)*. National Center for Juvenile Justice, January 28, 2002.

²⁴ Please see G. Siegel and G. Halemmba, "Dually Involved Youth On-Site Technical Assistance Report," National Center for Juvenile Justice, March 2002.

²⁵ A youth's age is calculated as of July 1, 2001 - the first day of the FY2002 year.

²⁶ The August 2003 date allows us to follow youth active on a dependency petition in FY2002 for another fiscal year and two additional months. The FY2002 spans a period between July 1, 2001 and June 30, 2002. FY2003 spans the 12-month time period beginning on July 1, 2002 and ending on June 30, 2003.

These data indicate that 73% of active FY2002 dependent youth ages 14-17 had been referred to the court on at least one delinquency referral and 57% had been petitioned to the court on a delinquency matter prior to August 2003.²⁷ Furthermore, 49% of these older dependent juveniles ultimately were placed on probation supervision and 51% were at some point detained. The percentages of dependent children referred, petitioned, on probation and detained are lower for youth 11-13 years of age but are substantial given their young age. Also notable is that 14% of dependent children between the ages of eight and ten years of age had been referred to the court on a delinquency referral.

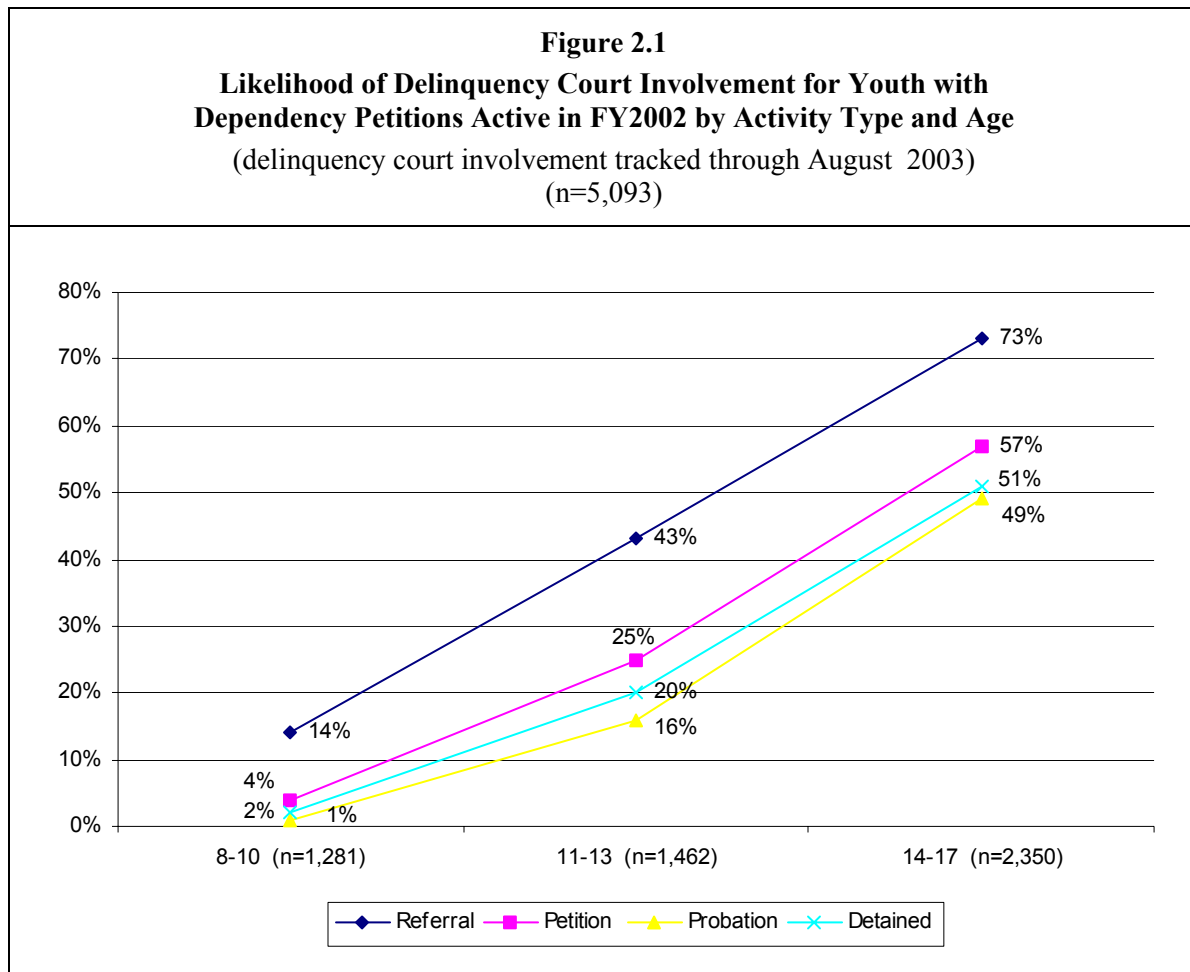
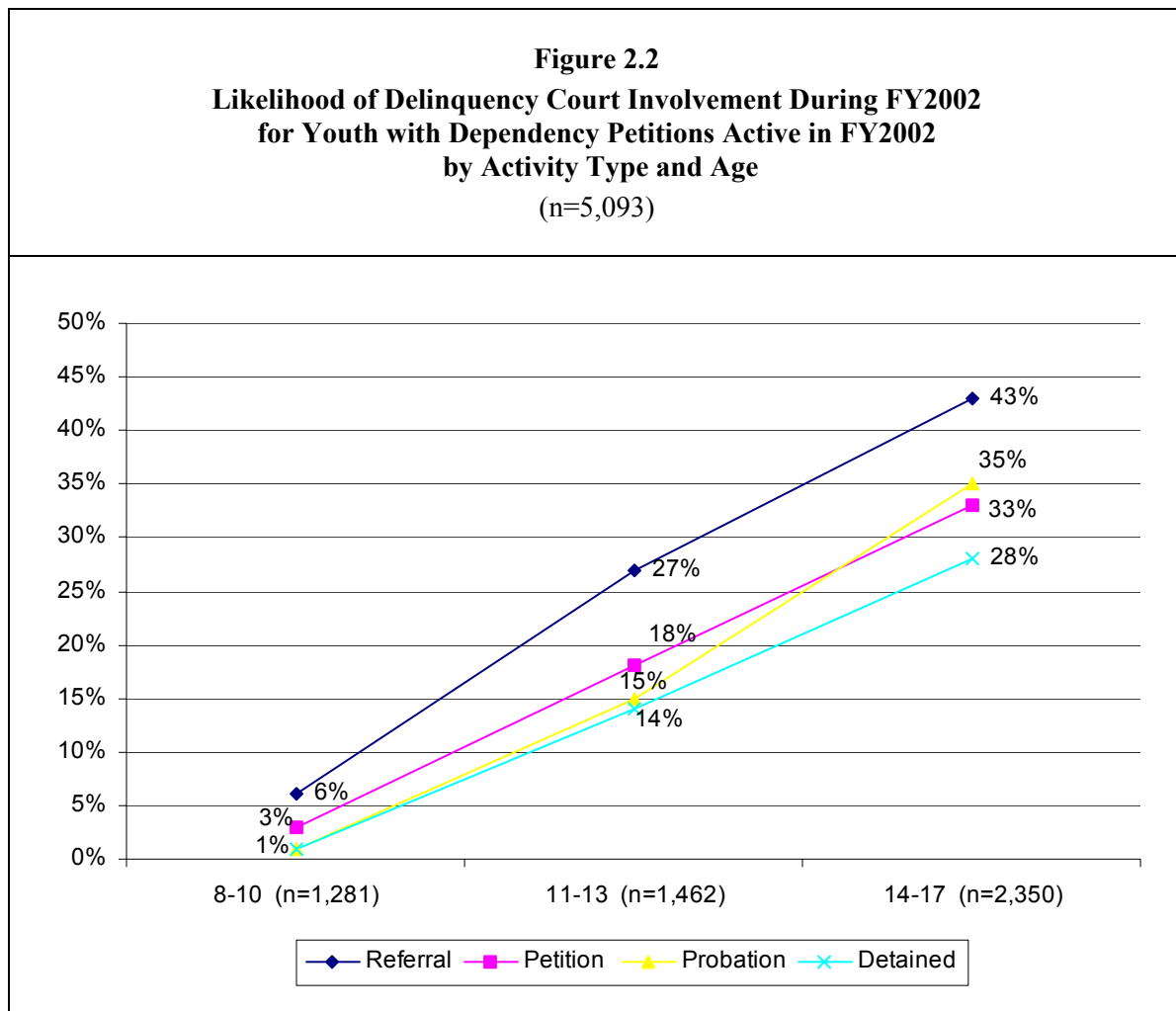


Figure 2.2 identifies specifically those dependent youth concurrently involved with the court on **a dependency and delinquent matter in FY2002**. The same criteria of delinquency court involvement (referral, petition, probation, detained) were used as in Figure 1 except that this activity must have occurred (in whole or in part) during FY2002. Figure 2 indicates that the percentages of dependent youth with such FY2002 delinquent court involvement are lower but still substantial – particularly in the 14-17 age category. Data presented in Figure 2 reveal that 43% of dependent youth age 14-17 were referred to the court on delinquency referral that was

²⁷ Petitions alleging a probation violation are considered delinquency petitions for purposes of this analysis.

open in FY2002, 33% had an open delinquency petition pending during some part of FY2002. The percentages of older dependent youth on probation supervision or detained during some part of FY2002 were 35% and 28%, respectively.²⁸



Size of the Juvenile Court's Dual Jurisdiction Caseload

While approximately half of all dependent children eight years of age or older have had some involvement with the juvenile court on a delinquency matter, the reverse is not the case. That is, only a small percentage of youth involved with the court on a delinquency matter have a history of court involvement on a dependency matter. At the same time, dual jurisdiction youth comprise an increasingly larger portion of a court's deeper-end delinquency caseload – that is,

²⁸ A slightly higher percentage of older dependent youth were on probation supervision during FY2002 than those with open delinquency petitions – 35% compared to 33%, respectively. This occurs because delinquency petitions are considered closed in JOLTS once the petition is disposed. The time frame for this is relatively short – in many instances a couple of months or less – compared to the period of time a youth may remain on probation which typically is for six months to a year and can be extended as appropriate.

youth placed on probation and, particularly, those youth placed in *probation placements*. This trend continues when one examines youth detained in a juvenile court's detention center and for youth committed to the Arizona Department of Juvenile Corrections (ADJC).

Dual jurisdiction youth generally comprise only a very small portion of a court's FY2002 informal delinquency caseload – that is, youth whose only delinquency involvement with the court during the fiscal year is limited to one or more referrals which were informally adjusted or dismissed. As reflected in Table 2.1, only 1% of juveniles with informal-only court involvement on a delinquency matter were considered dual jurisdiction.

Dual jurisdiction youth, however, comprise an increasingly larger percentage of the delinquency population formally involved with the court in FY2002 including juveniles petitioned, on probation, or in a probation placement during this time period. Table 2.1 data reveal that 7% of all juveniles with a delinquency petition pending disposition, 7% of all juveniles on probation, and 42% of all juveniles in a probation placement in FY2002 had a *dependency petition active* for at least part of the time in FY2002. Additionally, 11% of all juveniles detained and 12% of all juveniles committed to ADJC in FY2002 had an open dependency matter in FY2002.

Table 2.1 Level of Court Involvement in FY2002 by Dual Jurisdiction Status			
Level of Court Involvement in FY2002:	Dual-Jurisdiction Cases	Delinquency Only	Overall Totals
Informal court involvement only (on a diverted or dismissed delinquency referral).	1% (287)	99% (20,765)	100% (21,052)
Delinquency petition disposed during fiscal year (or pending disposition at FY's end)	7% (1,057)	93% (14,974)	100% (16,031)
On Probation	7% (1,048)	93% (13,165)	100% (14,213)
In a Probation Placement (subset of youth on probation supervision)	42% (384)	58% (540)	100% (924)
Detained	11% (803)	89% (6,604)	100% (7,407)
Committed to ADJC	12% (110)	88% (799)	100% (909)

Court activity data for all four counties are included in Table 2.1. These data, however, are strongly influenced by case processing trends in the state's two largest counties (Maricopa and Pima counties) – especially by Maricopa County whose data represent approximately 67% of the total.²⁹ In the aggregate, the two smallest counties only contribute approximately 8% of the data utilized in conducting the above analysis. The remaining data (25%) are from the Pima County Juvenile Court Center.

²⁹ The percentage varies slightly by the type of court involvement examined.

County breakdowns of the percentage of dual jurisdiction youth as defined by different levels of court involvement (penetration) are provided in Table 2.2. Some notable differences exist including:

- Approximately 3% of all open FY2002 Pima County diverted or dismissed delinquency referrals involved active dependent youth. The percentages were considerably lower in the three other participating counties (less than 1%).
- Formally petitioned youth were also more likely to be dependent in the two largest counties – Maricopa and Pima counties (7% in both) – than in the two medium-sized counties participating in our study – Cochise and Coconino counties (3% and 2%, respectively).
- The same trend holds when the percentage of dual jurisdiction youth on probation supervision in FY2002 is examined. That’s is 7% of Maricopa County and 8% of Pima County youth on probation during the fiscal year were identified as dual jurisdiction compared to 5% of Cochise County’s and 2% of Coconino County’s overall probation population.
- The percentage of dual jurisdiction juveniles in probation placements also varied considerably by county size. They were most prevalent in Maricopa and Pima counties (48% and 33%, respectively). In Cochise and Coconino counties, dual jurisdiction youth comprised 18% and 10% of the FY2002 probation placement population, respectively.
- Lastly, dual jurisdiction youth comprised a larger percent of the court’s detained and committed (ADJC) populations in Maricopa and Pima counties – upwards of 11%. In contrast, no dual jurisdiction youth were committed to ADJC in FY2002 from Cochise and Coconino counties and a smaller percentage of dual jurisdiction youth were found among these counties’ detained populations – 6% and 3%, respectively.

Table 2.2 Level of Court Involvement in FY2002 by Dual Jurisdiction Status* and County					
Percent of Youth With Dual Court Involvement					
Level of Court Involvement in FY2002:	Cochise	Coconino	Maricopa	Pima	Totals
Informal court involvement only (on a diverted or dismissed delinquency referral).	<1%	<1%	<1%	3%	1%
Delinquency petition disposed during fiscal year (or pending disposition at FY's end)	3%	2%	7%	7%	7%
On Probation Supervision	5%	2%	7%	8%	7%
In a Probation Placement (subset of youth on probation supervision)	18%	10%	48%	33%	42%
Detained	6%	3%	12%	11%	11%
Committed to ADJC	0%	0%	13%	12%	12%
* In addition to having both dependency and delinquency matters open during FY2002, court involvement on these matters had to overlap. For example, a child was not considered dual jurisdiction if the dependency matter was only open for the first six months of the fiscal year and any delinquency involvement did not begin until later that same fiscal year. Other than the first category of court involvement listed (diverted or dismissed delinquency complaint), the categories are not mutually exclusive. That is, a child could have been (and often was) court-involved using two or more of the remaining categories (delinquency petition pending disposition, on probation supervision, in a probation placement, detained and/or committed to ADJC).					

The above data suggest local juvenile courts have a substantial number of juveniles who are both delinquent and dependent. However, just how large is this population in actual numbers and is it of sufficient size to warrant special consideration? In the two largest counties, this answer appears fairly straightforward. At any one point, there are hundreds of dual jurisdiction cases that the juvenile court is responsible for. For the two medium-sized counties, the numbers are considerably smaller but probably of sufficient size to at least examine the feasibility of developing protocols or enhancing existing efforts to ensure closer coordination between juvenile probation officers, child protection case managers and others involved in these cases.

Table 2.3 provides raw numbers regarding the number of dual jurisdiction youth active in the four participating counties during some part or all of FY2002. Population counts are only provided for *formally-processed* juveniles – that is, dependent minors who were also formally

petitioned to the court on a delinquency matter, on probation supervision and/or in a probation placement in FY2002.³⁰

If dual jurisdiction is defined as any dependent youth formally-processed on a delinquency matter in FY2002 (that is, juveniles with delinquency petitions pending disposition, on probation and/or in a probation placement), the number of dual jurisdiction youth range from 924 in Maricopa County to 18 in Coconino County. The number of youth considered dual jurisdiction at any one point in time during FY2002, however, is somewhat lower (probably by a quarter to a third) in that most of these juveniles did not spend the entire fiscal year awaiting final disposition on a delinquency petition, on probation, and/or in a probation placement.³¹

Table 2.3 Number of Dual Jurisdiction Youth in FY2002 by Level of Court Involvement and County					
Number of Dual Jurisdiction Youth in FY2002					
Level of Formal Court Involvement in FY2002:	Cochise	Coconino	Maricopa	Pima	Totals
Delinquency petition disposed during fiscal year (or pending disposition at FY's end)	16	16	738	287	1,057
On Probation Supervision	18	12	766	252	1,048
In a Probation Placement (subset of youth on probation supervision)	9	4	308	63	384
Either or all of the above (delinquency petition pending disposition and/or on probation)	20	18	924	337	1,299

³⁰ There is a considerable overlap in these cases in that a juvenile first needs to be petitioned and adjudicated delinquent before being placed on probation. Detained and committed youth are considered a subset of the petitioned population and are not considered separately in this analysis. The court must have before it a formal delinquency petition or petition alleging a violation of probation conditions before committing a youth to ADJC and very few juveniles are detained without a petition being filed (and for only very short periods of time since detention hearings need to be held within 24 hours of a youth detainment).

³¹ For example, the average amount of time a Maricopa County dual jurisdiction juvenile spent on probation status during FY2002 was approximately seven months. Additionally, the vast majority of delinquency petitions involving a dual jurisdiction youth were resolved in no longer than three to four months in Maricopa County.

Delinquency Recidivism Comparisons

Data presented above not only indicate that dual jurisdiction youth comprise an increasing larger portion of the juvenile court's deeper-end delinquency caseload, they also suggest that these youth are more likely to be referred back to the court than their delinquency-only counterparts and probably on a more frequent basis. The assumption being that the more frequent a youth is referred for a delinquency offense, the more likely this juvenile will be petitioned, detained, placed on probation, and committed to ADJC.

This is confirmed in that an examination of juveniles first referred to the court on a delinquency matter in FY2002 clearly shows that youth with a history of court involvement on a dependency matter are considerably more likely to come back on a subsequent delinquency referral. Research conducted in the late 1980's examining the court careers of juveniles processed by juvenile courts in Maricopa County and in the State of Utah reveal that most juveniles referred to the court never come back. Synder (1988) found that 59% of juvenile referred to the juvenile court were never referred back to the court.³²

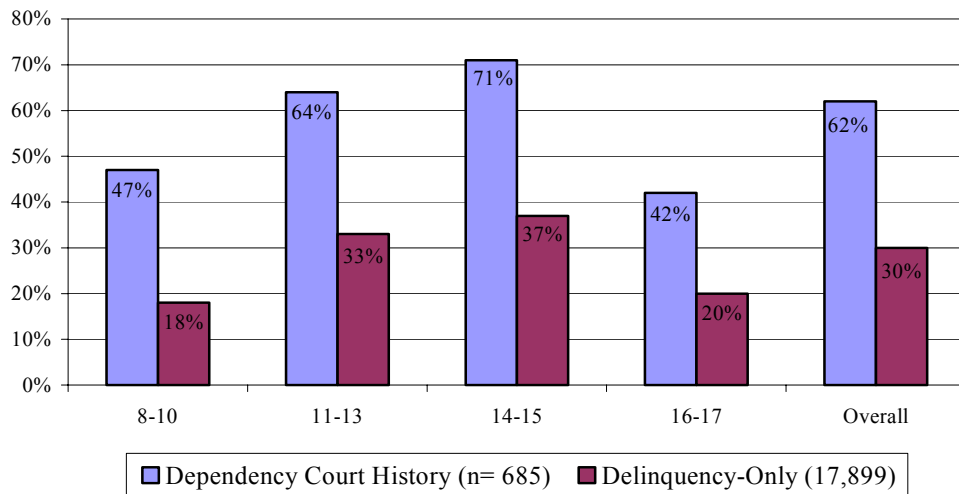
The same cannot be said of juveniles who have a history of involvement with the court on a dependency matter. Consistent with the 1988 NCJJ study, data in Figure 2.3 reveal that 30% of delinquency-only youth referred to the court for a first time on a delinquency complaint during FY2002 were referred on another delinquency matter prior to August 2003 or their 18th birthday (whichever came first).³³ However, the percentage of first-time offenders with a history of dependency court involvement who were again referred prior to August 2003 or their 18th birthday was approximately twice as high – 62%.³⁴

³² Please see Howard Snyder, *Court Careers of Juvenile Offenders*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1988, pp. 22-35. The 41% recidivism rate (59% not recidivating) for a juvenile referred to the court for the first-time does not differentiate between delinquent and status offenses.

³³ Except for 16 and 17 year olds who might have reached the age of majority (age 18) before the end of FY2003, the amount of time juveniles referred for a first-time had to recidivate was between one and two years depending at which point in FY2002 the referral occurred.

³⁴ A number of reasons can account for the fact that the overall recidivism percentage for delinquency-only youth (30%) is lower than reported by Snyder (59%). In large part, this is due to differences in the amount of time a first-time referred youth had to recidivate. Our time frame was considerably lower. We only tracked youth referred in FY2002 through the end of FY2003. This results in a tracking period of one to two years depending on the point in time in FY2002 that the youth was first referred. Synder's study tracks youth from the time of their first referral through their eighteenth birthday.

Figure 2.3
Percentage of Juveniles Referred to the Juvenile Court for a First-Time
on a Delinquency Complaint in FY2002 and
Referred on Another Delinquency Matter Prior to August 2003
by Dependency Court History and Age
(n=18,584)



These differences are also maintained within age categories.³⁵ Almost half of all juveniles 8-10 years of age with a dependency court history (47%) were again referred to the court on a delinquency matter prior to the end of August 2003 compared to 18% for the delinquency-only population.

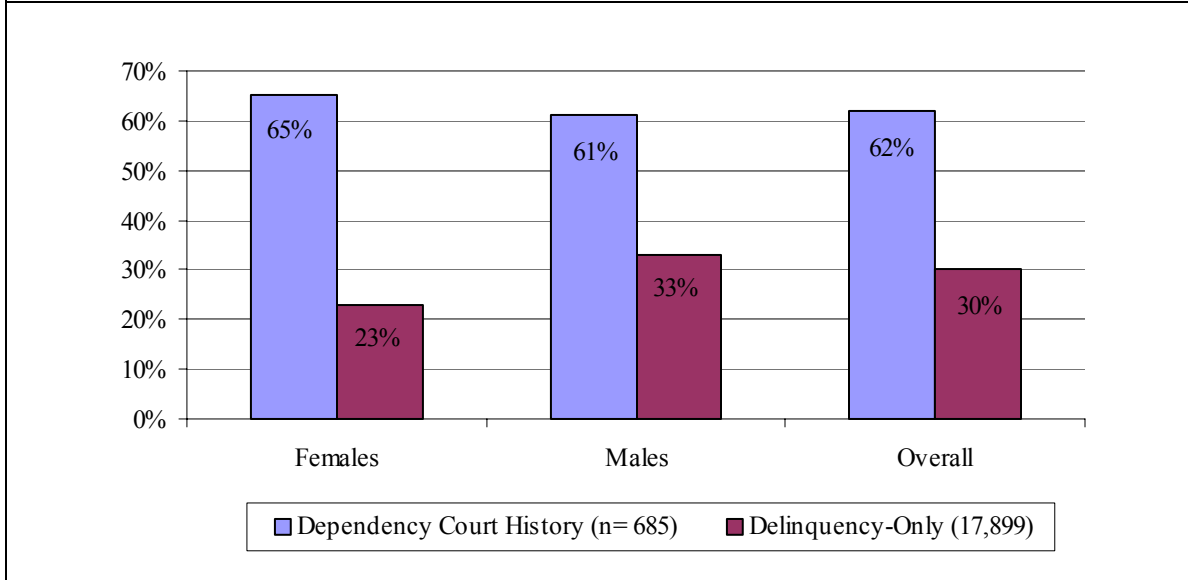
These differences are maintained when the analysis controls for gender (see Figure 2.4). Somewhat surprising, however, is the fact that females with a dependency court history are likely to come back to the court on another delinquency referral at a slightly higher rate than males – 65% versus 61%, respectively. This marks a dramatic departure from the earlier cited court careers study which found that males were considerably more likely to recidivate than females.³⁶ Among delinquency-only youth the pattern is consistent with prior research in that males are more likely to recidivate than females – 33% for males and 23% for females.

³⁵ Age is calculated from the start of FY2002 – July 1, 2001.

³⁶ Snyder found that “46% of all male careers contained more than one court referral compared to 29% of all female careers.” Please see Howard Snyder, *Court Careers of Juvenile Offenders*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1988, pp. 22.

Figure 2.4
Percentage of Juveniles Referred to the Juvenile Court for a First-Time
on a Delinquency Complaint in FY2002 and
Referred on Another Delinquency Matter Prior to August 2003
by Dependency Court History and Gender

(n=18,584)



Youth on Probation and in a Probation Placement During FY2002

The analysis presented in the remainder of this chapter will focus specifically on a comparison of dual jurisdiction and delinquency-only youth ***on probation supervision*** during at least some part of FY2002. Across the four counties, a total of 1,048 dual jurisdiction and 13,165 delinquency-only youth were identified who met this criteria (see Table 2.1). The analysis further distinguishes between those juveniles on probation supervision and a subset of this probation population who were also in a probation placement – that is youth who were, both, on probation supervision and in a group home or residential treatment placement during FY2002. The JOLTS data extract included 924 youth in FY2002 probation placements – 384 (42%) were considered dual jurisdiction and 540 youth (58%) were identified as delinquency-only (see Table 2.1).

Dual jurisdiction probationers were far more likely to spend at least part of their time on probation supervision during FY2002 in a private “delinquency-funded”³⁷ placement (group home or residential treatment facility). Thirty-seven percent of the dual jurisdiction probation population were in such a placement during FY2002 compared to 4% of delinquency-only probationers (see Table 2.4).

³⁷ By “delinquency-funded” we mean payment for the probation placement was made entirely or in part by the juvenile court out of the court’s Juvenile Treatment Services Fund. The Juvenile Services Treatment Fund is state allocated monies provided annually by the Legislature for a range of programs and services including group homes and residential treatment.

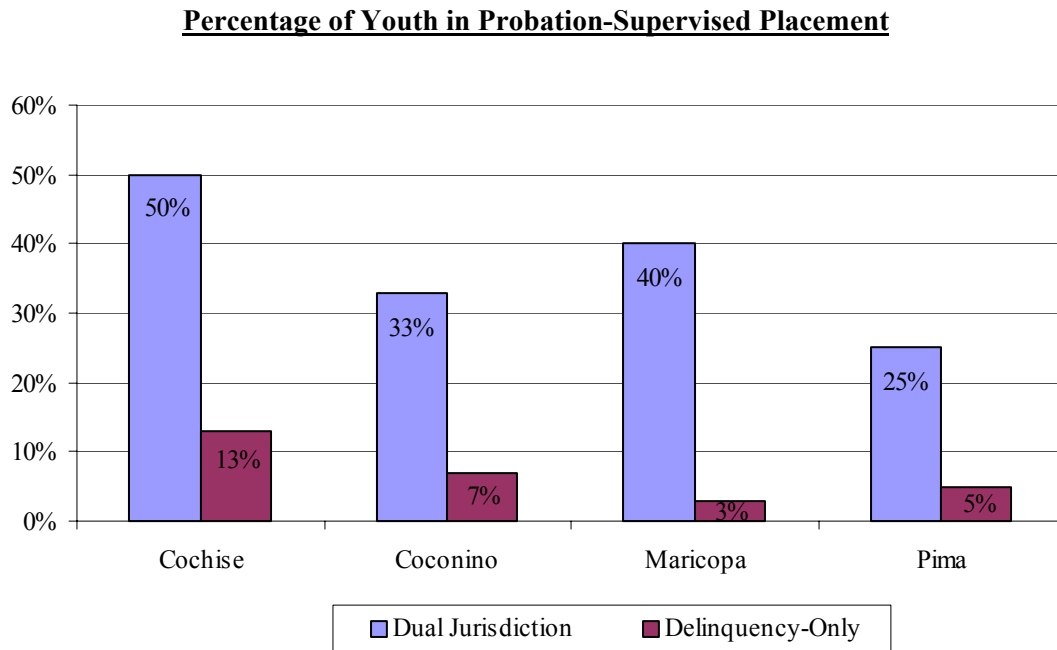
Table 2.4 Probation Status in FY2002 By Dual Jurisdiction Status			
Probation Status in FY2002:	Dual-Jurisdiction Cases	Delinquency Only	Overall Totals
On Probation Supervision in FY2002 (all youth)	100% (1,048)	100% (13,165)	100% (14,213)
Not in probation placement during any part of FY2002 (subset of youth on probation supervision)	63% (664)	96% (12,625)	7% (13,289)
At least part of FY2002 in probation placement (subset of youth on probation supervision)	37% (384)	4% (540)	5% (924)

County breakdowns of the percentage of dual jurisdiction and delinquency-only probationers spending time in a private probation placement in FY2002 are provided in Figure 2.5. Dual-jurisdiction probationers from Cochise and Maricopa counties (50% and 40%, respectively) were more likely to be in a probation placement than their dual jurisdiction counterparts in Coconino and Pima counties (33% and 25%, respectively).³⁸

The percentage of delinquency-only juveniles on probation spending time in a probation placement in FY2002 is also lower in the two largest counties – 3% in Maricopa County and 5% in Pima County – compared to the two medium-sized counties (13% in Cochise County and 7% in Coconino County).

³⁸ Please note that the overall number of dual jurisdiction youth in Cochise and Coconino counties in FY2002 is small (18 and 12, respectively). As a result, the calculation of the percentage of dual jurisdiction youth in a probation placement in any given year can fluctuate considerably.

Figure 2.5
Likelihood of Dual Jurisdiction and Delinquency-Only Youth Placed in a Probation-Supervised (and Court-Funded) Private Group Home or Residential Treatment Facility During FY2002 by County
 (only includes private placements funded wholly or in part by the juvenile court)



It is important to note, however, that the figures shown here represent a substantial undercount of dual jurisdiction juveniles in placement in that the JOLTS extract only identifies instances in which the court pays for placement costs (fully or in part) through its access to delinquency placement funds. As discussed in the following chapter, the vast majority – upwards of 80% – of dual jurisdiction youth on probation in FY2002 in Maricopa and Pima counties spent at least part of the fiscal year in a private group home or residential treatment placement. In many instances, these placements are paid for fully through funds administered by state’s child protection or behavioral health care systems (CPS and ABHS, respectively).³⁹

Comparison of Demographic Characteristics

Given the very high likelihood of dual jurisdiction youth having spent at least sometime in a private group home or residential treatment setting (regardless of the funding source or sources), the following demographic and delinquency history comparisons will contrast dual jurisdiction youth first with *all* delinquency-only youth on probation in FY2002 and, secondly,

³⁹ The percentage of dual jurisdiction youth *ever* placed in a private group home or residential treatment – that is before, during or after FY2002 – increases the total to upwards of 90%.

with a subset of delinquency-only youth spending at least a portion of FY2002 in a probation placement.⁴⁰

Data presented in Table 2.5 indicate that dual jurisdiction youth are approximately a half year younger than delinquency-only youth on probation supervision and are also somewhat younger than delinquency-only youth in a probation placement during FY2002. That is, dual jurisdiction probationers were an average of 15.1 years of age at the start of FY2002 compared to 15.6 years of age for delinquency-only juveniles on probation supervision and 15.3 years of age for a subset of these youth who were in a probation placement for at least part of FY2002.

Dual jurisdiction youth are also somewhat more likely to be female. That's is, 35% of the dual jurisdiction probation population were female compared to 25% of the delinquency-only probation cohort and 30% of the delinquency-only probation placement cohort.

Table 2.5 Demographic Characteristics by Dual Jurisdiction Status (Youth on Probation Status in FY2002)			
Demographic Characteristic	Dual Jurisdiction (n=1,044)	Delinquency-only Probation Supervision (n=13,163)	Delinquency-Only Probation Placement* (n=400)
Average Age @ Start of FY2002	15.1	15.6	15.3
Gender			
Female	35%	25%	30%
Male	65%	75%	70%
Race/Ethnicity*			
Anglo	50%	45%	59%
Hispanic	29%	41%	27%
African-American	17%	8%	8%
Native American	2%	5%	5%
Asian/Other	2%	1%	1%
* The delinquency-only, probation placement cohort is a subset of the delinquency-only youth on probation supervision in FY2002.			

Some racial/ethnicity differences were also identified among the dual jurisdiction population and the delinquency-only probation supervision and probation placement cohorts. Dual jurisdiction probationers were somewhat more likely to be Anglo (50% versus 45%), considerably more likely to be African-American (17% compared to 8%); and considerably less

⁴⁰ Our initial data runs revealed very little differences between dual jurisdiction youth in a probation placement during FY2002 and those dual jurisdiction youth identified as only on probation in the JOLTS extract. In retrospect, this is not surprising given that upwards of 90% of dual jurisdiction in Arizona's two largest counties are at some point placed in a private group home or residential treatment facility.

likely to be of Hispanic descent (29% versus 41%). Additionally, delinquency-only youth in probation placements are more likely to be Anglo (59%) and less likely to be Hispanic (27%) than what would be expected based on their composition in the delinquency-only probation supervision cohort – 45% and 41%, respectively.

Age of Onset of Court Involvement on Delinquency Matters

Data presented in Table 2.6 indicate that dual system juveniles begin their delinquency careers at an earlier age than their delinquency-only counterparts and that these differences are maintained as youth penetrate deeper into the system. The differences are most pronounced when comparing dual jurisdiction and delinquency-only youth on probation supervision during FY2002. Differences in age at first delinquency referral, first delinquency petition, and first time detained are approximately one year.⁴¹ For example, dual jurisdiction youth were first referred to the juvenile court on a delinquency referral at an average of 13.1 years of age. Delinquency-only juveniles were first referred on a delinquency matter at an average age of 14.0. Dual jurisdiction youth were also first placed on probation at an earlier age – 15.3 years of age compared to 15.9 years of age for delinquency-only cases.

Table 2.6 Average Age of First Court Involvement on Delinquency Matters by Dual Jurisdiction Status (Youth on Probation Status in FY2002)			
Average Age at:	Dual Jurisdiction	Delinquency-only Probation Supervision	Delinquency-Only Probation Placement*
1 st Delinquency Referral	13.1	14.0	13.4
1 st Delinquency Petition	13.8	14.8	14.1
1 st Detention	14.1	15.1	14.5
1 st Placement on Probation	15.3	15.9	15.4
* The delinquency-only, probation placement cohort is a subset of the delinquency-only youth on probation supervision in FY2002.			

This pattern is maintained but reduced by more than half when delinquency-only youth in a probation placement in FY2002 are considered. On average, delinquency-only youth in a probation placement were first referred to the court on a delinquency matter at 13.4 years of age compared to 13.1 years of age for dual jurisdiction juveniles. This pattern is maintained as one compares average age at first delinquency petition and first detention. The average age at first

⁴¹ Expanding the analysis to also consider the age at first status referral and petition does not dramatically affect the average age at first referral and petition comparisons. Average ages at first referral or petition (either delinquency or status) are approximately one to two tenths of a year lower than those presented in Table 6.

placement on probation, however, is just slightly lower for dual jurisdiction youth – 15.3 versus 15.4 years of age for delinquency-only youth.

County breakdowns are provided in Tables 2.7. Data presented in these tables reveal that the patterns of early onset are maintained when controlling for county. That is, dual jurisdiction youth begin their delinquency careers at an earlier age than their delinquency-only counterparts and that these differences are maintained as juveniles penetrate deeper into the juvenile court system. This pattern of early onset differences are maintained but at diminished levels when dual jurisdiction youth are compared to delinquency-only youth in a probation placement.

Table 2.7 Average Age of First Court Involvement on Delinquency Matters by Dual Jurisdiction Status and County (Youth on Probation Status in FY2002)			
Average Age at (youth on probation supervision):	Dual Jurisdiction	Delinquency-only Probation Supervision	Delinquency-Only Probation Placement*
1st Delinquency Referral			
Cochise	13.2	13.7	13.7
Coconino	12.4	13.6	13.5
Maricopa	13.2	14.2	13.6
Pima	12.3	13.5	12.7
1st Delinquency Petition			
Cochise	14.1	14.9	14.5
Coconino	13.9	15.0	14.8
Maricopa	14.0	14.9	14.1
Pima	13.4	14.7	13.7
1st Detention			
Cochise	14.8	15.0	14.7
Coconino	12.4	14.9	14.8
Maricopa	14.2	15.2	14.6
Pima	13.8	15.0	14.2
1st Placement on Probation			
Cochise	15.3	15.8	15.6
Coconino	14.8	16.0	15.9
Maricopa	15.5	15.9	15.5
Pima	14.9	15.7	15.0
* The delinquency-only, probation placement cohort is a subset of the delinquency-only youth on probation supervision in FY2002.			

Referral and Petition History

The JOLTS extract data file includes counts of the overall number of delinquency referrals and petitions accumulated by juveniles through August 2003. Similar data are also available on status offenses. Data presented in Table 2.8 reveal that dual jurisdiction probationers not only start their delinquency careers earlier, their court histories are substantially more extensive than delinquency-only juveniles on probation supervision status during FY2002. Dual jurisdiction youth accumulated an average of 6.4 delinquency referrals and 4.1 delinquency petitions through August 2003 compared to 4.6 delinquency referrals and 2.8 delinquency petitions for delinquency-only youth on probation supervision. When status referrals and petitions are also considered, the difference increases somewhat – dual jurisdiction probationers had an average overall total of 8.2 referrals compared to 5.6 for delinquency-only probationers.

However, these differences (while somewhat smaller) *are reversed* when the court histories of dual jurisdiction youth are compared with delinquency-only juveniles in a probation placement during FY2002. Delinquency-only youth in FY2002 probation placements accumulated a slightly higher average number of referrals and petitions than their dual jurisdiction counterparts – an overall total 8.7 referrals and 4.8 petitions compared to 8.2 referrals and 4.4 petitions for their dual jurisdiction counterparts.

*To put data presented in Tables 2.6 and 2.8 in context, it appears that while court involvement on delinquency matters occurs earlier for the dual jurisdiction population, these youth, in the aggregate, are somewhat less frequently referred or petitioned to the juvenile court on delinquency matters than their delinquency-only counterparts who spent time in a probation placement during FY2002.*⁴² Taking status offenses into account does not change this overall conclusion.

⁴² Probation violations are considered delinquency referrals/petitions in the JOLTS data extract. These are coded as “Obstruction of Justice” offenses in the JOLTS database.

Table 2.8 Average Number of Referrals and Petitions by Offense Type and Dual Jurisdiction Status (Youth on Probation Status in FY2002)			
Average # through end of FY2003:	Dual Jurisdiction	Delinquency-only Probation Supervision	Delinquency-Only Probation Placement*
Delinquency Referrals	6.4	4.6	7.3
Status Referrals	1.8	1.0	1.4
Total # of Referrals (delinquency and status)	8.2	5.6	8.7
Delinquency Petitions	4.1	2.8	4.6
Status Petitions	0.3	0.3	0.2
Overall Total # of Petitions	4.4	3.1	4.8
* The delinquency-only, probation placement cohort is a subset of the delinquency-only youth on probation supervision in FY2002.			

County breakdowns are provided in Tables 2.9. The referral and petition patterns within each county are consistent with the overall averages presented in the previous table (Table 2.8). That is, in each of the four counties participating in the study, the delinquency histories of dual jurisdiction youth (as measured by the average number of referrals and petitions) are substantially greater than that of delinquency-only juveniles placed on probation supervision. However, the delinquency histories of dual jurisdiction youth are somewhat less extensive than those of delinquency-only youth who spent time in a probation placement in FY2002. Again, this pattern is consistent across the four counties.

Table 2.9
Average Number of Delinquency and Overall Referrals and Petitions
by Dual Jurisdiction Status and County
 (Youth on Probation Status in FY2002)

Average # through end of FY2003:	Dual Jurisdiction	Delinquency-only Probation Supervision	Delinquency-Only Probation Placement*
Delinquency Referrals			
Cochise	9.2	7.7	9.6
Coconino	9.6	7.1	10.5
Maricopa	5.5	4.0	6.1
Pima	9.0	6.0	8.8
Total # of Referrals (delinquency and status)			
Cochise	11.6	9.1	11.1
Coconino	11.9	8.0	12.2
Maricopa	6.7	5.0	7.3
Pima	12.6	7.1	10.9
Delinquency Petitions			
Cochise	4.8	3.3	4.3
Coconino	3.6	3.4	5.8
Maricopa	3.9	2.6	4.2
Pima	4.8	3.4	5.3
Total # of Petitions (Delinquency and status)			
Cochise	5.2	3.4	4.4
Coconino	3.6	3.4	5.9
Maricopa	4.3	3.0	4.6
Pima	4.8	3.4	5.3
* The delinquency-only, probation placement cohort is a subset of the delinquency-only youth on probation supervision in FY2002.			

Most Serious Offense History

Data presented in this section provide a measure of the severity of dual jurisdiction and delinquency-only juveniles' delinquency histories. These data are consistent with patterns presented in Tables 2.8. That is, *the most serious offense a dual jurisdiction youth has ever been adjudicated on was likely to be more serious than that for all delinquency-only juveniles on probation supervision during FY2002, but was likely to be less serious than for a subset of these*

*delinquency-only youth who spent some time in a probation placement during the same fiscal year.*⁴³

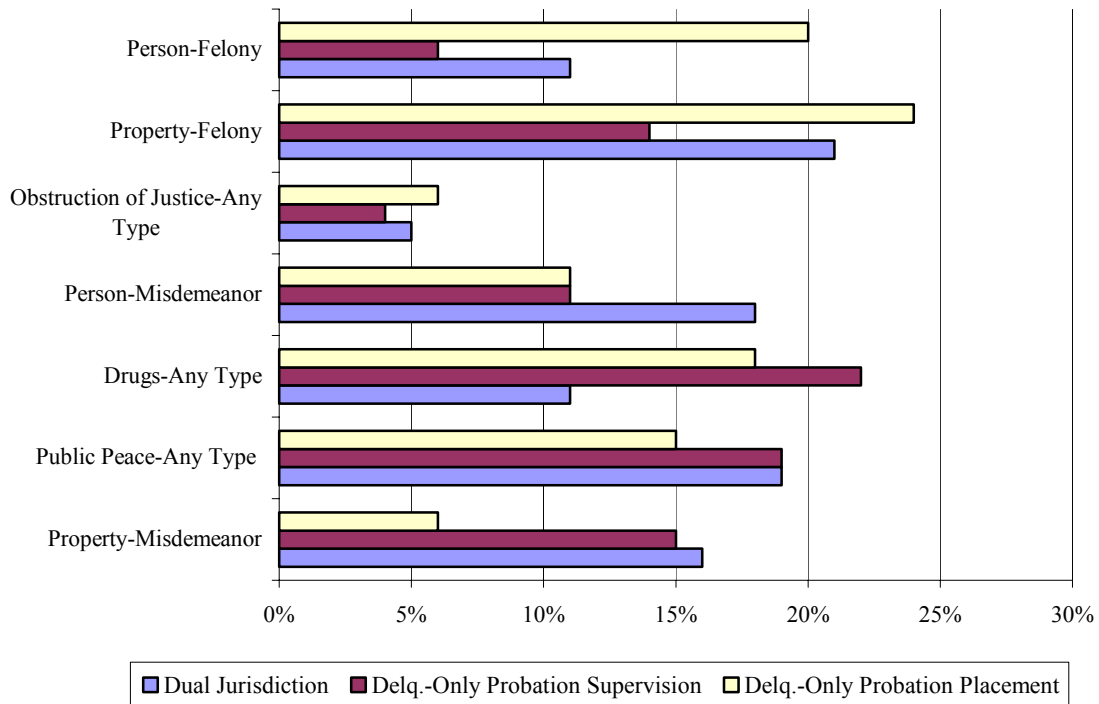
In addition to maintaining specific information on referred, petitioned and adjudicated charges (including whether these charges were considered felony, misdemeanor, status or citation/administrative offenses), JOLTS categorizes these offenses as to their severity. This severity scale ranks individual offenses on a scale of one to nine with “Felonies against Person” scored a one (most severe) and “Citations/Administrative” charges scored a nine (the least severe).⁴⁴

Data presented in Figure 2.6 reveal that 11% of dual jurisdiction youth had a most serious adjudicated offense of “Felony against Person.” This compares to 6% of all delinquency-only youth on probation supervision and 20% of delinquency-only youth in a probation placement. The percentage of youth with a most serious adjudicated offense of “Felony against Property” did not vary much among these three populations – 21% for dual jurisdiction youth and 24% for both, all delinquency-only youth on probation and delinquency-only youth in a probation placement during FY2002.

⁴³ This most serious offense is based on a youth’s petition history through FY2003. It does not necessarily have to be the most serious charge a dual jurisdiction or delinquency-only youth was adjudicated on that resulted in their placement on probation during FY2002.

⁴⁴ This severity scale is generally consistent with felony and misdemeanor distinctions and what *class* felony or misdemeanor the offense is rated as. However, the severity scale does not take *class* distinctions specifically into account. For example, a property offense rated a class-three felony would be considered *less severe* than a class-four felony person offense.

Figure 2.6
Most Serious Adjudicated Offense by Dual Jurisdiction Status
 (Youth on Probation Status in FY2002)

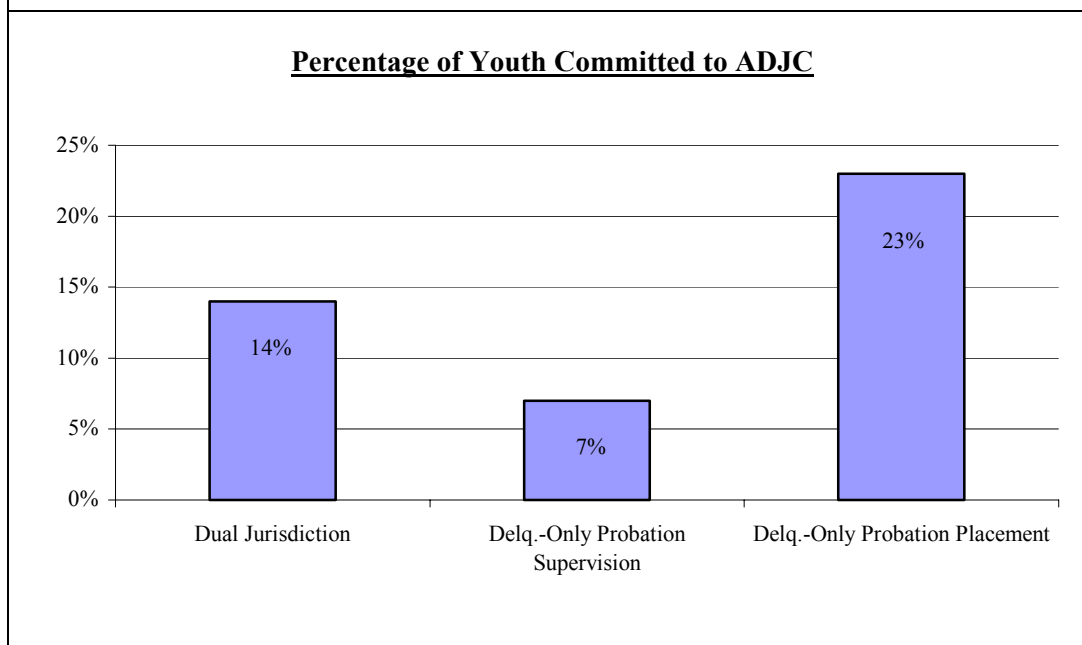


Commitment to ADJC

The JOLTS data extract also contains information on whether a youth was ever committed to the Arizona Department of Juvenile Correction (ADJC) – that is, at some point prior to August 2003.⁴⁵ These data are also consistent with the previous analysis. That is, dual jurisdiction youth were more likely to be committed to ADJC than delinquency-only youth on probation supervision by the end of our study period – 14% compared to 7%, respectively (see Figure 2.7). However, dual jurisdiction youth were considerably less likely to be committed than the subset of delinquency-only youth who spent time in a probation placement during FY2002 – 14% compared to 23%, respectively.

⁴⁵ The JOLTS extract database contains ADJC commitment data current through the end of FY2003.

Figure 2.7
ADJC Commitment by Dual Jurisdiction Status
 (Youth on Probation Status in FY2002)



Concluding Remarks

A number of conclusions can be drawn from data presented in this chapter that should be taken into consideration as Arizona re-examines how its juvenile courts identify and process the cases of juveniles with a court history of both dependency and delinquency involvement. These include:

1. Youth with histories of court involvement on dependency matters are ***twice*** as likely to recidivate if referred on a delinquency offense than juveniles with no history of dependency court involvement (62% compared to 30%, respectively).
2. Recidivism rates for first-time referred females with dependency court histories are ***similar and somewhat higher*** than for their male counterparts (65% versus 61%, respectively). Among the general population of juveniles referred for the first time for a delinquent act, males are considerably more likely to recidivate than females – 33% for males and 23% for females.

3. Dependent children over the age of eight are also very likely to be (or become) involved with the court on delinquency matters. The likelihood increases substantially for children 14 years of age and older.⁴⁶ That is, 73% of active FY2002 dependent youth ages 14-17 had been referred to the court on at least one delinquency referral and 57% had been petitioned to the court on a delinquency matter prior to August 2003. Furthermore, 49% of these older dependent juveniles ultimately were placed on probation supervision and 51% were at some point detained.
4. While only comprising a very small fraction of a juvenile court's informal diversion caseload (1%), dual jurisdiction youth comprise an increasingly larger portion of a court's deeper-end FY2002 delinquency caseload. This includes youth on probation supervision (7%) and a subset of these youth placed in a probation placement (42%).
5. Arizona juvenile courts have a substantial number of juveniles who are both delinquent and dependent. In the state's two largest counties, there are hundreds of juveniles who are both dependent and on probation supervision. The vast majority of these youth spend at least a portion of their time on probation in a group home or residential treatment facility – sometimes paid for fully or in part by the juvenile court. (Please see the Chapter 3 for a more detailed discussion of this issue.)
6. Dual jurisdiction youth tend to start their delinquency careers at an earlier age – considerably earlier than delinquency-only youth on probation supervision and somewhat earlier than juveniles placed in a probation placement. This includes age at first delinquency referral, petition, as well as detention and placement on probation supervision.
7. The delinquency histories of dual jurisdiction youth tend to be more extensive and serious than a court's general probation population but not as extensive or serious as those delinquency-only youth who spent at least a portion of FY2002 in a probation placement.
8. Lastly, dual jurisdiction youth were twice as likely to be committed to ADJC by August 2003 (then end of our tracking period) than delinquency-only juveniles on probation supervision (14% compared to 7%, respectively). However, dual jurisdiction youth were considerably less likely to be committed to ADJC by that time than delinquency-only juveniles spending time in a probation placement (14% versus 23%, respectively).

⁴⁶ While no data are available in JOLTS, we suspect these types of patterns would be maintained for youth who were informally involved with CPS. The authors suspect that prior or concurrent informal CPS involvement would be a very good indicator of future recidivism for juveniles referred to the court on their first delinquency referral.

Chapter 3

Analysis of Case File Data

Introduction and Background

As indicated earlier, two data sets were analyzed over the course of this study – an extract of JOLTS data from the participating counties and data manually collected by NCJJ project staff from court files – that is, legal files maintained by the Clerk of the Court’s office and social files maintained by the court and/or CPS liaison.⁴⁷ This chapter presents findings from our analysis of the case file review data set and focuses solely on those dual jurisdiction youth on probation supervision during FY2002 from Maricopa and Pima counties.

A total of 204 case files were reviewed – 129 from Maricopa and 75 from Pima. These cases were randomly selected from a list of potential dual jurisdiction cases identified through a query developed by the AOC consultant who annually updates the JOLTS research database shortly after the end of every fiscal year. For a juvenile to be on this list, (s)he must have had both a dependency petition active and been on probation supervision during some portion of FY2002. Instances in which the youth’s involvement with the juvenile court on both dependency and delinquency matters did not overlap within the fiscal year were discarded and replaced with new cases.

Case files were reviewed over the course of an eight-month period beginning in June 2003 and ending in February 2004. A follow-up review of subsequent court activity for these cases was conducted this past summer and early fall (July – September 2004). This follow-up provided critical information on delinquency and dependency case outcomes – including dependency case closures and recidivism on any subsequent delinquency, status offense and/or probation violation filings.⁴⁸

Through the case file review, NCJJ staff were able to collect an extensive amount of data on each child. This includes basic demographic data (date of birth, gender, race/ethnicity) as well as data on prior CPS involvement, prior/current involvement with the juvenile court on dependency and delinquency matters,⁴⁹ key case assignments,⁵⁰ presenting family and child problems, detailed placement histories, delinquency and dependency hearing dates, and services

⁴⁷ A CPS liaison, assigned to the juvenile court, manages social files in Pima County.

⁴⁸ Updated JOLTS profiles (960’s) were requested on all 204 youth included in the study. From these summary court activity history reports, project staff were able to determine if and when a dependency matter had closed, generally the reason for these case closures, and whether new delinquency, status offense and/or probation violation referrals and petitions had been filed and their outcomes. JOLTS also captures preliminary data on all direct filings in adult court. Additional phone follow-up was conducted on a number of cases on an as-needed basis – primarily to determine the timing of dependency petition case closures, reasons for closure, and to identify whether youth had been released from probation supervision status. Placement information was also updated whenever such information was readily available on the 960 report or through phone correspondence.

⁴⁹ This includes aggregate and most serious offense data related to delinquency, probation violation and status offense referrals prior to the youth’s placement on probation in FY2002 as well as post-placement on probation supervision. These data are current through August 2004 or a youth’s 18th birthday, whichever came first.

⁵⁰ This includes judge and commissioner case assignments, attorneys assigned to represent the child on delinquency and dependency matters, as well as any GALs and CASA volunteers who may have been appointed.

ordered in minute entries and/or recommended in case worker and juvenile probation officers reports.

The case file review data set allows for a closer examination of the dual jurisdiction population on probation in Maricopa and Pima counties during FY2002 – their case characteristics, placement histories, youth and family presenting problems, case outcomes, and other variables. Utilizing this data set, project staff were able to better identify the challenges facing the judiciary, juvenile probation officers, CPS case managers, service providers, and others, in adequately servicing and sanctioning dual jurisdiction youth. An analysis of the amount of hearing time utilized and time spent in placement are also provided in this chapter.

Demographic Comparisons

Basic demographic comparisons of the 204 juveniles from Maricopa and Pima counties included in our dual jurisdiction data set are provided in Table 3.1. The majority of these youth are males (69%), Anglo (53%), and 14-15 years of age at the time they were placed on probation supervision (53%). These demographic profiles do not vary much by county and are generally consistent with those presented in the previous chapter with the exception that juveniles in the current data set are, on average, somewhat younger (see Table 2.5, page 22).

Table 3.1 Demographic Characteristics of Dual Jurisdiction Study Population by County			
Demographic Characteristic	Maricopa County (n=129)	Pima County (n=74)	Overall (n=204)
Gender			
Female	30%	33%	31%
Male	70%	67%	69%
Race/Ethnicity*			
Anglo	54%	50%	53%
Hispanic	25%	31%	27%
African-American	19%	12%	16%
Native American	2%	7%	3%
Asian/Other	1%	0%	<1%
Age at Placement on Probation			
8-10	1%	4%	2%
11-13	37%	31%	35%
14-15	52%	56%	53%
16-17	10%	9%	10%
Average age	14.3	14.4	14.4

Prior Family Involvement with CPS

Prior CPS involvement was identified in a number of instances. Data presented in Table 3.2 reveal that the vast majority of the families of dual jurisdiction youth had a history of CPS reports.⁵¹ Overall, 74% of dual jurisdiction families had records of prior reports to the agency. Documentation of prior CPS reports were more likely to be found in Pima County cases – 89% compared to 65% of Maricopa County cases.⁵² Table 3.2 also reveals that the majority of dual jurisdiction families (59%) were the subject of at least one substantiated⁵³ report – 75% of Pima County families and 50% of Maricopa County families. Lastly, in more than a quarter of the cases reviewed (28%), the family had been the subject of at least one prior dependency petition. This again varied somewhat by county with Pima County dual jurisdiction families more likely to have been the subject of a prior dependency petition – 36% for Pima County cases compared to 23% in Maricopa County cases.

Table 3.2 Prior CPS and Court Involvement on a Dependency Matter by County			
	Maricopa County (n=129)	Pima County (n=74)	Overall (n=204)
Prior CPS Reports	65%	89%	74%
Prior Substantiated Reports	50%	75%	59%
Avg. # of Prior CPS Reports	3.0	6.6	4.3
Avg. # of Prior CPS Substantiated Reports	1.4	2.9	1.9
Prior Dependency Petition Filed with the Juvenile Court	23%	36%	28%

Many of these families also appear to have had numerous prior contacts with CPS. The average number of prior reports across the study cohort was 4.3.⁵⁴ Again, Pima County dual jurisdiction families had more prior contacts than their Maricopa County counterparts – 6.6 prior

⁵¹ The count of reports included actual reports documented in CPS social files. This includes reports that were investigated and not investigated.

⁵² While many case files contained documentation of prior CPS histories, the content of this documentation varied across caseworkers and by county. For example, in some instances, project staff found documentation indicating “a long history of CPS involvement” with no specific dates or additional information. In these instances, NCJJ staff conservatively entered one prior report and one prior substantiated report because specific counts were not available. While this was limited to a small number of cases, it suggests the average report and substantiation figures presented in Table 2 represent undercounts of prior CPS involvement. Also, cases were considered as not having any prior CPS contact if documentation in the case file was inconclusive.

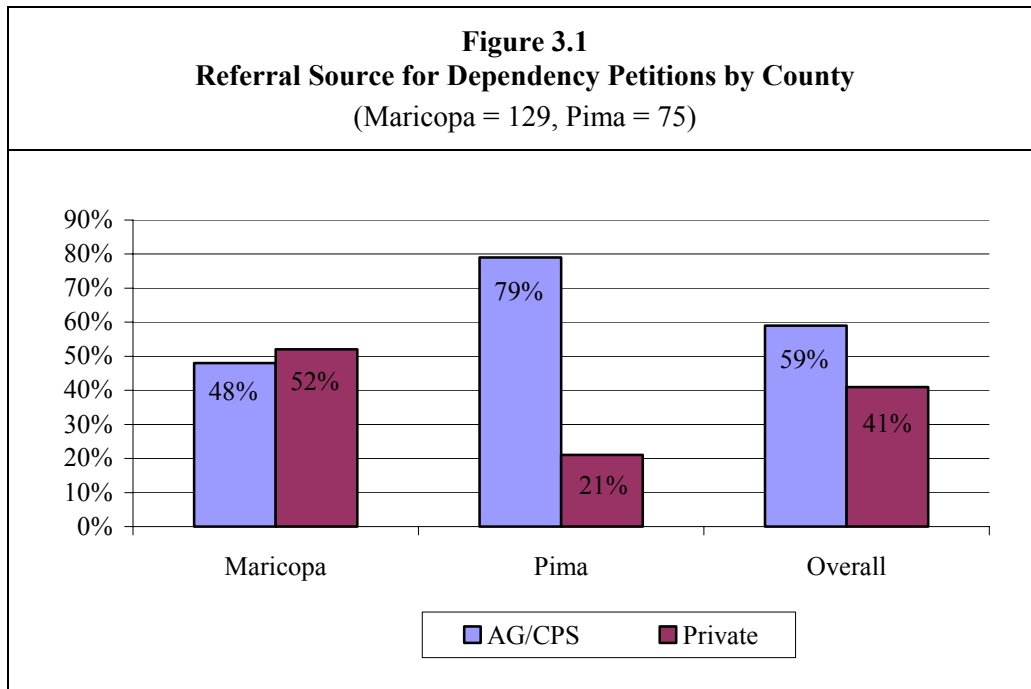
⁵³ It is important to recognize that the criteria for “substantiated” reports have changed over the years in Arizona. For example, until fairly recently, if a CPS investigation of alleged child maltreatment did not identify a suspected perpetrator, the case was considered unsubstantiated.

⁵⁴ The average figure takes into account the 26% of families where no prior CPS reports were identified.

compared to 3.0 prior reports, respectively. This pattern continues as only substantiated reports are examined. Overall, dual jurisdiction families had an average of 1.9 prior substantiated reports – an average of 2.9 for Pima County cases and 1.4 for Maricopa County families.

Dependency Petition Referral Source and Time of Petition Filing

The majority of dependency petitions contributing to a youth’s dual jurisdiction status⁵⁵ were filed by assistant attorneys general in conjunction with CPS case managers – 59% (Figure 3.1).⁵⁶ The remaining 41% are filed privately – typically by counsel appointed by the juvenile court (guardians ad litem/attorneys) and occasionally by private parties without the assistance of counsel (typically, family members).⁵⁷ This varies considerably by county with the majority of petitions filed privately in Maricopa County (52%) and less than a quarter filed privately in Pima County (21%).⁵⁸



⁵⁵ That is, the dependency petition active during the time a youth is considered on dual jurisdiction status.

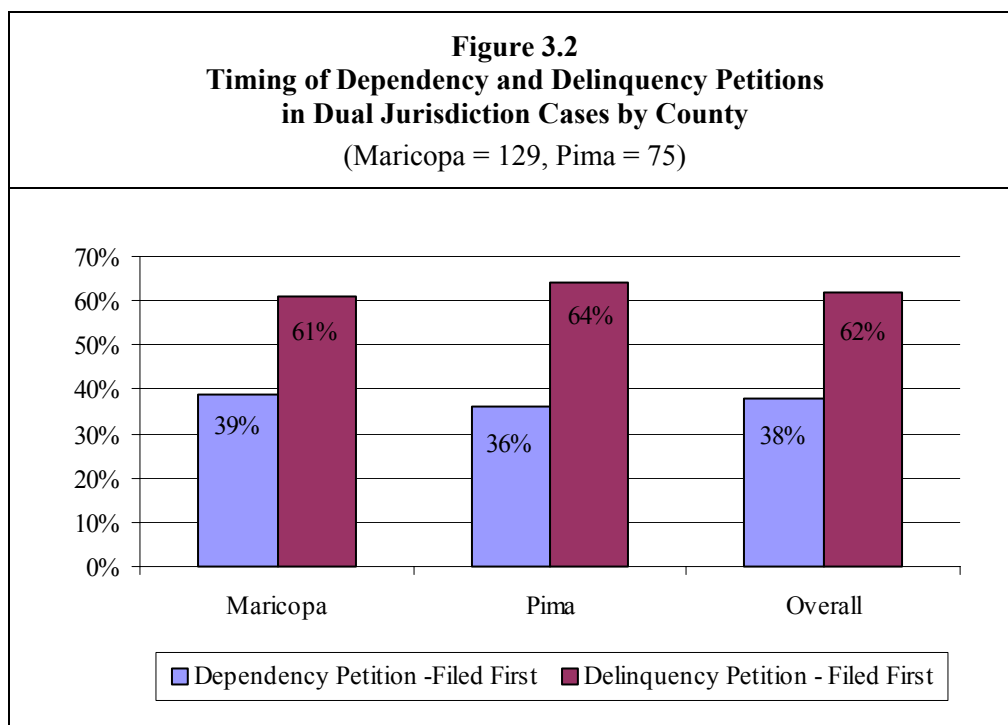
⁵⁶ From herein these are referred to as AG/CPS petitions.

⁵⁷ By far, most privately filed dependency petitions on dual jurisdiction youth are filed by court-appointed counsel - 80 of the 83 cases (96%) included in the study cohort in which the dependency petition was filed by a private source.

⁵⁸ This finding is considered statistically significant (gamma = -.599, $P < .001$). However, a greater percentage of all dependency petitions in Maricopa County have been historically filed by private sources. In some years, this has approached or exceeded 50%.

Interviews conducted during the course of the study and in earlier studies conducted by NCJJ and others⁵⁹ indicated that most dual jurisdiction youth enter this status because the juvenile court appoints a guardian ad litem to investigate a youth's family life after a delinquency matter has been initiated. The attorney/GAL is appointed because the court may be unsure as to how to proceed because parents are unwilling to take the child back into their care, because preliminary investigations by juvenile probation indicate serious family problems, and/or because residential care is required and the court's funding options are limited.

Our review of dual jurisdiction case files partially confirms this impression – at least with respect to the fact that delinquency petitions usually preceded the filing of dependency petitions. In 62% of the case files reviewed, the delinquency petition resulting in a youth's placement on probation was filed prior to the filing of the petition alleging that the juvenile was dependent. In the remaining 38% of cases, the dependency petition was filed earlier – and in some cases years earlier. This did not vary much by county (see Figure 3.2).



A closer look at the data, however, reveal that the timing of the dependency petition was strongly correlated with the referral source (Table 3.3). Not surprisingly, the vast majority of privately-filed dependency petitions were filed after the initiation of delinquency proceedings (92%). In the majority of instances in which the referral source was the AG/CPS (58%), the dependency petition preceded the initiation of delinquency proceedings. The latter, however, varies somewhat by county. In Maricopa County, the vast majority of AG/CPS dependency petitions were filed first while in Pima County the pattern was reversed with slightly more

⁵⁹ Please see Karen Gottlieb, "One Child – Two systems: Managing and supervising Dually Adjudicated Youth" Arizona Supreme Court, State Foster Care Review Board, *2002 Report and Recommendations* (January 2002).

AG/CPS dependency petitions filed after the initiation of formal delinquency court proceedings (54%).

Table 3.3 Timing of Dependency and Delinquency Petitions in Dual Jurisdiction Cases by Dependency Petition Referral Source and County (Maricopa = 129, Pima = 75)						
	Maricopa County		Pima County		Overall	
	AG/CPS (n=62)	Private (n=67)	AG/CPS (n=59)	Private (n=16)	AG/CPS (n=121)	Private (n=83)
Dependency Petition Filed First	69%	10%	46%	0%	58%	8%
Delinquency Petition Filed First	31%	90%	54%	100%	42%	92%

Data presented above, however, should not be interpreted to infer that most families of dual jurisdiction juveniles named in private dependency petitions had no previous contact with CPS. As data presented in Table 3.4 reveal, 65% of these families had been the subject of at least one prior CPS report and the subject of a substantiated report 51% of the time. These percentages are not that much less than those for families of dual jurisdiction youth in which the dependency petition was filed by the Attorney General's Office in conjunction with CPS – 80% of these families had at least one prior report and 64% were the subject of at least one prior substantiated report.⁶⁰ These differences diminish somewhat when controlling for county – particularly in Pima County. In general, Pima County cases were more likely to be the subject of a prior CPS report and substantiated report.

⁶⁰ These differences may even be less given that documentation of prior CPS investigations was more likely to be inconclusive in the case files of privately-filed dependency petitions. In general, these cases were coded conservatively as not having any prior CPS involvement. Please see footnote 52.

Table 3.4 Prior CPS Involvement by Dependency Petition Referral Source and County (Maricopa = 129, Pima = 75)						
	Maricopa County		Pima County		Overall	
	AG/CPS (n=62)	Private (n=67)	AG/CPS (n=32)	Private (n=16)	AG/CPS (n=121)	Private (n=83)
Prior CPS Report	71%	60%	90%	88%	80%	65%
Prior Substantiated Report	53%	46%	76%	69%	64%	51%
Prior Dependency Petition Filed with the Juvenile Court	23%	24%	37%	31%	30%	25%

Additionally, 25% of the families of dual jurisdiction youth named on private dependency petitions had been the subject of a prior dependency petition – that is, dependency petitions previously closed by the juvenile court. This percentage is only slightly lower than the 30% for the AG/CPS cohort. Again, these percentage differences do not vary much by county except for the fact that the families of Pima County dual jurisdiction youth were more likely to be the subject of a prior dependency petition.

Prior Delinquency History and Most Serious Offense Placed on Probation For

Consistent with data presented in the previous chapter, our case file sample population of dual jurisdiction youth on probation supervision in FY2002 generally began their delinquent involvement with the juvenile court at an early age (Table 3.5). Overall, dual jurisdiction youth were first referred to the court on a delinquency offense at an average age of 12.7 (Table 3.5). The average age at the filing of their first delinquency petition was 13.5. The average age at first delinquency referral and petition varied somewhat by county. Dual jurisdiction youth from Pima County were, on average, about one-half year younger on both delinquency measures. This was also the case for the percentage of dual jurisdiction youth in our study population who began their delinquency careers at age 13 or earlier. Overall, 73% of FY2002 dual jurisdiction juvenile probationers were first referred to the court on a delinquency matter at age 13 or earlier and 59% were first petitioned on a delinquency matter at a similar age.

Table 3.5 Prior Delinquency History Profile of Dual Jurisdiction Study Population by County			
Delinquency Profile	Maricopa County (n=129)	Pima County (n=74)	Overall (n=204)
Average age at first delinquency referral	12.9	12.2	12.7
Average age at first delinquency petition	13.7	13.3	13.5
% of youth age 13 or younger at first delinquency referral	71%	77%	73%
% of youth age 13 or younger at first delinquency petition	57%	64%	59%
Average # of Delinquency Referrals prior to placement on Probation*	2.3	4.2	3.0
Average # of Delinquency Petitions prior to placement on Probation*	1.7	2.1	1.9
Avg. # of Referrals (delinquency, status and PV) prior to placement on Probation*	3.3	5.6	4.1
Avg. # of Petitions (delinquency, status and PV) prior to placement on Probation*	2.2	2.1	2.1
* Includes probation violation (PV) referrals/petitions resulting from earlier stints on probation. This occurred in only a small number of cases.			

Consistent with our analysis of JOLTS data summarized in the previous chapter, only a small percentage of dual jurisdiction youth were placed on probation for serious felony offenses – that is, person or property felonies (Table 3.6). Overall, 7% of dual jurisdiction youth included in our study cohort were placed on probation for a “felony against person” offense and another 11% for a “felony against property” offense. However, Pima County youth were more likely to be adjudicated for these types of offenses (11% and 13%, respectively) than Maricopa County youth (5% and 9%, respectively). Also, noteworthy was the fact that 13% of Maricopa County youth included in our study were placed on probation for a status offense or citation while no Pima County youth were placed on probation for similar charges.

Table 3.6 Most Serious Adjudicated Offense Resulting in Placement on Probation by County			
Most Serious Adjudicated Offense Resulting in Placement on Probation	Maricopa County (n=129)	Pima County (n=74)	Overall (n=204)
Person-Felony	5%	11%	7%
Property-Felony	9%	13%	11%
Obstruction of Justice-Any Type	2%	0%	1%
Person-Misdemeanor	16%	21%	18%
Drugs-Any Type	5%	17%	10%
Public Peace-Any Type	23%	15%	20%
Property-Misdemeanor	25%	23%	24%
Status Offense	13%	0%	8%
Admin. – Transfer from other county	1%	0%	1%

Family Issues Identified in the Dual Jurisdiction Population

NCJJ staff conducted reviews of all case worker and juvenile probation officer (JPO) reports, psychological and psychiatric evaluations, service provider progress reports and other documents contained in the court files as well as CPS and JPO social files to determine the prevalence of a wide range of family and child-specific problems.

Table 3.7 presents overall and county-level data on six family problem measures – housing/financial problems, parental alcohol and/or drug use, drug trafficking, whether either or both parents were incarcerated, domestic violence, and parental history of emotional/mental health problems. These data indicate that the vast majority of families of dual jurisdiction youth displayed difficulties on a number of these issues – the most frequent being parental substance abuse (78%), domestic violence (70%), and housing/financial problems (61%). Additionally, documentation was found indicating that in 55% of the cases reviewed there was a history of either or both parents being incarcerated.

The percentage of cases with problems indicated on each of these six family measures are consistently higher among the Pima County cohort – particularly on issues related to parental substance abuse and domestic violence (84% and 83%, respectively). In Maricopa County, the prevalence on these two family problem indicators was 74% and 63%, respectively.

Table 3.7 Family Issues Identified in Case File Review by County			
Family Issues Identified In Review of Court and Social Files	Maricopa County (n=129)	Pima County (n=74)	Overall (n=204)
Housing and/or Financial Problems	56%	71%	61%
Parent Alcohol and/or Drug Use	74%	84%	78%
Drug Trafficking – Parents	9%	20%	13%
Either/Both Parent(s) Incarcerated	52%	60%	55%
History of Domestic Violence	63%	83%	70%
Emotional/Mental Health Issues - Parents	26%	40%	31%

A comparison of these percentages with a similar analysis of family measures presented in the 2002 Arizona CIP Re-Assessment Study suggests that dual jurisdiction families are more likely to experience a broader range of problems when compared to our 1999 Model Court study cohort. In brief, the percentages of dual jurisdiction families with an indication of a problem is consistently higher (especially with regards to domestic violence and parental incarceration) in the current analysis than in the 1999 study population.⁶¹

Data presented in Table 3.8 examine to what degree families of dual jurisdiction juveniles referred to the court on a *privately-filed* dependency petition differ from those cases in which the dependency petition was filed by the *AG/CPS*. On most measures, families petitioned by the *AG/CPS* were slightly more likely to be experiencing problems – particularly in Maricopa County. However, in general, these differences are relatively small and may be (at least partially) an artifact of the better documentation of family problems occurring in instances in which the Attorney General’s Office/CPS files the petition and conducts the initial investigation of the family.

⁶¹ The 1999 population was randomly selected from all dependency petitions filed during that year which were subject to Model Court processing protocols. Approximately 60% of these cases involved children who were younger than eight years of age. The percentage of Maricopa County families in the 1999 cohort displaying difficulties on domestic violence and parental incarceration was 33% and 41%, respectively. Among Pima County families, there was documentation of issues related to domestic violence and parental incarceration in 37% and 35% of the cases reviewed, respectively.

Table 3.8 Family Issues by Referral Source and County (Maricopa = 129, Pima = 75)						
Family Issues Identified In Review of Court and Social Files	Maricopa County		Pima County		Overall	
	AG/CPS (n=62)	Private (n=67)	AG/CPS (n=59)	Private (n=16)	AG/CPS (n=121)	Private (n=83)
Housing and/or Financial Problems	69%	43%	66%	88%	68%	52%
Parent Alcohol and/or Drug Use	79%	70%	85%	81%	82%	72%
Drug Trafficking by Parents	10%	9%	19%	25%	14%	12%
Either/Both Parent(s) Incarcerated	52%	52%	61%	56%	56%	53%
History of Domestic Violence	69%	57%	85%	75%	77%	60%
Emotional/Mental Health Issues - Parents	23%	30%	37%	50%	30%	34%

Identification of Child-Specific Needs Among the Dual Jurisdiction Population

Table 3.9 presents data (overall and by county) on the prevalence of a wide variety of deficits exhibited by dual jurisdiction youth including histories of substance abuse, emotional/mental health problems, suicidal ideations/attempts, and sexual abuse as well as educational issues related to educational achievement, truancy, learning disabilities, and the need for special education services.

Substance abuse was the most prevalent issue documented – 80% overall. The review of court and social files also found that 61% of dual jurisdiction youth had been diagnosed as having severe emotional/mental health problems, a like amount (61%) were taking psychotropic medications (often, multiple types), and 39% had a history of being sexually abused. In more than a quarter (27%) of the cases, documentation existed to suggest these juveniles were seriously considering or had attempted suicide. Educational concerns were also consistently identified – 67% had chronic truancy problems, 59% were identified with severe academic deficiencies (one or more years behind in school), 44% were in need of special education⁶² and a learning disability was diagnosed or suspected 23% of the time. Lastly, one or both parents were deceased in 12% of the cases reviewed. The data reflect little variation by county on these measures.⁶³

⁶² Or placement in a special classroom to address the needs of emotionally disabled children.

⁶³ Few differences were also identified when the analysis controlled for dependency petition referral source (AG/CPS or privately-filed).

Table 3.9 Percentage of Juveniles with Identified Problems/Needs by County			
Juvenile Issues Identified In Review of Court and Social Files	Maricopa County (n=129)	Pima County (n=74)	Overall (n=204)
Substance Abuse	78%	84%	80%
Emotional/Mental Health Issues	64%	55%	61%
Prescribed Psychotropic Medications	66%	53%	61%
Suicidal Ideations/Attempts	23%	33%	27%
History of Being Sexually Abused	38%	41%	39%
Intellectual Impairment/Retardation	10%	11%	10%
Either/Both Parents Deceased	14%	9%	12%
Truancy	68%	64%	67%
Academic Deficiencies/Problems	56%	65%	59%
Learning Disability Suspected/Diagnosed	22%	24%	23%
Special Education	43%	44%	44%

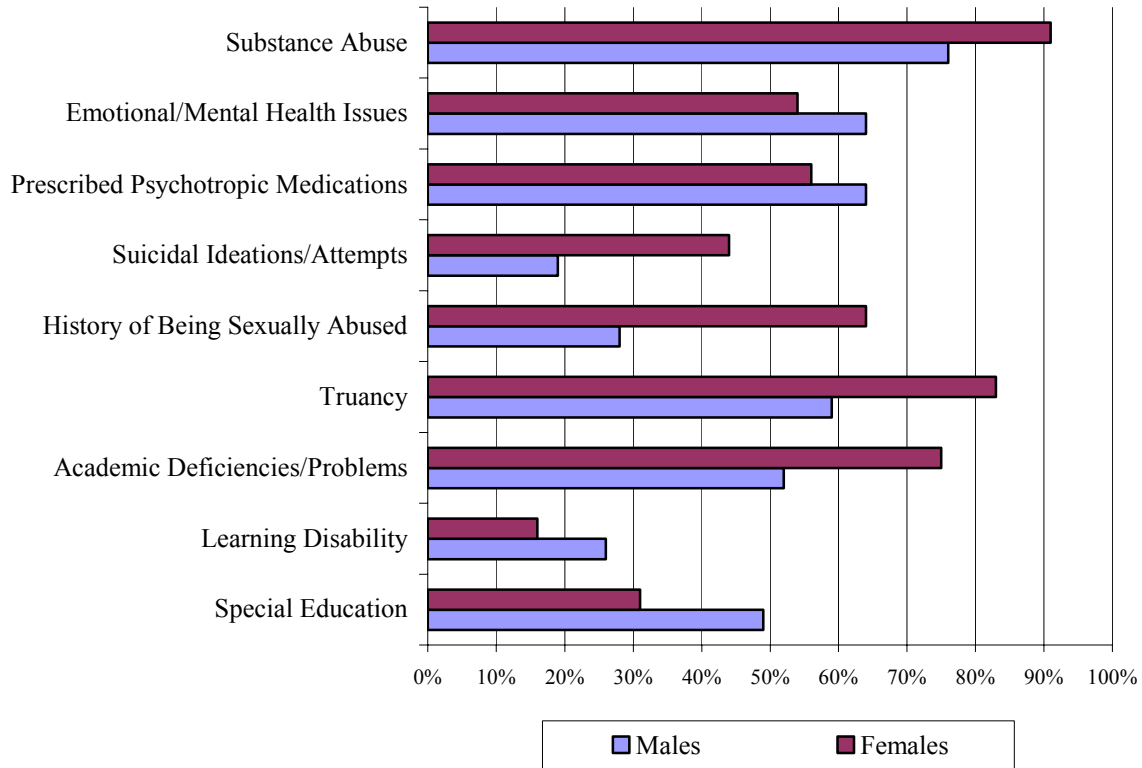
Figure 3.3 highlights some differences when controlling for gender. *In general, females were considerably more likely to exhibit deficiencies in most of the above need areas than males.*⁶⁴ Substance abuse was almost always identified as a problem among dual jurisdiction females (91%) and somewhat less so among males (76%). Suicide ideations and/or attempts were also far more prevalent among females – 44% compared to 19% among the male study population. Almost two-thirds of females (64%) had been sexually abused compared to 28% of males. Lastly, truancy and academic problems were more frequently identified in females than males – 83% and 75%, respectively for females compared to 59% and 52% for males.⁶⁵

On educational measures related to learning disabilities and special education, females were considerably less likely to exhibit problems – 16% and 31%, respectively compared to 26% and 49% for males. Additionally, females were slightly less likely to be diagnosed with emotional/mental health disorders (55%) and to be taking psychotropic medications (56%) than their male counterparts – 64% and 56%, respectively.

⁶⁴ These patterns varied only slightly when controlling for county.

⁶⁵ The review of court and social files also identified pregnancy as an issue for 13% of females in our study.

Figure 3.3
Percentage of Juveniles with Identified Problems/Needs by Gender
(Maricopa = 129, Pima = 75)



Continuity of Judicial and Attorney Assignment

The review of case files permitted NCJJ staff to track the continuity in judicial and attorney assignments across delinquency and dependency matters. As data in Table 3.10 reveal, the Maricopa and Pima County Juvenile Courts are both committed to ensuring consistency in judicial oversight across various case types. In the vast majority of cases (98%) there was sufficient documentation in the files to indicate that the same jurist was assigned to preside over the youth's delinquency and dependency matters.⁶⁶

⁶⁶ This determination does not take into account instances in which the jurist was rotated out of juvenile court or instances in which jurists other than the person assigned presided over *pro forma* hearings such as published initial dependency hearings and special docket hearings such as detention hearings on the delinquency side. The data in Figure 3. 3 are consistent with interview comments indicating strong adherence to one judge/one family case assignment in these two counties.

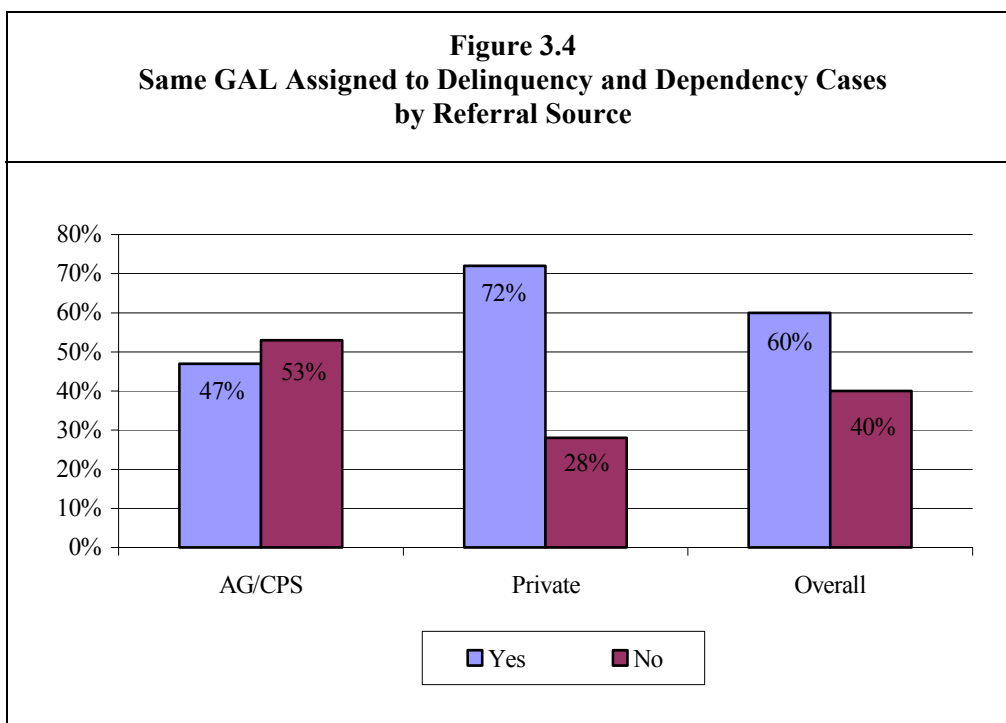
The reverse, however, is true for attorneys assigned to represent these juveniles. While, in all instances an attorney was assigned to represent a juvenile on a delinquency matter (typically, an assistant public defender), in no instance were we able to determine that this attorney was also assigned to represent the juvenile on the dependency matter. In many respects, this is a structural issue in that the Public Defender’s Office represents juveniles in delinquency matters in both counties, court-appointed attorneys represent minors in dependency matters in Pima County, and either attorneys from the Office of the Legal Advocate or other court-appointed attorneys⁶⁷ represent juveniles in dependency matters in Maricopa County.

Table 3.10 Continuity in Jurist and Attorney Assignments in Dual Jurisdiction Cases by County			
	Maricopa County (n=129)	Pima County (n=74)	Overall (n=204)
Same jurist assigned to both delinquency and dependency cases	98%	98%	98%
Same attorney assigned to both delinquency and dependency cases	0%	0%	0%

A dual jurisdiction youth was frequently assigned an attorney guardian ad litem – in 156 of the 204 cases included in our study.⁶⁸ Sixty percent of the time, this GAL was assigned to advocate for the youth on both delinquency and dependency matters (see Figure 3.4). In the remaining 40% of cases, a GAL was specifically assigned on only one of these matters or different GALs were assigned on the delinquency and dependency side. The same GAL was more likely to be assigned to both cases if the dependency petition was filed privately – 72% compared to 47% in instances in which the dependency matter was initiated by AG/CPS. This makes sense in that the privately-filed dependency matter typically was filed by the GAL after a child was already involved on the delinquency side and this attorney guardian remained assigned in both cases.

⁶⁷ In Maricopa County, appointments are made through the Office of Court-Appointed Counsel. In Pima County, these appointments are made directly by the juvenile court with attorneys that the court individually screens and contracts with.

⁶⁸ A guardian ad litem is assigned for a number of reasons on either a delinquency or dependency matter – including instances in which a youth’s mental health is in question or instances in which a youth’s desires/preferences appear to conflict with their “best interests.” Additionally, the court may appoint a GAL on a delinquency matter to investigate if sufficient grounds exist for the filing of a private dependency petition. This typically occurs in instances in which preliminary investigations by juvenile probation indicate serious family problems, parents are unwilling to take the child back into their care, and/or residential care is required.



Examination of Placement Histories

By reconciling various pieces of placement information available in JOLTS and the case files, project staff were able to reconstruct the placement histories of dual jurisdiction youth with reasonable confidence.⁶⁹ Detailed placement histories of each dual jurisdiction youth were compiled with start and end dates. A placement change was recorded every time the child moved and included detention stays, ADJC commitments, hospitalizations, placements with parents/guardians/relatives, as well as stays in shelter care, foster care, group homes, residential treatment programs, or other placements. AWOLS (runaways) from placements were also recorded and considered a change in placement.⁷⁰

Placement histories were compiled for each child starting with the time the dependency petition or delinquency petition resulting in probation was filed – which ever came first. However, for youth with extensive dependent court histories, our analysis of placement histories does not go back further than January 1, 2000. All placement histories are current through a youth's 18th birthday or through the time of our file review (June 2003 through February 2004). In some instances, placement histories were updated during our final review of court histories this past summer (July through September 2004).⁷¹

⁶⁹ This was often a difficult task given the number of times many of these youth ran from placements, were detained or because their placements appeared to disrupt. JOLTS tracks detentions very closely and also tracks probation placements paid for (fully or in part) by the court (See Chapter 4). Dependency placements are tracked by JOLTS but these data are somewhat inconsistent. The CPS social files and a review of minute entries are often a better source for these.

⁷⁰ It was not uncommon for youth to remain AWOL for weeks or months at a time.

⁷¹ Please see the Introduction and Background section of this chapter.

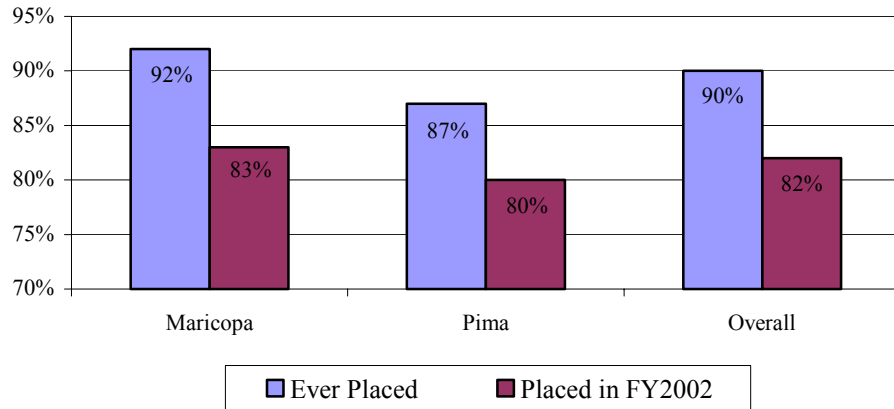
On average, we were able to track the 204 dual jurisdiction youth included in our study for approximately 2.5 years (30 months). As data in Table 3.11 reveal, dual jurisdiction youth experienced frequent placement changes - an average of 10.3 placements per youth. This translates into a placement change approximately once every three months.

Table 3.11 presents data on the number of placement changes experienced by dual jurisdiction juveniles in Maricopa and Pima counties. Keep in mind that placement counts began when either a dependency or delinquency petition was filed – which ever came first and that counts did not include placements occurring before January 2000. Very few dual jurisdiction youth in either county were relatively stable as regards to their living arrangements. Only 3% of the youth in our study were in one or two placements during the period tracked, with another 18% in three to five placements. The vast majority experienced six or more placement changes and slightly less than half (48%) moved 11 or more times. These data do not vary in any significant way when controlling for dependency petition referral source (AG/CPS or private), gender and/or county.

Table 3.11 Number of Placements for Dual Jurisdiction Study Population by County			
Total Number of Placements	Maricopa County (n=129)	Pima County (n=74)	Overall (n=204)
1 – 2	2%	5%	3%
3 – 5	15%	21%	18%
6 – 10	33%	28%	31%
11 – 15	28%	31%	29%
16 – 20	22%	15%	19%
Average number of placements	10.7	9.6	10.3

Almost all dual jurisdiction youth spent at least some time in a group home and/or residential treatment program. As data in Figure 3.5 reveal, 82% of dual jurisdiction youth spent time in such a placement in FY2002, and 90% spent time in such a facility at some point prior to the end our placement tracking. Again, this did not vary much by referral source, gender or county.

Figure 3.5
Percent of Dual Jurisdiction Youth Placed
in a Group Home or Residential Treatment Facility by County



Data presented in Table 3.12 provide information on the percentage of dual jurisdiction youth ever placed in various types of placements, the average number of days these youth spent in such placements, and the percent of days tracked that were spent in each placement type.

These data indicate that not only did most dual jurisdiction youth spend at least some time in a group home or in residential treatment, on average they spent almost half of their time in such placements – 46%. That is, on average, 429 of the 938 days a dual jurisdiction youth’s placement history was tracked were spent in a group home or in residential treatment. This dwarfs the average amount of time dual jurisdiction youth spent living with parents (12%) or in other more-home like environments such as relative care 13% and foster homes 4%.

Dual jurisdiction youth, on average, spent approximately as much time incarcerated (13%)⁷² as they did living with parents (12%) or relatives (13%). The vast majority of these juveniles spent time in a juvenile detention center (89%) and, in most instances, multiple times. Only 43% of dual jurisdiction youth lived with a parent or parents for a portion of the time tracked. Lastly, dual wards spent 7% of the time tracked on runaway/AWOL status – typically from a group home or residential treatment facility.

⁷² This includes time spent in juvenile detention, ADJC and adult jail/prisons.

Table 3.12 Time Spent in Various Placements by Placement Type			
Type of Placement	Ever in Placement Type	Average # of Days	% of Overall Days
<u>Congregate Care</u>			
Group Home/Residential Treatment	90%	429	46%
Shelter Care	45%	36	4%
Hospital – Psychiatric	10%	3	<1%
<u>Home-Like Environments</u>			
Parents	43%	117	12%
Relative	40%	125	13%
Foster Home	14%	39	4%
<u>Incarceration</u>			
Juvenile detention	89%	87	9%
ADJC	18%	33	4%
Adult jail/prison	1%	1	<1%
<u>Other</u>			
AWOL	51%	65	7%
<i>Total # of Days Tracked</i>		938	100%

Juvenile Justice Outcomes

Probation outcomes for most dual jurisdiction youth included in our study population were, in varying degrees, unsuccessful or otherwise problematic. On the positive side, data in Table 3.13 reveal that 30% of our dual jurisdiction population completed their terms on probation in ways that could be considered ultimately satisfactory – even if their performance was not necessarily stellar.⁷³ Outcomes in most of the remaining 70% of cases were unsatisfactory:

- In 8% of the cases, dual jurisdiction youth were still on probation two or more years later (as of July, 2004).⁷⁴ In these cases, youth had their probation terms extended because of probation violations or new charges.
- 5% of our case file study group were released from probation but had new delinquency charges pending that could ultimately result in another stint on probation or possibly commitment to ADJC.

⁷³ A number of these youth were referred to the court on probation violations or new delinquency/status offense charges while on probation and were consequently continued on probation – typically for extended time periods. Also, in Pima County, JOLTS captures whether the release from probation was considered successful or unsuccessful. Six of the 27 dual jurisdiction youth released from probation in this county were considered unsuccessful releases (22%). Maricopa County does not distinguish in JOLTS between successful and unsuccessful releases from probation supervision.

⁷⁴ To be included in our study population, dual jurisdiction youth needed to be on probation supervision at some point during FY2002 (July 1, 2001 – June 30, 2002). Our tracking via the JOLTS summary profiles continued through July 2004.

- 15% were released from probation but in the ensuing months were again referred and petitioned on new delinquency charges that resulted in a subsequent probation disposition.
- 15% remained on probation until their 18th birthday at which point they aged out. Again, a number of these youth were referred on probation violations or new charges and had their original probation terms extended.
- 19% were ultimately committed to ADJC prior to July 2004.
- 5% had new charges pending in the adult system – that is, charges directly filed in adult court or charges that were initially referred to the juvenile court but sent back to law enforcement for adult consideration because these youth were near their 18th birthdays.⁷⁵
- 3% were released from probation because of special considerations (including because the juvenile was AWOL for an extended time, supervision was transferred to another jurisdiction, the juvenile was eventually found not legally competent, and CPS was given sole custody.)

Table 3.13
Probation Outcomes of Dual Jurisdiction Youth by County

Probation Outcomes	Maricopa County (n=129)	Pima County (n=74)	Overall (n=204)
Completed probation conditions and released	27%	36%	30%
Probation term extended and still open	12%	1%	8%
Released but new delinquency charges pending	7%	1%	5%
Released but subsequently placed on probation again	12%	17%	14%
Released from probation on 18 th birthday	17%	12%	15%
Committed to ADJC	15%	27%	19%
New charges pending in adult system	6%	3%	5%
Released from probation – Other	3%	3%	3%*
* Discrepancy due to rounding error.			

Probation outcomes varied somewhat between counties but should not be considered noteworthy given the range of differences and the small number of youth in the study sample. Pima County had a higher completion rate – 36% compared to 27% for Maricopa County – but some of these were considered unsuccessful releases from probation.⁷⁶ Probation terms were

⁷⁵ For juveniles nearing their 18th birthday, Arizona juvenile courts have the ability to refer a complaint back to law enforcement and to have law enforcement directly file charges with the Adult Division of the County Attorney's Office after the youth reaches the age of majority.

⁷⁶ Please see footnote 73.

considerably less likely to still be open in Pima County (12% versus 1% in Maricopa County) and the Pima County cohort experienced a higher rate of ADJC commitments than their Maricopa County counterparts (27% versus 15%, respectively).

Regardless of their probation outcome, almost all dual jurisdiction youth included in the study were again referred and petitioned to the juvenile court on a delinquency, status offense and/or probation violation matter (Table 3.14). Overall, 92% were referred on one or more of these types of matters and 87% were petitioned. Dual jurisdiction youth were most likely to be referred again on a new delinquency matter (74%) or for violation of probation conditions (72%). New petitions were likely to be for probation violations (71%) and for delinquency offenses (69%).

On average, dual jurisdiction youth were referred a total of 5.1 times and petitioned 3.5 times for delinquency, status and/or probation violation offenses *after being placed on probation*. The vast majority of these were again for delinquency and probation violation matters. Dual jurisdiction youth were not very likely to be referred or petitioned for a new status offense (0.8 and <0.1 times, respectively).

Table 3.14
Incidence of Subsequent Referrals and Petitions after Being Placed on Probation by County

	Maricopa County		Pima County		Overall	
	% Ever	Avg. #	% Ever	Avg. #	% Ever	Avg. #
New Delinquency Referral	74%	1.9	76%	3.0	74%	2.3
New Delinquency Petition	68%	1.5	69%	2.0	69%	1.7
New Status Offense Referral	28%	0.4	51%	1.5	36%	0.8
New Status Offense Petition	8%	0.1	1%	<0.1	5%	0.1
Probation Violation Referral	71%	1.8	73%	2.2	72%	2.0
Probation Violation Petition	70%	1.8	73%	1.8	71%	1.7
New Referral – Any Type	92%	4.1	92%	6.7	92%	5.1
New Petition - Any Type	87%	3.4	85%	3.8	87%	3.5

The likelihood of dual jurisdiction youth being referred or petitioned on new delinquent acts and probation violations after being placed on probation were almost identical. However, considerable variation was identified across counties as to the average number of new referrals and petitions, with Pima County youth consistently experiencing more of these than Maricopa County cases – 6.7 referrals and 3.8 petitions compared to 4.1 referrals and 3.4 petitions, respectively. This pattern was maintained across all three referrals and petition types.

Dependency Case Closure Outcomes

Overall, dual jurisdiction youth experienced poor outcomes with respect to types of permanent living arrangements in place at the time dependency petitions were closed (Table 3.15). Both counties experienced difficulties placing youth in home-like settings at case closure. Only a quarter of dual jurisdiction youth in our study were either living at home (with one or both parents) or were permanently placed with a relative/guardian at petition closure.

The two most common outcomes were either that the petition was closed when a youth reached the age of majority (33%) or the petition remained open as of July 2004 – for an average of 4.6 years (32%). As best we can determine, almost all of the 68 youth aging out of the system were either in congregate care, incarcerated or AWOL at the time of their 18th birthdays.⁷⁷ An additional small percentage of youth had their dependency cases closed prior to their 18th birthday because they were incarcerated (3%) or had been AWOL for extended periods of time (4%). There were only slight variations across counties in these data.

Table 3.15 Dependency Case Closure Outcomes of Dual Jurisdiction Youth by County			
Dependency Case Closure	Maricopa County (n=129)	Pima County (n=74)	Overall (n=204)
Closed – Youth was living at home	16%	19%	17%
Closed – Guardianship/Living with Relative	7%	11%	8%
Dependency Petition Remains Open (as of 7/2004)**	34%	28%	32%
Closed – Youth reached age of majority (18)***	31%	37%	33%
Closed – Youth incarcerated (ADJC/Adult)	4%	3%	3%
Closed – Youth AWOL	5%	3%	4%
Closed – Jurisdiction transferred	1%*	0%*	1%*
* Discrepancy due to rounding error. ** These dependency petitions have been open for an average of 4.6 years (as of July 2004). *** As best we can determine, these juveniles were either in congregate care, incarcerated or AWOL at the time the dependency petition was closed (which coincided with their 18 th birthdays).			

⁷⁷ That is, with the exception of two youth who were placed in foster homes just before their 18th birthdays (two months and one week, respectively) after a long series of stays in group homes/RTCs, relative care, and incarcerations. A third youth had recently been placed with a relative just before his 18th birthday (four months previous) but also had a long series of group home/RTC placements as well as spending time in detention and AWOL.

Hearing Resources Utilized to Provide Judicial Oversight in Dual Jurisdiction Cases

In this final section of the chapter, data are presented on the frequency youth were in court – either on a delinquency or dependency matter – during their time on dual jurisdiction status. Through a review of hearing records in JOLTS, project staff were able to record the number of hearings held during the time period when a juvenile was considered both dependent and delinquent (and divide that by the number of months the same juvenile was on this dual status).

These data indicate that *dual jurisdiction youth were in court frequently – an average of almost once per month while on dual jurisdiction status* – approximately 0.9 hearing per month (Table 3.16).⁷⁸ On average, these youth were in court slightly more often on a delinquency rather than dependency matter during this period (0.5 hearings/month versus 0.4 hearing/month, respectively). This is not necessarily surprising, given the frequency with which these youth were referred and petitioned on new charges (see Table 3.14). Very few hearings held by the court in dual jurisdiction cases were consolidated hearings – that is, hearings in which both delinquency and dependency matters were addressed (<0.1/hearings per month).

Table 3.16 Frequency of Delinquency, Dependency and Consolidated Hearings Involving Dual Jurisdiction Youth by County			
<i>Average # of Hearings per Month While on Dual Jurisdiction Status</i>			
Type of Hearing	Maricopa County	Pima County	Overall
Delinquency Hearings	0.4	0.6	0.5
Dependency Hearing	0.3	0.5	0.4
Consolidated Hearings	<0.1	<0.1	<0.1
Overall – all Hearing Types	0.8	1.1	0.9

Concluding Remarks

A number of conclusions can be drawn from the case file review data that are pertinent to any changes Arizona juvenile courts may consider in how they identify, process, supervise and service dual jurisdiction youth on probation supervision - particularly in the state's largest counties. These include:

1. For most dual jurisdiction youth (62%), the delinquency petition resulting in the youth's placement on probation *was filed prior* to the filing of the petition

⁷⁸ On average, youth included in our study were on dual jurisdiction status for almost 18 months. This represents from the time they were considered dual jurisdiction to the time of the original case file review (which occurred sometime between June 2003 and January 2004).

- alleging that the juvenile was dependent (and this did not vary much by county).
2. The timing of dependency petition filings was strongly correlated with the referral source – privately-filed petitions were almost always filed after the initiation of delinquency proceedings (92%). The reverse was also true – AG/CPS dependency petitions were frequently filed first – but the correlation was not as strong (58%). A number of agency-initiated dependency petitions were filed after the initiation of delinquency proceedings – particularly in Pima County.
 3. These data should not, however, be interpreted to infer that most families of dual jurisdiction youth named on privately-filed dependency petitions had no previous CPS contact. That is, almost two-thirds of these families had been the subject of at least one prior report (65%) and slightly more than half (51%) were the subject of at least one substantiated report. Pima County cases were more likely to be the subject of a prior CPS report/substantiated report regardless of the referral source.
 4. Additionally, 25% of the families of dual jurisdiction youth named on private dependency petitions had been the subject of a prior dependency petition which had been previously closed by the juvenile court – which is only slightly lower than the 30% found in the AG/CPS cohort.
 5. Consistent with data presented in the previous chapter, our sample population of dual jurisdiction youth on probation supervision in FY2002 generally began their delinquent involvement with the juvenile court at an early age. However, only a small percentage of these juveniles were placed on probation for a serious charge – that is, a person or property felony (7% and 11%, respectively).
 6. The vast majority of families of dual jurisdiction youth displayed a range of problem attributes – the most frequent being parental substance abuse (78%), domestic violence (70%), and housing/financial problems (61%). Additionally, documentation was found in the case files indicating that in 55% of the cases reviewed there was a history of either or both parents being incarcerated. Families referred to the juvenile court on privately-filed dependency petitions were only slightly less likely to be experiencing these problems but this may be an artifact reflecting better documentation of family problems in agency-initiated petitions.
 7. The percentage of dual jurisdiction families with a documented history of domestic violence and parental incarceration are considerably higher than found in the 2000 Arizona CIP-Re-Assessment Study and may be particularly pertinent to behavioral problems experienced by dual wards. However, these findings should be considered very preliminary and subject to further examination.

8. Substance abuse was the most prevalent issue documented – 80% overall – among juveniles in our dual jurisdiction study cohort. The case file review also found that 61% of dual jurisdiction youth had been diagnosed as having severe emotional/mental health problems, a like amount (61%) were taking psychotropic medications (often, multiple types), and 39% had a history of being sexually abused. In more than a quarter (27%) of the cases, documentation existed to suggest these juveniles were seriously considering or had attempted suicide. Educational concerns were also consistently identified – including chronic truancy problems (76%), severe academic deficiencies (59%), special education needs (44%), and a diagnosed/suspected learning disability (23%). The data reflect little variation by county on these measures.
9. In general, females were considerably more likely to exhibit deficiencies in most of the above need areas than males. Substance abuse problems were almost universally a problem (91%) and suicide ideations and/or attempts were also far more prevalent among females – more than double that of the male population (44% compared to 19%, respectively). Lastly, almost two-thirds of females had been sexually abused compared to slightly more than a quarter of the males (64% versus 28%, respectively).
10. Both Maricopa and Pima counties are committed to ensuring consistency in judicial oversight across delinquency and dependency matters. However, this is not the case for attorneys assigned to represent these juveniles. In many respects, this is a structural issue in that the Public Defender’s Office represents juveniles in delinquency matters in both counties, while court-appointed attorneys represent minors in dependency matters in Pima County, and attorneys from the Legal Advocate’s Office or other court appointed attorneys represent juveniles in dependency matters in Maricopa County. Lastly, in more than half of the cases in which a GAL was assigned, the same GAL was assigned to advocate for the child’s “best interest” on both delinquency and dependency matters before the court. This was more likely the case, however, in instances in which the GAL filed the dependency petition.
11. Very few dual jurisdiction youth in either county were relatively stable as regards to their living arrangements. During the study period, the vast majority experienced six or more placements changes and almost half moved 11 or more times after a delinquency or dependency petition was filed (regardless of which came first). Additionally, almost all dual jurisdiction youth spent at least some time in a group home and/or residential treatment center (90%) and this did not vary much by referral source, gender or county. On average, dual jurisdiction youth spent almost half of their time in such placements (46%). This dwarfs the average amount of time dual jurisdiction youth spent living with parents (12%) or in other more-home like environments such as relative care (13%) and foster homes (4%).

12. The vast majority of these juveniles (89%) spent time in a juvenile detention center during the study period and, in most instances, experienced multiple detention stays. On average, these youth spent as much time incarcerated (13%) as they did living with parents (12%).
13. Probation outcomes for most dual jurisdiction youth were, in varying degrees, unsuccessful or otherwise problematic. On the positive side, 30% of our dual jurisdiction population satisfactorily completed their probation terms – even if their performance was not necessarily stellar. Outcomes for the remaining 70% of cases were generally unsatisfactory including a considerable portion of youth who were eventually committed to ADJC, referred to adult court, remained on probation until their 18 birthday at which point they aged out of the system, or were released and subsequently placed on probation on new charges.
14. Regardless of their probation outcomes, almost all dual jurisdiction youth included in the study experienced subsequent referrals and petitions to the juvenile court on delinquency, status offense and/or probation violation matters – 92% were referred and 87% were petitioned one or more times. On average, dual jurisdiction youth were referred for delinquency, status and/or probation violation offenses a total of 5.1 times and petitioned 3.5 times *after* being placed on probation.
15. Dual jurisdiction youth also tended to experience poor outcomes with respect to types of permanent living arrangements in place at the time dependency petitions were closed. Both counties experienced difficulties placing youth in home-like settings at case closure. Only a quarter of dual jurisdiction youth in our study were either living at home (with one or both parents) or were permanently placed with a relative/guardian at petition closure. The two most common outcomes were either that the petition was closed when a youth reached the age of majority (33%) or the petition remained open as of July 2004 – for an average of 4.6 years (32%). As best we can determine, almost all of the youth aging out of the system were either in congregate care, incarcerated or AWOL at the time of their 18th birthdays.
16. During their time on dual jurisdiction status, youth were in court frequently – an average of almost once per month on either a delinquency or dependency matter. Very few hearings held by the court in dual jurisdiction cases, were consolidated hearings in which both delinquency and dependency matters were addressed.

Chapter 4

Fostering Shared Responsibility for Dual Jurisdiction Wards: Summary of Findings from Stakeholder Interviews

Introduction and Background

Dual jurisdiction cases present unique challenges to the juvenile court, juvenile probation, child welfare, and the behavioral/mental health communities. Data presented in the previous chapters indicate that juveniles experiencing court involvement on both delinquency and dependency matters typically exhibit a myriad of familial, emotional and educational deficits in addition to what often quickly escalates into chronic delinquent and/or incorrigible behavior. Because of their complexity, these cases drain scarce resources from child welfare agencies, behavioral health systems of care, juvenile probation departments, and the courts themselves – often without anything much to show for these efforts other than continuing law-violations, related behavioral problems, frequent placements changes, and failed attempts at achieving permanency.

Until a few years ago, efforts to more effectively handle dual system matters in Arizona were marred by an often adversarial relationship – particularly, between CPS and juvenile probation departments – over issues related to the absence of shared responsibilities for these cases, the lack of resources and funding to serve this special population, as well as the “lack of clarity as to the roles and responsibilities” between juvenile probation and CPS in the supervision, case management and provision of services in these cases. Much has changed in this regard. As noted in this chapter which summarizes findings resulting from fieldwork conducted in the four targeted counties (Cochise, Coconino, Maricopa and Pima counties), there is evidence of expanded interagency collaboration and cooperation at the local and state levels, though a strong consensus persists regarding the need for continued improvements.

Shared Responsibility for Dual Jurisdiction Wards

Who should take responsibility for supervision, case management and servicing dual jurisdiction youth can be a sensitive issue, one that reflects differences of opinions as to where lines should be drawn (or merged) between the child welfare and juvenile justice systems. These varying perspectives also reflect traditional differences in the missions that have guided child protection and juvenile probation.

Historically, from the CPS perspective, there have been concerns that the juvenile courts and their probation departments, too often, turn to the agency for assistance in funding needed placement and related treatment services for troubled youth who are primarily delinquent juveniles. CPS funds are not unlimited and at least some agency administrators have emphasized that when funds are used to place or treat delinquent youth, there are fewer resources for non-delinquent (dependent) children. For CPS, the circumstances found in dual jurisdiction cases may not initially meet the agency’s criteria or threshold needed for prompt formal dependency action. Instead, the agency may offer voluntary services that families may or may not participate

in. For the agency, the conundrum associated with dual jurisdiction matters seem particularly acute when a juvenile first comes to the attention of the juvenile court via a delinquency or status offense referral, is petitioned and adjudicated as delinquent or incorrigible, with dependency proceedings initiated at a later date because of what is perceived as limited juvenile justice funding options. Typically, these are cases in which the dependency action is initiated through the filing of a dependency petition by a court-appointed GAL.

In contrast, at least some juvenile court and probation officials have cited the need for CPS to intervene earlier, and more effectively, in the lives of maltreated children, including the need to file dependency petitions before a youth experiences formal delinquency involvement. These juvenile court and probation officials view the initiation of dependency proceedings as frequently legitimate in that the initial investigation of the youth and family often uncovers a serious and/or, possibly, long-standing history of neglect (if not specific physical or sexual maltreatment). These findings are subsequently confirmed by the court-appointed GAL through independent investigation and in allegations contained in the private dependency petition.

Our analysis of case file data provides some credibility for both positions. More than 60% of the time, the delinquency petition is filed prior to the filing of the dependency matter.⁷⁹ Many of these delinquency-first dual jurisdiction wards have a serious history of mental health problems, substance abuse and academic deficiencies.⁸⁰ At the same time, their families typically have had prior contact with CPS – often resulting in one or more substantiated reports and possibly an earlier dependency petition filing. Lastly, documentation was frequently found in the case files of a myriad of family problems (including parental substance abuse, domestic violence and incarceration).⁸¹

One of the goals of this study, however, is to assist CPS, the juvenile courts, and juvenile probation to move beyond any lingering focus on which agency is ultimately “responsible” for these cases, to greater recognition of the need for expanded interagency collaboration. In the past couple of years, there has been considerable movement by CPS, the juvenile court, and probation departments to acknowledge that both entities share responsibility in supervising and servicing this population. This acknowledgement of shared responsibility has allowed these three entities to begin working out the particulars of what this means on a day-to-day basis for line juvenile probation officers and CPS caseworkers as they collectively struggle to meet the needs of these youth without allowing their law-violating behaviors to continue and potentially escalate to a point that endangers community safety. This includes working closely with local Regional Behavioral Health Authorities (RHBAs) to streamline and otherwise improve access to behavioral health services for these young people and their families.

At the same time, this effort of gradual consensus-building appears fragile and can be readily compromised by growing workload demands, the lack of funding resources, few specialized placements and related services, as well as the general difficulties facing line staff from both organizations in turning around the lives of these juveniles. Data presented in Chapters 2 and 3 reveal that there are a considerable number of dual jurisdiction youth in

⁷⁹ Please see Figure 3.2 and Table 3.3 (pages 35-38).

⁸⁰ Please see Table 3.9 and Figure 3.3 (pages 42-44).

⁸¹ Please see Tables 3.7 and 3.8 (pages 40-42).

Arizona, their personal and familial challenges are formidable, most spend an extensive amount of time in very expensive placements, and delinquency desistance and permanency outcomes are generally unsatisfactory – if not considered troubling, given the efforts and resources expended.

Funding cuts and other factors have forced retrenchment in some previous efforts to build collaborative arrangements. These include such casualties as Maricopa County's Interagency Case Management Project (ICMP) and the CPS Dually-Adjudicated Youth (DAY) unit. While only limited to a subset of dual jurisdiction wards, the loss of these coordinated case management efforts reflect fiscal and organizational dynamics that underscore the difficulties of intervening with this population of juvenile offenders.

At the same time, the Child and Family Team (CFT) model, established by the state's children's behavioral health system, is an example of a relatively new multi-disciplinary approach to identifying and delivering mental health services to children and their families. As indicated in the data analysis, many dual jurisdiction youth have serious mental health problems and many are enrolled in local behavioral health service networks. CFT protocols have been established in juvenile courts throughout the state and interviews suggest that this approach may have some promise in screening, identifying and accessing placement options and mental health services. The CFT process also has the potential to help reduce detention stays for youth awaiting placement. However, in some counties, implementation of CFTs has been slower than anticipated. And, an increasingly large pool of potential CFT cases, coupled with limited funding and/or programs capable of serving dual wards, pose difficult hurdles that could ultimately compromise this effort.

The juvenile probation and child protection systems are essentially options of last resort for these young people – short of commitment to ADJC – and officials have been somewhat hesitant to commit juveniles to juvenile corrections without exhausting other options. This is particularly true when the origins of delinquent acts and related behavioral problems are clearly linked to familial dysfunction and, more specifically, child maltreatment. The possible reticence of some officials to promptly commit dual wards to ADJC may also reflect the quandaries officials face as they look upon a pre- and post-commitment system ill-equipped to deal with the challenges posed by these cases.

Efforts to further nurture and institutionalize a sense of shared responsibility for the dual jurisdiction caseload will lose momentum if funding resources and different funding streams compromise the ability of the juvenile court, probation, CPS, and the children's behavioral health system to work together collaboratively in identifying creative and individualized solutions to the deficits confronting these youth and their families. At the same time, these systems must look to new ways to actualize this shared responsibility, including approaches that engage school systems in new ways and that improve the skills of service providers (particularly group home and residential service providers).

In many respects, the juvenile court can (and should be) the catalyst in bringing key stakeholders together and collectively identifying and developing coordinated strategies of case management and provision of services to dual jurisdiction wards. Additionally, the court can lead by example and develop procedures to ensure consistent judicial oversight in these matters much in the way the juvenile court (led by Pima County) spearheaded the court reform process

that resulted in dramatic changes and improvements in how all dependency matters are handled in Arizona.⁸²

Interviews conducted with key stakeholders in the four targeted counties indicate a clear recognition that shared responsibility, coordinated case management, interagency collaboration and consistent judicial oversight are keys to addressing the needs of dual jurisdiction wards and their families as well as ensuring that community safety is not unduly compromised. The example of Cochise County is illustrative in that interviewees were quick to point out that neither CPS or juvenile probation are eager to alone handle the unique challenges presented by dual jurisdiction cases.

Interviews in all four counties acknowledge some fundamental differences in the missions of CPS and juvenile probation – particularly as these relate to the latter’s mandates of accountability, community safety, and the due process and liberty interests that must be considered in delinquency matters. However, there is also considerable basis for establishing common ground for collaboration and coordinated action around juvenile probation’s need to address skill and competency development in juveniles and the agency’s mission of child safety, well-being, and permanency. Additionally, community safety is enhanced if troubled juveniles are provided some semblance of permanency and stability in living arrangements that improve on the untenable and, possibly, abusive home environments they have been reared in much of their lives.

Efforts to clarify the overlapping roles and responsibilities of juvenile probation and CPS can go a long way in ensuring that collaborative case management, supervision and service delivery efforts are nurtured, expanded and, ultimately, more effective than past practices. This includes development of mutual respect and recognition of the specific skill sets each brings to the table. Probation officers need to acknowledge that caseworkers are more than just surrogate parents or readily available pathways for accessing placement and treatment services. For example, many social workers have specific skills in developing and actualizing case plans to address familial problems, many are able to work with parents to achieve case plan objectives, and many can help prepare older adolescents for adulthood. At the same time, caseworkers must acknowledge that they need to work closely with juvenile probation to achieve these goals, that pro-active intervention by juvenile probation may help diffuse situations before they escalate, that juvenile probation has access to interventions and services that foster accountability and victim awareness (important character building traits needed to transition into adulthood), and that juvenile probation is not merely a sanctioning option of last resort (e.g., detention or conduit to ultimate ADJC commitment).

The remainder of this chapter will examine common themes and issues identified in our interviews with key stakeholders in the four targeted counties. It will also highlight innovative and promising court-based or court-linked practices or programs that have been established in these local jurisdictions. The following sections are organized into five specific categories of court practice that the authors feel are particularly relevant to the handling of dual jurisdiction

⁸² Please see G. Siegel, G.J. Halembe, R. Gunn, & S. Zawacki. *The Arizona Court Improvement Project: Five Years Later*. National Center for Juvenile Justice, January 28, 2002.

matters.⁸³ These categories are consistent with how the OJJDP Special Projects Bulletin on improving court practices and promising programs in dual jurisdiction cases is organized (see Appendix A). The Special Projects Bulletin was developed in conjunction with our efforts on the Arizona study. These categories include:

Screening and Assessment: meaning, from initial intake on, standardized processes and tools used by the court and other agencies to ensure that juveniles with involvement in two systems are identified and their needs, risks, and safety issues properly assessed.

Case assignment: meaning, special procedures implemented by the court to assign dual jurisdiction matters to judges, attorneys, guardians ad litem (GALs) and others involved in dependency and delinquency processes.

Case flow management: meaning, special steps taken in the court process, from the filing of petitions through disposition and beyond, that provide for substantive and timely handling of dual jurisdiction proceedings.

Case planning and supervision: meaning, unique approaches evident after the court process has been initiated that include having someone or a team responsible for coordinating services for these youth and their families, and providing supervision of these cases.

Interagency collaboration: meaning, substantive agreements and/or procedures between the court and other agencies that clearly delineate roles and responsibilities related to youth involved in two systems, and that translate into effective action at the frontline level.

Screening and Assessment

Thorough screening and assessment of juveniles, particularly those involved in two (or more) systems, hinges on the ability to obtain reliable information. Because dual jurisdiction cases are so complex, acquiring information promptly from multiple sources can be rather difficult. Add confidentiality and other concerns, and things can get quite complicated. Simply confirming that a juvenile referred for a delinquent act is already involved with CPS, or has been involved with CPS or the court in the past, can be a challenge. The willingness of different agencies to share appropriate information and promote communication among the professionals who manage dual system cases, are essential ingredients in this regard, as is the reliability and timeliness of that information. County interviews revealed some similarities in screening and assessment processes for dual wards, and some differences. Below, we offer brief synopses of

⁸³ In addition to these five categories, county interviews covered the following questions: Should CASA volunteers serve as surrogate parents for special education purposes? How are the educational needs of dual jurisdiction youth determined? And, how is the transfer of school records handled in these cases? Responses to these questions are summarized in the county interview tables in Appendix B.

the key issues and themes reported by interview participants, and identify promising practices where applicable.

All four of the study sites (Cochise, Coconino, Maricopa, and Pima counties) routinely use JOLTS to screen for dual involvement whenever a juvenile is detained. However, if a juvenile is not detained or a petition is not filed after a delinquency referral occurs, prompt identification and cross-agency notification of dual involvement are less likely. Some interview participants emphasized the need for formal written interagency protocols covering procedures for notification and handling of dual wards. In Pima County, the court, CPS, and behavioral health have developed protocols for speeding up the processing of dual jurisdiction cases. Local officials indicated this has improved case management and reduced detention stays. The detention intake aspects of these protocols specifically address notification and other special procedures to be followed in dual jurisdiction cases.

Court-based liaisons in three counties (Cochise, Maricopa, and Pima counties), and a court-based mental health specialist in Coconino County, play important roles in screening cases for multiple system involvement. The liaison officer in Cochise County is often the key person identifying whether detained youth are involved with CPS and/or behavioral health. The CPS liaison in Pima County works very closely with the juvenile court's dependency unit to help screen for dual involvement. The mental health liaisons in Maricopa and Pima counties, and the mental health specialist in Coconino County, help the court determine if dually involved youth are already enrolled or are eligible for children's mental health services. This includes expediting AHCCCS and Title 19 eligibility screening.

All four counties have taken concrete steps to reduce the prolonged detention stays routinely experienced by dual jurisdiction cases. However, because so many dual wards have exhausted placement options, it is very difficult to find new and effective placements. The lack of suitable placement alternatives for these young people can exacerbate detention stays, particularly for the most acute cases.

Current intake screening and assessment processes and tools, particularly those used at the point of first delinquency referral, do not consistently capture prior CPS involvement or prior dependency petitions for the juvenile and the family. The difficulty acquiring information on prior dependency petitions are due, in part, to the limitations of the JOLTS database which, in some counties, does not contain reliable historical information beyond the past six years or so. But, it may also reflect some reluctance in at least some counties, to allow intake probation officers access to dependency archives. In Maricopa County, dual ward project probation officers have been granted full access to dependency archives and it would seem prudent to expand access to intake officers as well. As noted in the data analysis section, youth with dependency petitions exhibit higher delinquency referral rates than juveniles with no dependency backgrounds.

As the data analysis shows, dual wards change placements frequently and run away frequently. When they run, many are apprehended in other counties in Arizona. County officials, particularly detention intake staff, encounter frequent difficulties promptly determining if CPS has custody of a detained juvenile and promptly identifying the assigned caseworker, when youth run from one county and are apprehended in another.

There are continuing barriers that prevent routine sharing of information among assistant attorneys general, deputy county attorneys, and intake probation officers that, if relieved, would assist prompt screening of dual jurisdiction cases. Specifically, in at least some counties, the Attorney General's Office cannot share information regarding prior CPS involvement and the County Attorney's Office and juvenile probation cannot share information about pending delinquency matters. In some counties, assistant attorneys general and CPS do not have appropriate access to JOLTS. These barriers prevent prompt identification and adequate screening of dually involved youth. During the on-site group interview in Cochise County, interview participants, including the presiding juvenile court judge, stated their intentions to take immediate steps to improve information sharing between CPS, juvenile probation and the dependency/delinquency prosecutorial offices (the Attorney General and County Attorney Offices, respectively).

A CPS dually adjudicated youth caseworker is now based at the juvenile court in Coconino County. This caseworker can promptly identify whether or not a detained youth is also involved with CPS. However, at the time of NCJJ's visit to Coconino County, there had been a delay in providing access to the agency's CHILDS automated case tracking system at the juvenile court center.

The screening and assessment models used by behavioral health, CPS, and juvenile probation in all four counties are not well-integrated and there is little cross-training on the purpose and substance of each approach. County stakeholders emphasized the need for integrating these models as much as possible, particularly in dual jurisdiction cases.

The Resource Staffing process in Maricopa County, while not specifically designed for dual jurisdiction youth, represents a multi-agency collaborative effort that may have positive effects on dual system cases. The primary goals of the Resource Staffing process include screening cases that may be the subject of a private dependency filing and providing appropriate services in lieu of the private filing. This pre-filing stage is an important case processing event that may divert potential dual jurisdiction cases from further court involvement. The vast majority of Resource Staffings, perhaps 85% of them, involve some form of dual jurisdiction. There were 92 Resource Staffings conducted between January and September 2004. However, there is no long term outcome tracking to see how many do not return to the court as new petitions.

County representatives reported some efforts to have dual wards treated as a "special category" of cases to expedite screening and eligibility determinations for behavioral health services. This seems particularly relevant given the substantial proportion of dual system cases with serious mental health problems. Interview participants indicated there are periodic delays in completing the psychological and/or psychiatric evaluations required for behavioral health treatment.

Case Assignment

When a case becomes involved in two systems, the number of judges, attorneys, prosecutors, case managers, service providers, and others can easily double. The presence of multiple parties magnifies the system fragmentation that surrounds dual jurisdiction cases. We believe dually involved youth require special case assignment methods that, at a minimum, maintain consistent judicial handling and, when possible, promote innovative assignment practices that ensure highly qualified and trained professionals manage these cases. County interviews suggest there is a growing interest in exploring new case assignment approaches though some lingering systemic obstacles (e.g., different funding silos and high turnover among key practitioners) and other practices may inhibit broader reforms.

All four counties continue to follow the one family/one judge case assignment practices in all dependency and delinquency matters unless there is a conflict. However, judicial rotation in Maricopa County can dramatically affect case assignments when it occurs on a fairly broad scale.⁸⁴ Cochise and Coconino counties have specific judges (one in each county) who handle the vast majority of juvenile matters. County interviews seemed to reveal some agreement that more experienced juvenile court judges should be assigned dual jurisdiction cases, though concerns over rising dependency dockets may inhibit this approach. Overall, all of the judges that participated in county interviews recognized the importance of dual jurisdiction cases and the need to treat them differently than others.

In all four counties, attorney assignments in dual jurisdiction cases are handled no differently than regular dependency or delinquency matters. As noted in the data analysis chapter, some of this reflects the structure of the current system (i.e., the Public Defender's Office, for example, may be routinely assigned in delinquency but not dependency cases). Some interviewees indicated interest in looking at new ways to address attorney assignments in dual ward cases, including the possibility of specially trained court teams.

The assistant attorneys general in Cochise and Coconino counties are responsible for dependency matters in multiple counties. This adds travel demands and other unique challenges for these attorneys. The increase in dependency filings, reported to be 20% higher or more than last year's filings, have placed substantial strains on assistant attorneys general and assigned CPS caseworkers throughout the state. While the Governor's CPS reform efforts were largely lauded in the four study sites, interviewees lamented continuing turnover among CPS case workers. Interview participants agreed that frequent changes in assigned case workers due to turnover are particularly deleterious in dual jurisdiction cases.

The Cochise County Juvenile Court does not have the manpower or resources to engage in specialized assignments or caseloads for dual system youth. There are five juvenile probation offices in Cochise County who are spread across the county. This requires these probation officers to take on multiple responsibilities in their respective regions. In Maricopa County,

⁸⁴ For example, a year or so before NCJJ's visit, half of the judges assigned to Maricopa County's southeast court facility rotated off the juvenile bench. The majority of new judges rotated in from the criminal bench and did not have experience with juvenile cases, let alone the added complexities of dual jurisdiction matters.

however, the juvenile court was able to establish the dual ward supervision project. This project is able to serve at least 100 dually adjudicated cases at any one time. In contrast to standard probation officers in Maricopa County who are assigned cases based on zip code regions, dual ward project officers remain assigned to their cases regardless of where these youth reside.

In Coconino County, all dually adjudicated youth are assigned to a specific CPS caseworker who is based (co-located) at the juvenile court. This caseworker co-manages these cases with each youth's assigned probation officer. The juvenile court judge has mandated joint CPS/probation reports and case plans in dually adjudicated cases and often requires the dually adjudicated youth caseworker and the assigned probation officers to attend hearings together. Coconino County is the only county, among the four visited by NCJJ, that has this type of specially assigned and co-located CPS caseworker.

As noted before, in many dual jurisdiction cases, juveniles receive a mental health diagnosis. The first step in these instances involves the assignment and formation of a CFT. In some counties, particularly Cochise and Coconino, assigning and assembling CFTs may occur more promptly. In the more populous counties, assigning and assembling CFTs have been more problematic. In dual jurisdiction cases that involve CFTs, the behavioral health system tends to drive the planning process. Each CFT has an assigned facilitator but it is the behavioral health system psychologist who determines if a particular case meets level of care criteria for specific placements. All interviewees emphasized that the lack of placement options for dual wards often overwhelms the best planning efforts, forcing increased emphasis on intensive in-home services.

Many if not all dual system cases in Pima County that involve out of home placements are assigned to the court's Team Staffing process. This interagency forum promotes interagency planning and resolution of any disagreements between agencies regarding payment for services.

Case Flow Management

Case processing of dual jurisdiction cases is an important issue for a number of reasons. As reflected in our analysis of court hearing data, dual jurisdiction cases tend to require an inordinate amount of hearings (on average, these cases average about one hearing per month). This represents an extraordinary amount of court calendar time, time that is shrinking due to increases in dependency filings and other factors. Courts that can effectively manage dual system matters by consolidating hearings when appropriate, expediting proceedings when needed, and providing sufficient time for substantive and thorough court events, can minimize the demands these cases place on the court's schedule.

As shown in the data analysis, during the 2002/2003 study period, it was rare for hearings to be consolidated or combined in court. In Cochise County, however, the presiding juvenile court judge consolidates all post-adjudicatory dependency and delinquency hearings unless there are compelling reasons not to do so. Consolidating all post-adjudicatory hearings ensures that the court receives information and testimony from both the assigned probation officer and CPS caseworker at the same hearing. In Coconino County, the juvenile court judge frequently, but not always, combines applicable dependency and delinquency hearings in dual system cases. In Maricopa County, there are differences among judges in how they handle and schedule dual

jurisdiction matters. Some judges consolidate dual jurisdiction hearings on the delinquency calendar to ensure attendance by the deputy county attorney. Others hold the delinquency hearing first, then the dependency proceeding. In general, interview participants stressed that combined dual jurisdiction hearings should be called whenever a key event, such as a change of placement or school, is about to happen.

All four courts have specific days and times for delinquency and dependency matters and judges across the four counties indicated support for current calendaring approaches used in their jurisdictions. However, with the increase in dependency filings, these judges also indicated the dependency docket is becoming more crowded. All judges interviewed for this study have discussed the idea of creating a dedicated docket for dual jurisdiction cases (i.e., a specific time block when these matters would be heard). In Cochise and Coconino counties, judges feel that current calendaring approaches are working and there seems to be adequate time to schedule and hear dual system matters without a dedicated docket. However, if dependency filings continue to increase, there could certainly be adverse affects on the court calendar. In other counties, some court officials support creating a dual jurisdiction docket, even if only a pilot to start, because they feel it would be helpful for out of home cases, particularly when a juvenile wants to attend a hearing.

The four courts do not have distinct court report formats for dual system cases. Some officials feel that creating a special dual jurisdiction format that would be completed in advance of hearings and clearly indicate the types of information the court is looking for, would promote greater consistency in the information received by the court, and probably prompt more timely decision-making. The agencies completing these forms would be able to submit them to the court via email or fax before hearings are held.

Maricopa County interview participants were almost unanimous in support of bringing back the Interagency Case Management Project, even in a limited capacity. These participants emphasized that if ICMP is restarted, cases could be assigned to one judge and a court team comprised of a deputy county attorney, an assistant AG, a public defender or contract attorney, a GAL for the child (as appropriate), and the ICMP case manager. Local officials feel the restarting of ICMP and the notion of a court team for dual wards are worth further discussion.

Judicial rotation in Maricopa County presents some unique challenges for managing the case flow of dual jurisdiction matters. When judges with no juvenile experience rotate to the juvenile court they do not have the experience or training to handle dual system cases. The concept of assigning dual jurisdiction cases to one courtroom with a special team seemed to resonate with some key local stakeholders.

The aforementioned protocols in Pima County have ramifications for effective case flow management also. Specifically, the protocols enable CPS to investigate cases prior to a dependency petition being filed by a GAL. This policy may account for at least some of the lower GAL-initiated filings in Pima County.⁸⁵

⁸⁵ Data presented in Figure 3.1 (page 35) reveal that 21% of dependency petitions filed on dual jurisdiction youth in Pima County were privately-initiated compared to 48% in Maricopa County.

The need for more federal funds to help courts improve resources for dual jurisdiction cases has strong support from at least some county officials. However, at least some of the courts may be reluctant to make findings allowing access to these funds (e.g., utilization of Title IV-E funds for delinquency placements).⁸⁶ This may reflect the need for special judicial training on this issue. Access to these federal funds could expand and enhance group home options.

The slower than expected pace of CFT implementation in the two metropolitan counties can affect how quickly dual wards move through the system. As of July 2004, for example, CFTs had been held in only 10% of eligible cases in Maricopa County and 15% in Pima County. There seems to be a general consensus across the four counties that CFTs offer an important mechanism for determining placement and services. However, when there are delays in assembling CFTs, youth may remain in detention or in other less than optimal living situations.

Interviews revealed a widely held sense that many of the delinquent referrals experienced by dual wards stem from incidents at group homes. A substantial number of interview participants emphasized that some service providers, particularly some group home providers, need special training on what to expect and how to handle dual wards.⁸⁷ In their view, too many providers panic and do not know who to call for assistance. Behavioral health professionals who participated in the interviews indicated that every CFT case should have a “crisis plan” delineating what service providers can expect from a particular child. If group home providers follow these crisis plans, there should be less delinquent incidents in group homes.

There have been discussions between some residential service providers and the courts regarding the possible use of video conferencing to allow program staff and dual wards to attend hearings (e.g., review hearings) from out of county locations. These initial discussions have revealed some technical barriers but these obstacles should be surmountable. Having a video link with a provider who serves substantial numbers of dual system cases would enhance hearing attendance and participation, particularly for youth in out of county placements. The high proportion of dual jurisdiction juveniles in out of home placements and the high number of hearings prompted by dual involvement provide ample support for pursuing this option.

⁸⁶ While the benefits of Title IV-E funding can be substantial, securing those benefits will require that Arizona juvenile courts make some fundamental changes in the way delinquency cases are handled. In practice, this calls for courts to consider and make detailed, formal and timely findings on three issues in cases of delinquent juveniles in need of out-of-home placement. These findings relate to the necessity of removal (which must be included in the first order that sanctions a youth’s removal including detention); efforts to prevent removal (which must be completed within 60 days of the juvenile’s removal from the home); and efforts to finalize permanency (included in the order stemming from a permanency hearing conducted within 12 months of the date the youth enters Title IV-E eligible foster care). Please see Patrick Griffin and Gregory Halemba, “Federal Placement Assistance Funding for Delinquency Services,” *Children Families and the Courts: Ohio Bulletin* (Winter 2003).

⁸⁷ A recent study completed by Children’s Rights, a national child advocacy organization based in New York City, also call for improved screening, training and supervision of group home and residential treatment staff “so that they [can] provide youth with the structure, support and guidance that they need.” Please see Madelyn Freundlich, *Time Running Out: Teens in Foster Care*, Published by Children Rights, the Juvenile Rights Division of the Legal Aid Society, and Lawyers for Children, page 8 (November 2003).

Case Planning and Supervision

Case planning for and supervision of dual wards challenge even the most experienced case managers. However, county interviews revealed continuing efforts to form innovative cooperative approaches, across agencies, to construct thorough case plans and provide adequate supervision. On the other hand, some promising efforts designed specifically for multi-system and dually adjudicated youth have been disbanded. County interview participants seem to recognize the need to strengthen ongoing innovations and to carefully revisit the possibility of bringing back at least some of the promising programs that were recently eliminated.

The frequency of formal joint CPS/probation case planning varies across the four study sites. In Cochise County, regular case planning staffings are held, generally on Fridays. In dual jurisdiction cases, these staffings usually occur at the delinquency pre-disposition phase and often involve CPS and behavioral health representatives. At these pre-disposition staffings, the agency representatives discuss who can pay for what programs and services. Costs are often shared if there are applicable contracts. In dual jurisdiction cases, the court liaison officer often schedules earlier or immediate staffings when a dual ward is detained. This helps prevent extended detention stays.

In Coconino County, joint case planning is truly institutionalized in that court policy requires joint CPS/probation case plans. The Coconino County juvenile court also uses a special minute entry format for dually adjudicated cases. This minute entry contains specific language that requires the CPS caseworker (most often, the co-located CPS dually adjudicated caseworker) and the assigned probation officer to prepare joint case plans for the court.

In Maricopa County, if a dependency occurs first in a dual jurisdiction case, CPS tends to drive the case planning process. If the case begins as a delinquency matter and probation is involved, the probation officer may take the lead. There is an interagency staffing process in Maricopa County for probation cases but if there is a dependency first, this staffing process may not be used. Overall, there seems to be fairly widespread recognition of the need for all involved agencies to improve transition preparation for youth awaiting placements and for youth being released from placements.

In Pima County, treatment staffings (referred to as the Team Staffing process) are held every Thursday. These include interagency case planning for the more difficult cases including those when CPS and probation cannot agree on placement. The staffings include representatives from CPS, probation, and the local RBHA. The treatment staffing process includes re-entry planning in post-placement cases.

In all four counties, persons involved in case planning and supervision of dually involved youth agreed that many dual jurisdiction cases have independent living as their case plan goal. There seems to be agreement that the way the agencies use independent living programs and the programs themselves need to be strengthened when it comes to dual wards. CPS has specific caseworkers in at least some of the four counties who are assigned to cases with independent living goals. The poor permanency outcomes displayed in the data analysis section of this report

reinforce the need for experienced and specially trained caseworkers to assist dual wards in successfully achieving case plan objectives.⁸⁸

There are differences among the four counties in how dual jurisdiction youth who are placed out of home are supervised. This is particularly true for cases placed in counties outside a youth's home county. In Cochise County, for example, the CPS caseworker and probation officer share supervision responsibilities for dual wards placed out of home. One of the two is assigned as the primary contact person. CPS and probation often alternate providing transportation for parents to visit youth placed out of county. This reflects a long-standing philosophy that CPS and probation share common goals. In Coconino County, CPS, probation, and behavioral health provide a team supervision approach for dual wards. If behavioral health is paying for services, a level of care review is conducted every 30 days. Meanwhile, the assigned probation officer makes contact every three months and the CPS worker (again, usually the dually adjudicated caseworker based at the juvenile court) must also make contacts. ADJC also has a full time parole officer based at the court and this further strengthens team supervision in Coconino County. This team approach began in late Summer 2003.

In Maricopa County, the dual ward supervision unit, which began roughly three years ago, is responsible for supervising a substantial number of dually adjudicated youth but it does not have the capacity to serve them all. Dual ward project probation officers follow co-case management practices with CPS and behavioral health staff. Probation officers assigned to the dual ward project (there were four full time probation officers assigned as of July 2004), have some different roles and responsibilities than regular probation officers. These include being in the field on a full time basis, participating in all CFT meetings, attending FCRB hearings and all dependency hearings, and attending all placement staffings. Again, dual ward officers keep their cases no matter where dual wards reside (i.e., there are no changes in probation officers when a dual ward moves to a different zip code area). At least some dual ward project probation officers are able to expedite detention release to group homes by asking group home providers to accept juveniles as shelter placements. This is done for youth who do not have extreme mental health and delinquency issues.

Maricopa County participants highlighted a number of benefits they experienced with the former ICMP. Interview participants stated that ICMP had reached a point where it would have been even more effective. Now, instead of just one ICMP case manager appearing in court to discuss the case plan, the court must bring in both the CPS caseworker and the assigned probation officer to resolve differences in case plans. Maricopa County officials also spoke highly of the recently disbanded CPS Dually Adjudicated Youth (DAY) unit. These officials feel that DAY unit caseworkers were very familiar with the delinquency process and the resources available for dual jurisdiction youth. DAY unit staff worked closely with probation officers in dual ward cases. Many new caseworkers are not familiar with the delinquency aspects of a case, making it much harder to coordinate efforts and making case plans less effective. Interviewees indicated ICMP and DAY unit personnel used to be able to answer questions in court regarding community resources and what can be done in dual jurisdiction matters. With rare exceptions, local stakeholders feel that consistency and expertise are no

⁸⁸ Please see Table 3.15 (page 52).

longer evident. The data and experiences of persons interviewed in Maricopa County suggest the need for more, not less, special team development.

In Pima County, the assigned probation officer and CPS caseworker continue to supervise assigned cases placed out of home. There are no special caseloads or units for these cases.

Staff from the Little Canyon Center, a residential treatment facility in Maricopa County, reported that approximately 75 percent of the dual jurisdiction youth placed at the RTC stay for the full term of their placement. While the scope of this study did not allow for careful analysis of this claim, if true, this may reflect program attributes that should be examined for expansion and replication. Some interviewees added that a substantial number of dual wards are discharged from RTCs at the first sign of progress (e.g., because they may no longer meet “medical necessity” criteria), not giving these youth enough time to practice what they have learned. Providers who feel they are effective with dual jurisdiction cases also emphasized the need to pay greater attention to the number of placement and school transitions that dual wards experience, a perspective supported by the data analysis.

A number of counties have initiated formal steps to develop or improve local re-entry efforts including those that apply to dual system cases. In Cochise County, plans for an ADJC grant-funded project to improve re-entry are underway. The first meeting for this grant was held in September 2004. Overall, Coconino County stakeholders feel CPS, juvenile probation, and the RBHA work well together on re-entry plans. A number of clinical professionals and probation officers feel that many dual wards should go through a step down phase, or series of phases, to achieve successful community reintegration. Each step down phase usually involves shorter-term stays. This allows for a transition period and helps prepare youth for the independent living – the permanency goal in many dual jurisdiction cases. In Pima County, the placement review process is a critical component where CPS, probation, and the RBHA work together on after-care plans. The CFT process in all counties is also intended to facilitate after-care plans.

Interagency Collaboration

Getting different agencies and professionals to cooperate and transcend traditional barriers is the hallmark of effective practice when it comes to dual jurisdiction cases. Unfortunately, as one interviewee put it, even when interagency cooperation is evident, some dual wards are “so damaged” that they are unlikely to respond to all sorts of assistance and support. From derailing barriers to information sharing to creating effective forums for key stakeholders from different agencies to work together, at least some county representatives believe there are steps the court, the agency, the RBHA, and the schools can take to improve outcomes for these youth.

County officials seemed to agree there has been more merging of perspectives between CPS and juvenile probation over the past two to three years. While CPS and probation have some differences in goals, the overlap with the competency building aspects of delinquency cases seems more common now. Interviewees emphasized that more formal cross training among the three key agencies would help minimize traditional clashes over who will fund placement or treatment and who takes the lead in managing a dual system case. In Pima County, probation officers receive periodic training on “navigating the child welfare system,” and the presiding juvenile court judge has mandated cross training between CPS and probation. This and other factors have helped many probation officers understand the importance of approaching dual jurisdiction cases from a broader “family systems” perspective.

The data showing that dual jurisdiction youth experience their first delinquency referrals about one year earlier than delinquency-only cases, confirm the need for effective early intervention in dual system cases.⁸⁹ County interviews seemed to confirm shared recognition regarding the need to carefully review current diversion programs; specifically, to determine how these programs are handling dual wards. In Maricopa County, the court has initiated efforts to strengthen coordination of efforts between the court’s diversion program and the children’s behavioral health system.

In Maricopa County, the juvenile court and community providers are expanding alternatives to secure detention. For example, Arizona Baptist Children’s Services purchased the old Charter Hospital facility in northwest Phoenix. This facility has been converted into a staff-secure center for status offenders. Many of these status offenders have co-occurring or prior involvement with CPS. This new facility should help the court keep many of these youth out of secure detention.

In Maricopa County, the two behavioral health system “stakeholder liaisons” are co-located at the juvenile court’s Durango and SEF facilities, respectively. One of their primary goals is to improve communication and coordination between juvenile probation officers and the behavioral health system. The liaisons also provide on site assistance to guardians in completing required paperwork for Title 19 eligibility. The court, CPS, and ValueOptions (the RBHA in Maricopa County), have reached an agreement to expedite initial mental health screening intakes for dual jurisdiction cases that are not already enrolled in the network. The initial intake is supposed to be completed within seven days of referral.

There are three behavioral health liaisons assigned to the juvenile court in Pima County. These liaisons can access JOLTS and the Community Partnership for Southern Arizona’s (or CPSA, the RBHA in southern Arizona) database at the court center. This allows them to quickly determine if a juvenile is enrolled in the RBHA’s network of mental health services. This process occurs whenever a youth is detained, not just in dual jurisdiction matters. As noted before, in Pima County, officials feel the presence of the three mental health liaisons, the CPS liaison, and the Team Staffing process promote shared goals across agencies and interagency cooperation.

⁸⁹ Please see Table 2.5 (page 22).

Dual jurisdiction cases that are also involved in the children's behavioral health system can get very complicated, according to local practitioners. Specifically, it is not always clear who has ultimate authority in these matters. Often times, psychiatrists and psychologists disagree with probation officials. The CFT facilitators are taking more of a lead role of late, but as indicated earlier, in some counties the number of CFTs has been quite low.

Some interviewees indicated that the CFT process represents one emerging forum for interagency cooperation. In addition to their case planning role, CFTs promote cross training among agencies and professionals. In Cochise County, for example, the development of "modified CFTs" has allowed different agencies to come together to discuss how each system works. Officials in all counties echoed the need for at least annual cross-training for behavioral health personnel, CPS caseworkers, and probation officers.

As previously discussed, there are continuing obstacles that prevent county prosecutors and probation officers from sharing pre-adjudication information on a delinquency case with officials working on a co-existing dependency case. Assistant attorneys general in a number of counties confirmed that they do not have access to JOLTS terminals that could help them promptly identify when their cases become dually involved. Having three different computer systems just adds to the system fragmentation that compounds effective management of dual jurisdiction cases.

Continuing turnover among behavioral health case managers and CPS personnel in all four counties has made it very difficult to achieve consistency and continuity across agencies handling dual system cases. And, while there has been some improvement, there is a continuing lack of communication between some probation officers and some CPS caseworkers.

The different funding silos for each of the three primary agencies (behavioral health, the court/probation, and CPS) continue to inhibit interagency collaboration though each of the four study sites has implemented procedures that encourage sharing costs for placements and services.

In some counties, interview participants emphasized the need for more formal interagency protocols between the court, CPS and the RBHA. In Maricopa County, the court and CPS are developing protocols for releases of information between the two agencies that would help case management and planning for dual wards. CPS has legal guardianship in dually involved cases and the caseworker can sign releases of information, but probation officers may encounter difficulties obtaining essential CPS information for case planning purposes.

Interagency case reviews of dual jurisdiction cases, such as those that have occurred in Coconino County, can be useful in helping agencies improve practices. Local stakeholders indicated such reviews confirmed that dually adjudicated youth were not able to access services before their first delinquency referral. If this is still true in Coconino County, and found to be true in other counties, the ramifications are clear – the different agencies need to foster collaborative approaches that promote early access to services before a youth penetrates the juvenile justice system.

Some stakeholders in Coconino County called for a careful and comprehensive examination of ways to fully integrate the three primary agencies most often involved in dual jurisdiction cases. While these stakeholders recognized there are some innovations in handling dual system matters, they emphasized the need for much broader system reforms. At a minimum, these stakeholders called for the creation of a single fund or interagency block grant for establishing innovative dual jurisdiction projects.

Consistent with the above comments, Coconino County participants seem to agree on the need for significant system reforms leading to the creation of a “child-driven” system (i.e., a system that places the needs of children first, and removes barriers that prevent children from getting the services and support they need). These participants view the current “agency-driven” system (a system where organizational and other requirements may prevent children from receiving the services and support they need) as a critical obstacle to developing effective interventions for dual system cases. With appropriate seed money from the AOC and others, pilot projects could be developed or expanded based on the “child-driven” system concept.⁹⁰

The schools were identified in all four counties as important partners in dual jurisdiction matters. As shown in the child problem profiles in Chapter 3, dual wards tend to display substantial deficiencies in academic performance. The frequent placement changes experienced by these juveniles prompt frequent school changes. Interviewees decried the lack of a consistent interagency approach to address school-based problems associated with dual jurisdiction. Closer involvement and collaboration with local school administrators is critical – particularly as dual jurisdiction youth transition from residential treatment programs to group homes and, hopefully, more home-like environments within the community.

Concluding Remarks

Fieldwork interviews and data presented in earlier chapters strongly suggest that dual jurisdiction cases present unique challenges to the juvenile court, juvenile probation, child welfare and the behavioral/mental health communities. In recent years, there has been evidence of expanded interagency collaboration and an acknowledgement of shared responsibility among the above entities in supervising and servicing this complex juvenile population even though most interviewees expressed a need for continued improvements.

This effort at gradual consensus-building and interagency collaboration requires continued nurturing. Growing workload demands, the lack of funding resources, few specialized placements and related services, as well as the general difficulties facing line staff from both organizations in turning around the lives of these juveniles can ultimately frustrate these efforts. Interviews conducted in the four targeted counties indicate a clear recognition that shared responsibility, coordinated case management, interagency collaboration and consistent judicial oversight are keys to addressing the needs of dual jurisdiction wards and their families as well as ensuring that community safety is not unduly compromised. The juvenile court should continue to play a critical role in ensuring that all stakeholders remain committed to these principles.

⁹⁰ The juvenile probation department in Coconino County is already using community advisory board grant dollars (\$6,000) to start this process. Additional funding support could broaden the scope of this project.

This chapter highlights a number of innovative protocols and collaborative efforts implemented in recent years in the four counties included in our study. These include improved screening and assessment which often involves CPS and RHBA liaisons, increased use of interagency resource staffings, and other continuing efforts to form collaborative partnerships to construct individualized case plans, access services and, in general, improve overall case management and supervision. While much still needs to be done, stakeholders in each of the counties should be commended for their efforts to date in re-examining and reconstructing how the needs of dual jurisdiction youth and their families are collectively addressed.

Chapter 5

Summary of Recommendations

The findings of this study confirm that Arizona’s juvenile courts have substantial numbers of dual jurisdiction cases and that this special population of juvenile offenders/victims typically are beset by a myriad of familial, emotional and educational problems that are difficult to effectively address. Comments made by key stakeholders during county interviews revealed strong agreement on the need to improve how juvenile courts, their probation departments, CPS, behavioral health, and the schools handle dual jurisdiction cases. Overall, this consensus and the findings contained in this report, reflect the need to treat dual jurisdiction matters differently than others. What form this differential approach takes, however, is a matter for ongoing discussion and planning at the local and state levels.

In preparing this summary of recommendations, we considered the findings from our JOLTS and case file review data analyses, the key themes identified during county interviews, and our own experiences in numerous juvenile/family courts across the country. We have organized this section to reflect the five general categories of practices delineated in the previous chapter and also discussed in the OJJDP Special Project Bulletin on dual jurisdiction found in Appendix A. As described earlier, these general categories include Screening and Assessment, Case Assignment, Case Flow Management, Case Planning and Supervision, and Interagency Collaboration. Within each of these categories, in *italics*, we have listed general goals related to the recommendations. We hope these recommendations prove useful as state and local officials continue to strive for ways to improve outcomes for these difficult cases.

Screening and Assessment

Recommendation #1: *Revise intake assessment/screening procedures for dual jurisdiction cases.*

- In view of the findings (see Figures 2.3 and 2.4) that indicate youth with dependency court histories experience higher rates of subsequent delinquency referrals than delinquency-only cases, and the finding that dual jurisdiction youth experience inordinately high subsequent delinquency and probation violation referrals (see Table 3.14), there is a need for revised intake assessment and screening procedures that specifically address prior child maltreatment and dual system involvement. Specifically, juvenile court screening procedures should be modified to ensure that all juveniles referred for a status offense or delinquent act and their families are screened for prior or current CPS contacts (including substantiated and unsubstantiated reports, whether or not these reports were investigated). This screening should occur whether petitions are filed or not and should lead to special handling of these challenging cases.

- Issues related to whether CPS information on all prior/current CPS contacts should be shared with the court or if these should be limited to just investigated reports or substantiated investigations is an issue for further discussion between the court and CPS. Some confidentiality issues may need to be addressed. Also, the exact nature of the information sharing (from direct access by the court to screened access through CPS liaisons) will also need examination. These discussions should also include issues related to CPS' ability to access delinquency/status offense records on any juvenile the agency is involved with.
- Interviews confirmed that the three primary entities involved in dual jurisdiction cases – CPS, probation, and the RBHA – all use different screening and assessment methods. There is very little if any integration of these tools. This reflects the need to merge these different approaches in dual jurisdiction cases to the greatest extent possible. If appropriate, the agencies should carefully examine the Structured Decision Making (SDM) model recommended by OJJDP for applicability in Arizona.
- This study confirmed a high rate of serious mental health problems in the dual jurisdiction population (see Table 3.9). This finding combined with the fact that a substantial proportion of dual wards are involved in the children's behavioral health system, suggest the need to expedite behavioral health eligibility and screening for all dual jurisdiction youth and families. All RBHAs should have special category assessment procedures for dual jurisdiction cases.

Case Assignment

Recommendation #2: *Explore ways to keep the same attorneys assigned in dependency and delinquency matters, and provide special training for attorneys handling these cases.*

- The data analysis (see Table 3.10) revealed it is rare for the same attorney representing a child in a delinquency matter to also represent that child in a dependency matter. Much of this is due to the bifurcated structure currently in place where public defenders tend to represent juveniles in delinquency matters and court-appointed attorneys represent juveniles in dependency matters. Regardless, the involvement of different attorneys can add to the complexity and fragmentation tied to these cases and may also add significant costs. While the data analysis (see Figure 3.4) revealed it is more likely that the same GALs will be assigned in dual jurisdiction cases, there may still be room for improvement. The courts should explore options for keeping the same attorneys and GALs assigned to youth who experience dual involvement. Attorneys and GALs assigned to dual jurisdiction cases should receive special training relevant to these matters.

Recommendation #3: *Examine the potential benefits and drawbacks of creating court teams for dual jurisdiction cases.*

- While the data analysis and interviews confirmed the four courts are doing an excellent job of maintaining one judge/one family case assignment (see Table 3.10), there may be some interest in a team approach for dual system matters. The courts should carefully examine the pros and cons of establishing dual jurisdiction court teams comprised of specially trained judges, assistant attorneys general, deputy county attorneys, attorneys for children and parents, and guardians ad litem.

Recommendation #4: *Carefully assess the benefits and drawbacks of having assigned CASA volunteers serve as surrogate parents for special education purposes.*

- Interview comments (see Appendix B) revealed that some CASA volunteers are serving as surrogate parents for special education purposes in three of the four study sites. However, there are some concerns regarding stretching the limited capacity of these advocates. This concern reflects the need to carefully examine the pros and cons of having CASA volunteers serve as surrogate parents for special education purposes.

Case Flow Management

Recommendation #5: *Establish or modify diversion programs to address issues presented by dual jurisdiction youth.*

- The data analysis (see Table 3.2) confirmed that the families of dual jurisdiction youth have repeated contacts with CPS prior to the filing of the dependency petition that prompts dual involvement. When prior or current CPS contacts are confirmed at the point of a juvenile's first referral (delinquent or status), the agency and the court should have special procedures and programs intended to divert these cases from further court involvement.
- County interviews did not reveal specific diversion programs for dual jurisdiction youth. This reflects the need to carefully examine current diversion programs and how they can address dual system involvement more effectively.

Recommendation #6: *Continue and expand efforts that reduce prolonged detention stays for dual system juveniles.*

- The case file review data analysis (see Table 3.12) revealed that dual jurisdiction cases spent a substantial amount of time in detention during the study period – as much time as they resided with their parents or guardians during the study period. This confirms the need to continue to strengthen efforts that may prevent prolonged detention stays including the use of liaison officers and the expansion of safe alternatives to detention.

Recommendation #7: *Examine the feasibility of combining delinquency and dependency hearings – especially for disposition and post-dispositional matters when appropriate*

- The data analysis (see Table 3.16) shows that during FY2002 it was relatively rare for courts to combine dependency and delinquency hearings in dual jurisdiction cases. Interviews, however, indicated there has been some progress in this regard, including the encouragement offered to probation officers to attend pre-hearing conferences and preliminary protective hearings in dependency matters. The courts should continue to explore the feasibility of combining or consolidating hearings – particularly for petition disposition and post-dispositional matters.

Recommendation #8: *Take appropriate steps to reduce delays in obtaining school records and improve school attendance.*

- County interviews indicated dual jurisdiction youth may be more likely to experience delays in school enrollment due to problems obtaining school records. This confirms the need to identify and implement innovative processes for expediting the transfer of school records.
- Case file review data (see Table 3.9 and Figure 3.3) confirmed the high rate of academic deficiencies in the dual jurisdiction population. County interviews indicated there may be some school programs that are having more success with dual system youth than others, but these programs have not been carefully evaluated to confirm this information. County interviews also suggested some newer caseworkers and probation officers may not be aware of state school attendance and absence requirements. This may reflect a need to provide training for new caseworkers and probation officers regarding mandated school attendance and allowable absences to ensure that dual wards are also aware of these requirements.

Case Planning and Supervision

Recommendation #9: *Revisit options for funding interagency supervision models.*

- The frequent placement changes (see Tables 3.11 and 3.12, and Figure 3.5) experienced by dual wards and the higher subsequent delinquency rates exhibited by these cases (see Table 3.14) support the need for special supervision. The problems experienced by many dual wards may be exacerbated by frequent turnover among caseworkers, probation officers, and behavioral health case managers. Previous models, including ICMP and the CPS Dually Adjudicated Youth (DAY) unit did not experience the high caseworker turnover rates reported in other units. The lack of turnover in these units probably enhanced consistency of case management and supervision. The AOC, juvenile courts, CPS, and behavioral health should carefully examine options for funding interagency team supervision models.
- Interview comments indicated that the state formula used to fund probation officers does not take special supervision caseloads (e.g., dual wards) into account. If true, the state (AOC) funding formula for juvenile probation officers should be reviewed to address the need for specialization in dual jurisdiction cases.

Recommendation #10: *Co-locate Behavioral Health, CPS, and Probation where feasible.*

- Dual jurisdiction youth are not only involved with CPS and juvenile probation. Many are also involved with the local RBHA. This suggests the need to co-locate CPS, probation, and behavioral health case managers when possible. The co-location model being implemented in Coconino County should be carefully evaluated to assess its impact. The fact that many dual system youth have severe mental health problems should also prompt officials to expedite Child and Family Teams (CFTs) for case planning purposes.

Recommendation #11: *Carefully assess programs that report positive effects on dual jurisdiction youth and expand capacity where appropriate.*

- County interviews revealed some programs and services that may be having positive effects on dual jurisdiction cases such as the Mingus Mountain Residential Treatment Center, the Little Canyon Center (an RTC operated by Arizona Baptist Children's Services), and the Austin Center for Exceptional Students. However, these programs and services have not been carefully evaluated. This suggests the need to identify placements and programs that have been comparatively successful with dual jurisdiction cases, determine what makes them successful, and, if appropriate, expand their service capacities.

- The frequent placement shifts (see Tables 3.11 and 3.12, and Figure 3.5) for dual wards also affirm the need to identify and implement workable step down or transition programs (i.e., those that may enable dual jurisdiction youth to continue to be “successful” in their living and school environments).

Recommendation #12: *Consider modifying “medical necessity” criteria when deciding to move dual jurisdiction youth from more to less restrictive settings.*

- The findings confirming frequent placement changes (see Tables 3.11 and 3.12, and Figure 3.5) for dual jurisdiction youth, and the poor permanency outcomes of these cases (see Table 3.15), reflect the need to carefully evaluate the impact of moving dual wards from more to less restrictive placements due to “medical necessity” criteria. If appropriate, these criteria should be modified for dual jurisdiction cases.

Recommendation #13: *Providers may need special training to more effectively address the effects of prior child sexual abuse victimization and exposure to domestic violence on dual wards.*

- The high rate of child sexual abuse victimization identified in dual jurisdiction cases, particularly for females, confirms the need to enhance current programs and services. These programs and services should all have strong components intended to counteract the adverse effects of childhood trauma and victimization. Service providers should be specially trained in this regard.
- The high rate of domestic violence found in families of dual jurisdiction youth also confirms the need to enhance current programs and services. These programs and services should all have strong components intended to counteract the adverse effects of family violence. Service providers should be specially trained in this regard.

Recommendation #14: *Substance abuse continues to be a major problem area for dual jurisdiction youth and their families and efforts should be expanded to improve access to and the effectiveness of substance abuse treatment programs for both adolescents and parents/guardians..*

- The family and child problem profile data (see Tables 3.7, 3.8, and 3.9, and Figure 3.3) reaffirms that high rate of chronic substance abuse in dual jurisdiction families. All agencies should continue efforts to expand and improve substance abuse treatment programs for dual jurisdiction youth and their families.

Recommendation #15: *Improve permanency planning and permanency outcomes for dual jurisdiction cases.*

- The data analysis (see Table 3.15) found that dual jurisdiction youth experience relatively poor outcomes with respect to types of permanent living arrangements at the time dependency petitions were closed. This may reflect the need to develop special permanency planning processes and resources for these challenging cases. Specifically, in appropriate cases, the court, CPS, and others need to redouble efforts to find permanent homes for these youth. This may include establishing specially trained professional foster parents and pre-adoptive homes that begin working with these children before they become chronic delinquency cases.

Interagency Collaboration

Recommendation #16: *Improve prevention and early intervention.*

- Because dual jurisdiction cases tend to experience their first delinquency referrals at an earlier age than non-dual jurisdiction cases (see Tables 2.5, 2.6, and 2.7) there is a need for more effective prevention and early intervention efforts across all involved agencies.

Recommendation #17: *Establish written interagency agreements and protocols for dual jurisdiction cases.*

- Interviews indicated there may be instances when a dual jurisdiction youth does not get the most appropriate services because the agency with the funds does not have a contract for those services. This suggests the need for interagency agreements or the equivalent that allow agencies to access each others' contracted service providers for appropriate dual jurisdiction cases.
- While there have been some notable improvements in the four study sites, interviews revealed there are still situations when dual involvement may not be consistently confirmed, and notification across agencies may be delayed – particularly when a youth is referred to the juvenile court on a delinquency complaint but is not detained. As a result of this and other factors, there is a need to develop clearly written interagency protocols, or enhance existing protocols, for handling dual jurisdiction cases. At a minimum, these protocols should include specific policies and procedures applicable to behavioral health, CPS, and juvenile probation departments. These protocols should cover all dual jurisdiction cases including those that are dependent first and those that are delinquent first. The protocols should cover interagency notification, screening and assessment, case assignment, case flow management (including scheduling), case planning and supervision, and other areas deemed appropriate by local jurisdictions.

Recommendation #18: *Improve information sharing across agencies at all stages of dual jurisdiction matters.*

- As discussed earlier, revisions to the federal JJDP Act require child protection agencies and juvenile courts to improve information sharing. This requirement and the fact that dual system youth tend to experience their first delinquency court activity earlier than other juveniles, support the need to expedite sharing of appropriate information between CPS, probation, and behavioral health. This should include expediting appropriate access to each other's computer systems. The ramifications of sharing information well before adjudication, including prior history of CPS involvement, and other relevant concerns, should be carefully discussed to address confidentiality and other considerations.

Recommendation #19: *Develop and implement specific cross-training opportunities relevant to dual jurisdiction.*

- Interview comments confirmed a strong consensus to strengthen cross-training related to dual jurisdiction matters. This highlights the need for specialized cross training for probation officers, CPS caseworkers, judges, attorneys, prosecutors, assistant attorneys general, behavioral health case managers, and others handling dual jurisdiction cases. The "Brown Bag" training format used for dependency training in Pima County should be considered in all counties.

Recommendation #20: *Identify single point of contact persons within all RBHAs to address delays in assessments and services.*

- Interviews indicated some ongoing concerns in resolving delays associated with behavioral health eligibility screening and evaluations. Each RBHA should identify a single point of contact to address any delays in timely service provision for dual jurisdiction cases. In Cochise County, this contact person is the SEABHS clinical director.⁹¹ Other counties should designate appropriate individuals for this purpose, if they have not already done so.⁹²

⁹¹ SEABHS (Southeastern Arizona Behavioral Health Services) is the primary mental health services provider in southeastern Arizona.

⁹² The court-based mental health liaisons in Maricopa and Pima counties and the court-based mental health specialist in Coconino County also play an important problem-solving role in this regard.

Recommendation #21: *Provide special training for group home personnel on handling dual jurisdiction youth.*

- Interview comments indicated that many dual jurisdiction youth receive delinquency referrals from behavioral incidents occurring in out of home settings, particularly group homes. This emphasizes the need for special training for service providers who handle dual jurisdiction cases. Specifically, group homes that serve substantial numbers of dual jurisdiction cases should receive special training on what to expect from these youth, how to more effectively manage problems, and how to interface with the CFT process in applicable cases.

Recommendation #22: *Conduct regular interagency case reviews of dual jurisdiction cases.*

- Interviews revealed that some counties conduct periodic interagency case reviews (these are not court hearings) to examine options for improving how these cases are handled. However, it does not appear that such case reviews occur on a routine basis and when they occur, it may be later rather than early in a youth's court career. This suggests the need to implement regular interagency case reviews of dual jurisdiction cases to continuously evaluate how these cases are being handled and how practices can be improved.

Recommendation #23: *Continue efforts to increase access to federal funding (e.g., Title IV-E) and find innovative ways to pool funds for placements and services.*

- Interviews suggested there is interest in acquiring additional federal monies, though there may be some reluctance among some judges to make the necessary findings for this purpose. Interagency efforts that will enhance access to Title IV-E resources for dual jurisdiction youth should continue at the state level. When appropriate, judicial training should be initiated that helps judges make appropriate findings leading to improved access of these funds.
- While interviews revealed substantial improvement in cost sharing among agencies, there are still different pockets of funds managed by the AOC, CPS, and the behavioral health system. As a result, there continue to be periodic conflicts between agencies over who will pay for placement or services. And, there may also be cases where the agency that is paying for services takes the lead role in case planning and supervision when a team approach may be more advisable. This suggests the need for the agencies to come together and find ways to pool appropriate resources for dual system youth. This could be done on an incremental basis to fund innovative pilot projects.

- If deemed appropriate, there should be additional funding support for programs like the Coconino County pilot project, which is intended to create a “child driven” services system. This project is specifically intended to remove traditional barriers that inhibit interagency cooperation and to promote shared resources.

Recommendation 24: *Establish a video conferencing pilot project for selected out of county providers to enhance hearing attendance and reduce cost and time demands.*

- Interviews confirmed that most dual jurisdiction youth are placed in residential settings in Maricopa County. Interviews in Maricopa County revealed that a substantial number of girls who are dually involved are placed out of county at the Mingus Mountain Residential Treatment Center. When dual jurisdiction youth are placed out of county it is quite challenging and costly for providers to attend court hearings. This suggests the need for a pilot project that would allow the use of video or teleconferencing technology so that out of county providers can more easily participate in dual jurisdiction placement or review hearings. This approach has been used in other jurisdictions, perhaps most notably in the El Paso County Children’s Court in El Paso, Texas.

Recommendation #25: *Address challenges associated with dependent youth who have been committed to the Arizona Department of Juvenile Corrections.*

- While this issue, to some extent, exceeded the scope of this study, the finding of substantial ADJC commitment rates among dual jurisdiction cases (see Figure 2.7 and Table 3.13) supports the need to continue efforts at the state level to improve handling of dual jurisdiction youth who become or remain dependent after their ADJC commitment.

APPENDIX A

Technical Assistance to the Juvenile Court
Special Project Bulletin:
*When Systems Collide: Improving Court Practices
and Programs in Dual Jurisdiction Cases*
by
Gene Siegel and Rachael Lord

When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases

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The purpose of this paper is to identify promising court-based or court-linked practices and programs that can effectively address the difficult challenges posed by dual jurisdiction cases. It is an initial effort to present what courts are currently doing or what courts can do to improve coordination of dual jurisdiction matters.

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Research has established the strong correlation between child maltreatment and subsequent delinquency and violence. The literature is replete with well-designed longitudinal and prospective studies that consistently confirm the impact of child abuse or neglect on a host of behavior problems, the higher risks of future criminality and violence posed by youth with histories of childhood maltreatment, and the need for effective prevention and early intervention efforts that precede court involvement.¹

But how have the dependency and delinquency systems coordinated their response to these consistent findings?² What happens when a single youth becomes involved with both systems simultaneously?

In too many instances, the two kinds of cases weave their way down separate paths, before separate judges, in pursuit of separate goals, and without any coordination, cooperation, or even communication. The child may be represented by different attorneys. His or her assigned probation officer and his or her assigned child protection worker may be unaware of each other's existence. Eventually, what are in effect dueling case plans may emerge, featuring contradictory orders as well as services and treatment that are at odds with one another.

"Dual jurisdiction" cases of this kind present unique challenges for both systems.³ Because of their complexity, they drain scarce resources from child welfare agencies, probation departments, and the courts themselves. They prompt unintended duplication of case management efforts. They usually guarantee the influx of multiple parties and professionals, some with conflicting goals and missions, adding substantial costs and detracting from effective and timely action.

This paper will identify promising court-based or court-linked practices and programs that can effectively address the difficult challenges posed by dual jurisdiction cases.⁴ It represents an initial attempt to identify what courts are doing, or can do, in dual jurisdiction matters. It draws information from three basic sources:

- *Survey.* To get a better sense of how courts are dealing with dual jurisdiction cases, the National Center for Juvenile Justice (NCJJ) conducted a brief national survey in which we attempted to obtain current practice and program information from the two largest jurisdictions in each state as well as other jurisdictions with populations of 500,000 or more persons. In all, we contacted 146 jurisdictions and 94 of these (64%) responded to our brief questionnaire. Promising practices and programs identified through the survey are highlighted throughout this paper.
- *Work with court systems.* Some of the information we offer here reflects our experience working with numerous juvenile and family courts across the country on a wide variety of juvenile justice-related topics.
- *Literature review.* Where possible, we also refer to existing “best practices” drawn from nationally recognized sources that seem particularly applicable to dual system cases. There is no single source of “best” or suggested court practices for dual jurisdiction cases. As a result, we reviewed a number of widely recognized articles and publications covering dependency case processing, delinquency case processing, probation casework, social work, and other realms.

From these sources, we selected five categories of court practices we feel are particularly relevant to the handling of dual jurisdiction matters.⁵ Within these five categories we identified more specific court-based or court-linked practices we feel are germane to this issue:

- *Screening and assessment:* meaning, from initial intake on, standardized processes and tools used by the court and other agencies to ensure that juveniles with involvement in dual systems are identified and their needs, risks, and safety issues properly assessed.
- *Case assignment:* meaning special procedures implemented by the court to assign dual jurisdiction matters to judges, attorneys, and others involved in dependency and delinquency processes.
- *Case flow management:* meaning special steps taken in the court process, from the filing of petitions through disposition and beyond, that provide for substantive and timely handling of dual jurisdiction proceedings.
- *Case planning and supervision:* meaning unique approaches evident after the court process has been initiated that include having someone or a team responsible for coordinating services for these youth and their families, and supervising of these cases.
- *Interagency collaboration:* meaning substantive agreements between the court and other agencies that clearly delineate roles and responsibilities related to youth involved in two systems,⁶ and that translate into effective action at the frontline level.

It is important to recognize that, while some of the practices and programs discussed here are supported by empirical evidence indicating measurable benefits, few court-based or court-linked practices or programs addressing dual jurisdiction matters have been fully evaluated. Nevertheless, we firmly believe that the juvenile court

is uniquely positioned to assume a leadership role in prompting the development of effective interventions and practices.

Screening and Assessment

All courts should have a method for promptly identifying a dual jurisdiction case as soon as it enters the system. While a reliable automated system with the ability to promptly check for dual involvement is preferable, there are other options. Even a coordinated manual effort to identify co-occurring cases can produce positive results. The court should take a leadership role in ensuring that special screening steps are in place to quickly identify cases involved in two systems.

Careful assessments of the family constellation should be conducted whenever feasible, to ensure that the intervention does not fall solely on the “problem child.” Families of dual system youth frequently present a number of problems, including histories of parental criminal activity, chronic substance abuse, mental illness, and other challenges. A comprehensive assessment of a family’s needs, risks, and strengths, combined with a careful safety assessment to determine if children (including siblings) are at risk of further abuse or neglect, should be conducted.

The following screening and assessment practices appear most relevant for dual jurisdiction matters:

Routine screening for court involvement in abuse and neglect matters when a delinquency referral occurs. The court and child welfare agency should have standardized

processes and protocols to promptly identify whether a juvenile referred for a delinquent act has a history of and/or concurrent involvement in dependency matters. The ability to promptly identify whether a child or juvenile has been or is involved in two systems can prevent a variety of problems including duplication of efforts, prolonged detention periods, miscommunication between agencies, and other dilemmas.

For instance, when a youth in foster care is arrested, ‘front-line’ juvenile justice officials (e.g., intake, detention, and probation) may not know that the juvenile is involved with the child welfare system and, even when informed, may not know whom to contact. In many instances, detention personnel and police may have to rely on self-reported information provided by the juvenile, which may not be sufficient to locate foster parents or a caseworker. Even if the child is able to provide contact information, police and intake workers may not be able to reach foster parents or child protection social workers, especially when arrests occur after conventional work hours.

In some jurisdictions, judges who do not have sufficient information about a young person’s legal guardian may be more likely to detain a child regardless of the severity of the crime committed. Because initial detention hearings occur shortly after a youth is detained, the difficulties identifying assigned child protection caseworkers often prevent these workers from attending initial detention hearings which can inhibit timely release. There may also be times when child welfare caseworkers are notified of a youth’s detention, but these workers may feel that due to the arrest, the juvenile is no longer their

responsibility. If the foster youth is detained for several days, the foster placement may also be jeopardized because foster parents may not be aware of the detention, may not want the juvenile back in their home, or may not be aware of what to do when a child previously placed in their care is detained.

Similar challenges arise when juveniles in group care homes are arrested. Although many group homes can hold a bed open for three days, if the group care agency does not know a missing youth has been detained it is likely to fill that juvenile’s bed due to high demand. Things can get even more complicated when a resident of a group home commits or is charged with a delinquent act stemming from a behavioral outburst at the group home (e.g., an assault of a staff member or other group home resident). In either circumstance, detention staff, probation officers and, if known, child welfare workers have to search for a different group home or emergency placement.

There are steps courts and agencies can take to minimize these concerns, including the sharing of automated databases and the establishment of interagency liaisons or screeners who are responsible for ascertaining dual involvement.

In our brief national survey, a majority of respondents indicated they screen for court involvement in abuse and neglect matters when a delinquency referral occurs. However, there is wide variance in screening practices among these sites. For example, some jurisdictions rely on self-reports, asking youth or family if there is dual system involvement. In some jurisdictions, the intake person or unit may initiate follow-up calls to the agency if dual involvement is

suspected. Intake personnel often rely on manual record searches to ascertain concurrent status. In other locales, there are automated court databases that can be routinely checked. Very few officials report having integrated countywide or statewide databases that can confirm dual involvement.

Courts may also want to examine the feasibility of expanding their delinquency intake screening process to determine if the juvenile and his/her family have ever had any past or current informal involvement with child welfare. Knowledge of any prior investigations—particularly substantiated investigations regardless of whether these ultimately resulted in formal agency involvement and court action—can be important information for intake screeners in determining whether more intensive or targeted action is warranted on a delinquency complaint. Formal agreements may need to be established for the court to access child welfare investigations data and to ensure that all appropriate confidentiality concerns have been addressed.⁷

Routine screening for court involvement in delinquency matters when a dependency petition is filed. In a similar vein, the child welfare agency and the court should have standardized practices for promptly verifying if an age-eligible child who is the subject of a dependency petition also has current or prior delinquency activity. Again, this can be done through automated and/or manual processes.

Formal protocols for notifying agencies of dual involvement. The agency and the court should have a written protocol for notifying each other when dual involvement is confirmed. This notification should go beyond mere email or written

The Benefits of Prompt Screening and Notification: Project Confirm, New York City

A program created to address interagency communication and coordination issues, as well as prolonged detention stays experienced by many foster children, is ACS Confirm (formerly Project Confirm).^{*} ACS Confirm works with dependent minors facing juvenile delinquency charges and includes children in foster care as well as those under court-ordered supervision. The program uses two primary strategies: a coordinated notification system and court conferencing with the foster care youth and caseworker.

Coordinated notification begins upon the admission of a juvenile to one of New York City's secure detention facilities. Once admitted, an ACS Confirm screener searches the child welfare system database to determine whether the youth is in foster care. If the screener identifies a foster child, a foster care agency caseworker is contacted as well as the detention staff and /or police or probation officer assigned to the minor. The agency liaison is quickly notified of the foster youth's arrest and is consistently consulted when making decisions affecting that youth. Under New York City ACS mandate, a child welfare caseworker must appear at the court to accept custody of a released child and attend any additional court hearings if the child continues to be detained. The Confirm field coordinator also provides information about detention visitation, significant contact information, gathers specific medical information about the minor, and provides vital child welfare information to juvenile justice and court staff such as the contact information for the assigned child welfare caseworker.^{**}

After notification, Confirm uses court conferencing to bring together foster care caseworkers, probation officers, and other officials, to guide these key players through the court process. A Confirm field coordinator facilitates the court conference prior to the first hearing, assists caseworkers with the legal process, gives officials information to help them make informed recommendations to the judge, and makes sure that a person who is authorized to accept temporary custody of the foster child is present in the event of a release. In this way, ACS Confirm field coordinators ensure that all key parties participate in the court process.

ACS Confirm offers a successful model for reducing the unnecessary detention of foster children and increasing communication and cooperation of front-line staff. The Vera Institute of Justice's Youth Justice Program, is committed to help officials in other jurisdictions adapt aspects of ACS Confirm to reduce the unnecessary detention of foster children. For more information, visit the Vera Institute of Justice website at www.vera.org. For information about ACS Confirm's current operations please contact Eileen Lopez, Director of ACS Confirm at the NYC Administration of Children's Services at 212-966-8146 or email procon@acs.dfa.state.ny.us. Information about ACS Confirm is coming soon to the ACS website at www.nyc.gov/acs.

^{*} Initiated by the Vera Institute of Justice, a private non-profit organization, Confirm was created in 1998 to prevent extended and unwarranted detention of foster children arrested in New York City. On September 30, 2001, the Vera Institute of Justice transferred primary responsibility for operating Project Confirm to the Institute's main partner in the project, the New York City Administration for Children's Services (ACS). For the next year, the Vera Institute provided analysis and technical support, ending its formal relationship with the project on October 1, 2002.

^{**} See T. Ross, D. Conger, & M. Armstrong. *Bridging Child Welfare and Juvenile Justice: Preventing Unnecessary Detention of Foster Children*. (May-June, 2002) *Child Welfare*, Vol. LXXXI, No. 3.

notification. It should trigger action in the form of interagency or multidisciplinary planning, service provider notification when applicable, and other effective and prompt responses.

Use of Structured Decision-Making (SDM) tools for child protection and juvenile probation. According to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), "the primary goals of the Structured Decision-Making model in child protection matters are to (1) bring a greater degree of consistency, objectivity and validity to child welfare case decisions and (2) help CPS agencies focus their limited resources on cases at the highest

levels of risk and need."⁸ The same principles apply for juvenile probation tools, frequently referred to as "case classification" or "risk and needs assessments." Regardless of the setting, structured assessment tools are used to imbue greater consistency across key points in the case decision-making process, while still allowing for appropriate consideration of individual and/or unique circumstances.

In all Structured Decision-Making models, each tool incorporates decision protocols—based directly on assessment results—to guide the agency's or department's response to each family and youth.

In other words, Structured Decision-Making focuses on how case management decisions are made and how agency resources can best be directed. Recent research suggests that child protection agencies that follow the OJJDP Structured Decision-Making guidelines can reduce the risk of future delinquency among maltreated children. In the probation arena, use of validated risk assessments and standardized needs assessment processes helps to guide decision-making, define supervision objectives and identify gaps in resources.

In dual jurisdiction cases, the court should receive easy to understand

Setting Specific Assessment, Contact, and Supervision Standards for Dual System Youth: The Family Court of Jefferson County, Alabama

The Probation Services Division of the Family Court of Jefferson County in Birmingham, Alabama, developed and implemented standardized risk and needs assessments that incorporate the Structured Decision-Making aspects recommended by OJJDP.

The development of the Structured Decision-Making approach in Jefferson County presented some challenges for local authorities, not the least of which was bridging the historic gaps between the goals of child protection and juvenile justice (i.e., child safety versus juvenile accountability and community protection). But the court and its probation division recognized that their previous screening methods did not capture the unique needs of and risks posed by dual jurisdiction youth and their families, who typically require multiple services and more frequent contacts than other cases. To address these challenges, the court formed a committee which included representatives from juvenile probation, the Department of Human Resources (the state agency that administers child protection services in Alabama), judges and other court officials, with the intent of developing contact standards and Risk/Needs instruments that accurately reflect the complexity of dual jurisdiction cases.

After a series of meetings, the committee completed development of four tools intended to improve handling of dual jurisdiction matters. The new tools included the “Juvenile Assessment of Risk,” the “Assessment of Identified Juvenile Needs,” the “Social History Questionnaire,” and updated contact standards, all designed to include specific items relevant to dual jurisdiction juveniles and their families.*

Jefferson County’s probation standards specifically address dual jurisdiction (referred to as “DHR Delinquent/CHINS” cases), and include detailed contact requirements, procedures for handling technical violations, and requirements for interagency supervision planning. These standards require either weekly or monthly interactions between probation officers and agency social workers to increase joint case planning and communication. Jefferson County officials also created a specialized probation unit to handle dual jurisdiction cases in cooperation with the child protection agency. The family court, the probation division, and the child protection agency recognize that access to relevant information, accurate screening tools, and ongoing communication, enhance dual system case handling and, ultimately, should improve case outcomes. For more information, contact Probation Supervisor Adrienne Merritt at 205-325-5824.

* The Jefferson County assessment tools and contact standards were formally approved for use in applicable family court matters by the presiding family court judge, and are also intended for use in truancy cases.

reports from both child protection and probation sources that summarize the assessment results and that reflect coordination between the two entities. In jurisdictions that use different tools for child welfare and juvenile probation, there should be some mechanism for linking the two to provide relevant information to the court. Most importantly, while the use of validated Structured Decision-Making tools should enhance consistency and fairness, it does not supplant judicial decision-making or the ability of the court to base decisions on the individual circumstances of a particular case.

One-stop interagency intake assessment and screening centers. Investigations of child abuse and neglect have benefited from the advent of Children’s Advocacy

Centers (CACs).⁹ These one-stop locations promote interagency coordination of investigations of child abuse and neglect. CACs allow specially trained detectives, child protection investigators, medical professionals, forensic interviewers, mental health professionals, prosecutors, victim advocates, and others to work together to investigate allegations of abuse or neglect as soon as a report is received. This coordinated and timely approach contrasts markedly from the traditional fragmented process where agencies do not collaborate, often resulting in repeated interviews of child victims, confounded evidence, and other problems.

The approach and principles underlying advocacy centers seem

relevant to dual jurisdiction cases, particularly for the assessment and case planning phases. One-stop multi-agency assessment centers that mirror some of the characteristics of CACs would allow court intake staff (for dependency and delinquency cases), social workers, juvenile probation officers, and others to work together from the onset of dual involvement, and conduct appropriate assessments of and planning for maltreated youth involved in both systems.

If desired, such a center could also involve contracted professionals who would provide the agency, the probation department, and the court with comprehensive assessments relevant to dual jurisdiction issues. In any of these approaches, the key is having a one-

The Positive Impact of a One-Stop Placement Assessment Center: Sacramento, California

The Sacramento Assessment Center (SAC) is a 21-bed, non-secure, co-educational pre-placement facility that serves juvenile probationers, many of whom have histories of abuse and/or neglect and multiple placements. The SAC performs comprehensive assessments of delinquent wards to determine their placement needs. Typically, the SAC serves juveniles between ages 11 and 17 years of age who have been committed to placement by the court. The SAC is staffed by a multidisciplinary team (MDT) that conducts a battery of assessments to determine the full scope of needs of a juvenile and the juvenile's family, including placement and services.

The probation department's placement process, referred to as the IMPACT (Integrated Model for Placement Case Management and Treatment) program, uses an evaluation tool designed to develop a case plan to situate the minor in the most appropriate available placement that best addresses his/her assessed needs and risks. The MDT consists of the assigned probation officer, a psychiatrist, a psychologist, a family evaluator (social worker), an occupational/recreational therapist, and a school psychologist. The team focuses on determining the functional level of each resident in ten areas: criminality, education, psychology, medical, social attachment, vocational skills, substance abuse, mental health, recreation, and family dynamics. Once the assessment is completed and reviewed by the MDT, the team's recommendations and report are submitted to the probation department. The court allows the assigned probation officer to follow these recommendations without having to go back to court, and the placement is reviewed by the court at a calendared hearing every six months.

Initial program research has shown positive outcomes for youth assessed through the SAC's IMPACT program compared to a historical comparison group of similar youth who were in the juvenile justice system before the SAC opened.* In brief, the study found that IMPACT minors re-offend at a much lower rate, require fewer placements, spend less time in detention after their initial placement, and return home at a rate 50 percent higher than the historical comparison group. Again, while the Sacramento Assessment Center is not specifically designed for dual jurisdiction cases, in part because of the unique statutory framework in California, the types of cases served by the SAC share many of the characteristics of dual system youth, and there do not appear to be any reasons why this model could not be applied to multi-system cases. For more information, contact Susan Fuhr-Dunn, Supervising Probation Officer and Project Manager for IMPACT, at 916-875-0987.

* See ELSAN Associates. *IMPACT Final Report*. (September, 2003). Prepared for the Sacramento County Probation Department and the California Board of Corrections.

stop location, or locations in more populous areas, where specially trained professionals from different agencies work together in either a call-in or co-located capacity.

Closer proximity would help many child welfare and juvenile justice professionals gather more comprehensive information and construct case plans most beneficial to the child, the family, and the community.

While our national survey did not reveal any specific one-stop assessment programs for dual jurisdiction matters, certain attributes of the Sacramento Assessment Center (see above sidebar) seem applicable to the unique circumstances presented by these cases.

Case Assignment

How a court assigns a dual jurisdiction case—to judges, probation officers, attorneys, or others tied to the court process—represents a critical step. To avoid the problems associated with haphazard case assignment, we suggest the following practices:

Calendaring for One Family/One Judge - Unless there are conflicts or other compelling circumstances to cause a judge to move a case to another jurist, having the same judge handle the co-occurring matter makes sense. "One family/One judge calendaring" is strongly recommended by the National Council of Juvenile and Family Court Judges' *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases*.¹⁰ A growing

number of courts, including those participating in the national Model Courts project,¹¹ recognize the benefits of a single judge hearing all matters related to a single family. In dual jurisdiction cases, a single judge will be much more likely to have a complete understanding of the family's court history, including responses to prior court orders, and to be capable of sending consistent messages to all parties. At a minimum, it appears particularly critical to have the disposition hearing conducted before the judge assigned to the family, even if earlier proceedings were conducted by a different judicial officer.¹²

Dedicated dockets. Courts with a considerable number of dual system cases may want to consider reserving a block of time on their court calendars specifically for

Creating a Dedicated Dual Jurisdiction Docket: The Family Court of Jefferson County, Alabama

To address the challenges presented by dual jurisdiction cases, the Jefferson County Family Court incorporated a dedicated docket within its One family/One judge calendaring approach. Specifically, the judge assigned to the initial dependency case for a dual system juvenile retains that case in the event of a subsequent delinquency matter. If the delinquency precedes the dependency, the judge retains the case when a subsequent dependency occurs. A specific day of the week is reserved to hear dual jurisdiction cases. Because child protection workers, probation officers, court officials, and other key parties are aware they may be required to appear in court on one specific day, they can keep their schedules open. By combining the One family/One judge approach with a consistent and predictable date for dual jurisdiction hearings, the court minimizes schedule conflicts and allows key parties to attend hearings to present more complete information to the judge.

hearings on these matters. Coordinating the schedules of all applicable parties and ensuring that sufficient hearing time is allocated to discuss case plan issues may be easier if a pre-arranged block of court time is dedicated each week (or every other week) to such proceedings. Assigning a specific judge to this dedicated docket may also be worth consideration as it would allow the jurist to become intimately knowledgeable with placement and access to service issues that may be somewhat more complicated because of the multiple systems involved with these youths and their families.

Special qualifications for attorneys. Courts should also consider assigning the most qualified and/or specially trained attorneys to handle dual jurisdiction matters. The concept of “One child/One attorney” may also be worth consideration. In some courts, it is not unusual for an attorney already representing a child in a dependency matter to be appointed in the delinquency matter as well (or vice versa). Sixteen courts contacted in our survey reported assigning the same attorney to both dependency and delinquency cases.

Augmenting attorney staff to address demands. Because of their complexity, dual jurisdiction cases make serious demands on attorney

resources. Finding more attorneys, providing special training for lawyers willing to take on these cases, and setting reasonable caseload sizes may be difficult in the current fiscal climate. But courts should, at a minimum, carefully evaluate existing attorney resources and consider assigning at least one to handle a manageable number of these cases. Courts should also think toward the future including, working with local law schools, where present, to develop resources capable of serving this unique population.

Case Flow Management

The following case flow management practices may promote substantive and timely proceedings in dual jurisdiction matters, and help to avoid delays that may prevent timely intervention:

Joint pre-hearing conferences. Some juvenile courts, including some selected as national Model Court sites, have implemented pre-hearing conferences as part of their dependency reforms. These conferences are non-adversarial meetings that immediately precede the first court hearing in dependency cases. They focus on the need to promptly address

service delivery to children and families, visitation issues, and placement considerations. By holding joint pre-hearing conferences in dual jurisdiction cases, all parties involved in a case, including those from child protection agencies and probation, can meet in advance of court proceedings to solidify their efforts and plans. At a minimum, joint pre-hearing conferences would require social workers and probation officers to work together earlier in the life of a case than they usually do. Prompt coordination may be especially important in families that have younger siblings who are also at high risk of dual system involvement.

Combining dependency and delinquency hearings. Our survey revealed 27 jurisdictions that routinely combine proceedings (most often, review hearings) in dual jurisdiction matters. By consolidating hearings, the court can ensure that different agencies and parties are coordinating their efforts, sharing information as appropriate, and complying with court orders. Holding joint hearings can also reduce the strain on crowded court calendars, reduce continuances and scheduling conflicts, and can enhance the chances that all key parties attend and participate in key hearing events.

Consolidating Dependency and Delinquency Hearings: The Cochise County Juvenile Court, Arizona

Innovations in coordinating dual jurisdiction matters are not limited to large urban courts. In Cochise County, Arizona, a largely rural area in southeastern Arizona, the presiding juvenile court judge consolidates all post-adjudicatory dependency and delinquency hearings unless there are compelling reasons not to do so. This presumptive consolidation, if you will, ensures that the judge will receive information and testimony from both the assigned probation officer and CPS caseworker at the same hearing. For more information regarding the consolidation of hearings in Cochise County, contact Judge Charles Irwin at 928-226-5413.

Time certain scheduling. Scheduling for time certain hearings improves the predictability of key court events and enhances the credibility and public perception of the court. It can also reduce the amount of work time missed by family members or other caretakers involved in these matters. Thirty-four of the courts responding to our survey routinely utilize this practice.

Court control of continuances. The *Resource Guidelines* stress the importance of firm and effective policies on continuances. Timely judicial action is essential for timely intervention, particularly in dual jurisdiction cases. Yet, because of the complex conditions surrounding

these cases, the court must find an appropriate balance between the need for prompt action and the need for careful assessment, planning, and monitoring of such action.

Joint court orders and/or court reports. It is not uncommon for co-occurring dependency and delinquency cases to take different paths, especially when more than one judge is involved. This can result in contradictory court orders. Joint orders can clarify the court's expectations for children, parents, probation officers, agency social workers, and others involved in the case.

Mandatory probation officer attendance at dependency hearings and child welfare worker attendance at delinquency hearings. Having both case managers attend court hearings increases the chances that the court will receive the information it needs to make informed decisions. It can also give the court a sense of just how well probation officers and agency staff are working together. However, requiring probation and agency personnel to attend all hearings can pose significant drain on staff resources, particularly the time they have to do their jobs in the field. Team approaches and/or CPS liaisons (discussed later in this report) can help in this regard.

Requiring Caseworkers and Probation Officers to Attend Hearings Together: The Allegheny County Juvenile Court, Pennsylvania

In Allegheny County, Pennsylvania (which includes the Pittsburgh metropolitan area) probation officers and caseworkers attend post-adjudication delinquency and child welfare review hearings in dual jurisdiction cases. Allegheny County Juvenile Court's One Judge/One family approach has made it possible to schedule dual jurisdiction hearings each Monday. This allows probation officers, caseworkers and all legal representation to be present for all hearings. The Juvenile Court's working policy also encourages probation officers and child welfare caseworkers to discuss case plan recommendations prior to each hearing in order to facilitate cooperation between the agencies—in particular, with respect to placement and services.

Cross-training is provided to all new probation and child welfare personnel. Supervisors from both agencies meet monthly to discuss any issues that have arisen as well as to plan future improvements in dual jurisdiction case handling. In addition, the Allegheny County Probation Department utilizes a portion of the child welfare agency's "risk factors" as a guideline when looking at the living situation or potential placement of a delinquent youth. Overall, judicial buy-in, input from the child welfare agency and probation department, and discussions with the court's legal representation (from both the child welfare and delinquency arenas), have made the implementation of joint hearing attendance and a dedicated court day a success in Allegheny County. For more information on Allegheny County's joint hearing attendance requirements contact Director of Court Services, Jim Rieland at 412-350-0175.

Requiring Joint Court Reports: The Coconino County Juvenile Court, Arizona

In Coconino County, Arizona, a large geographic area serving Flagstaff and other northern Arizona communities, the juvenile court judge who handles the bulk of dependency and delinquency matters frequently issues court orders that require probation officers and child welfare caseworkers to prepare joint court reports in dual jurisdiction matters. The judge also requires both to attend all post-adjudication hearings. Juvenile probation officers and child welfare caseworkers report that this cooperative approach produces more comprehensive case plans that address child safety, juvenile accountability, and community protection concerns. For more information regarding dual jurisdiction efforts in Coconino County, contact Judge Margaret McCullough at 928-226-5413.

Case Planning and Supervision

There is empirical evidence that innovative, collaborative case planning and supervision produce measurable benefits in dual jurisdiction cases.¹³ The following practices and programs seem most likely to produce positive effects:

Joint (child welfare and probation) case plans submitted to the court in advance of hearings. Most often, child protection and probation officials submit separate case plans to the court at separate dependency and delinquency proceedings. In cases where the same judge handles both matters, it makes sense to have joint child welfare/probation case plans.

Specifically, such plans can appear in a single document, in separate sections whenever feasible, with documentation reflecting the efforts of the child protection worker and probation officer to coordinate their efforts and conduct cooperative case planning.

Disagreements and/or differences in case plan goals and objectives can be delineated by each in the same document submitted to the court. Concerns over confidentiality may have to be carefully addressed in advance with the court deciding when and if certain information cannot be shared between child

welfare and probation representatives. Regardless, cooperative case planning and coordinated (if not joint) case plan documents should be evident at each stage of the court process.

Most jurisdictions responding to our survey reported some form of collaborative case planning between child protection and probation. These approaches range from informal case planning that may take place over the phone between a caseworker and probation officer, to more formal approaches like team decision-making and resource staffings that occur in cases that involve multiple agencies.

The concept of a joint report, particularly in environments that allow social workers and probation officers to work together, has merit because it provides more information for the court in a single document. This would be particularly beneficial in jurisdictions that have separate divisions or judicial units for dependency and delinquency matters.

Specialized case management and supervision units. In most instances, dual jurisdiction cases will have at least two case managers, one for child welfare and one for probation.¹⁴ Over the life of the case, a child and family may experience frequent changes in assigned case managers due to

rotation, changes in residence, and other factors. This can seriously undermine compliance with case plans and case progress.

One option, employed in a number of jurisdictions, is the formation of a specialized unit for youth involved in multiple systems. This can take a variety of forms, including units comprised of child welfare social workers and probation officers, specially qualified and trained child welfare and/or probation units, and probation units that have specially trained social workers assigned to assist officers with these cases.

Six jurisdictions responding to our national survey reported having court-based or court-linked *probation* units specifically for case management and supervision of dual jurisdiction cases. (See accompanying table on page 11.)

CPS or Interagency Liaisons. Formal agreements can address interagency coordination issues. In some locales, these agreements cover the creation of special liaison positions to help manage the complex issues presented by dual wards. Tarrant County (Fort Worth, Texas), Bexar County (San Antonio, Texas), and Denver County (Denver, Colorado), have all created liaison positions through cooperative agreements involving the juvenile courts, probation departments, community mental health providers, and child protection agencies.

Joint Case Planning and Specialized Units: The Maricopa County Juvenile Court, Arizona, and the Ramsey County Juvenile Court, Minnesota

In Maricopa County, which includes the Phoenix metropolitan area, the challenges presented by dual system youth prompted both the probation department and the state child protection agency (CPS) to develop special units for these cases. The juvenile probation department's "Dual Ward Pilot Program" is comprised of specially trained probation officers who are responsible for the supervision and monitoring of dually adjudicated youth residing in out of home placements funded by CPS. While juveniles on standard probation may change probation officers when they change residences, probationers in the Dual Ward Pilot Program retain their specially assigned probation officers, regardless of placement changes, through probation duration.*

Special training is provided to the program's probation officers through CPS, community mental health agencies, the juvenile court, and the probation department. The Dual Ward Pilot Program's probation officers work very closely with counterparts in the CPS "Dually Adjudicated Youth" (DAY) unit. The DAY unit is also comprised of specially trained caseworkers who provide case management and supervision of dependent/delinquent youth. DAY unit caseworkers maintain regular communication with the Dual Ward Pilot Program staff to maximize cooperation and avoid duplication. Joint (CPS/probation) case staffings are held regularly in both agencies with active participation from Guardians Ad Litem, therapists, school representatives, parents or guardians, and other key parties, including dually adjudicated juveniles themselves when appropriate. Although joint probation/CPS case plans are not prepared, both agencies report having a better understanding of each other's roles through cross-training, regular communication, and interagency staffings. For more information contact Cheri Townsend, Director of Juvenile Court Services, at 602-506-4011.

In Ramsey County which includes the St. Paul, Minnesota region, judges who handle delinquency matters have the option to assign juveniles to probation supervision in one of two separate departments: the Human Services Delinquency Unit or Community Corrections. Judges may refer cases to the Human Services Delinquency Unit by following established eligibility criteria. These criteria include dual jurisdiction, indications of serious emotional problems, and early onset of delinquent activity.** Juveniles assigned to this unit have both a Human Services probation officer and a child protection caseworker. These two-person teams are housed in the same location. Ramsey County officials feel the best way to manage dual jurisdiction cases is to provide them with team members who have been specially trained to address different aspects (i.e., child welfare and delinquency) of a case. By co-locating probation officers and caseworkers, service coordination and case planning improves, resulting in decreased gaps in service delivery. For more information, contact Unit Supervisor Steve Dopson at 651-266-4859.

* The Maricopa County Juvenile Probation Department assigns standard probation officers to specific geographic (zip code) regions of the county. However, because dually adjudicated youth tend to change placements more often than other probationers, probation officers assigned to the Dual Ward Pilot Program stay with their cases regardless of shifts in residence.

**Dual jurisdiction juveniles who commit more serious offenses are assigned to Community Corrections for more intensive supervision.

These liaisons administer joint assessments, facilitate the provision of services, and increase communication among key agencies. (See page 12.)

Multidisciplinary teams (MDTs) that are actively involved in case planning. An MDT is a group of representatives from different agencies and professions (e.g., child protection, mental health, service providers, school, and others), that may include the child and the child's parents or caretakers, who work as a team to form comprehensive plans for a child welfare case. MDTs are often facilitated by the local child

welfare agency. In many jurisdictions, the MDT typically prepares and submits its case plan recommendations to the agency social worker, though in some cases it may submit recommendations directly to the court. MDTs may also conduct periodic case reviews and track the progress, or lack thereof, of assigned cases. The MDT approach seems quite applicable to dual jurisdiction matters.

Almost all survey respondents reported they use MDTs or interagency case staffings for youth involved in multiple systems, particularly youth with

serious mental health and substance abuse issues. However, other than the six aforementioned sites that have dual jurisdiction units (see page 11), there are no jurisdictions launching MDTs specifically for dependent/delinquent cases.

Special qualifications and/or training required for case managers. Those working with dually involved young people and their families should have an understanding of the dynamics of child development, the impact of child abuse and neglect, and both child welfare and juvenile justice goals. Case managers handling these cases should be cross-trained and

Counties with Special Units for Case Management and Supervision of Dual Jurisdiction Cases

Jurisdiction & Name of Program	Who's Eligible	# of POs	Caseload Size*	Brief Description of Program
Bernalillo County (Albuquerque), New Mexico <i>Dual Probation Caseload**</i>	Youth adjudicated for abuse/neglect and delinquency.	1	15 No maximum caseload	One PO assigned to handle all dual cases. Ensures coordination between probation and protective services division. PO attends all post-adjudication abuse/neglect hearings.***
Jefferson County (Birmingham), Alabama <i>Dual Supervision Caseload</i>	Youth adjudicated for abuse/neglect and CHINS**** or delinquency.	2	40 to 50 (average) per officer No maximum caseload	One PO handles dual system cases, other handles dependency/CHINS cases. Court started program because it had two specially qualified PO's with social work backgrounds.
Hillsborough County (Tampa), Florida <i>Special Court Unit</i>	Dependent youth placed out of home who have been adjudicated delinquent, also includes juvenile sex offenders.	7 includes intake & sex offender POs	10 to 16 per officer	POs maintain monthly contact with dependency case workers; work closely with case workers until dependency is dismissed.
Los Angeles County (Los Angeles), California <i>Juvenile Dual Supervision Case Management Unit</i>	Dependent youth also adjudicated delinquent but court defers disposition for six months; and dependent youth charged with offense but judge defers judgment allowing dual supervision up to three years.	3	Caseload capacity of 100 per officer	POs work closely with assigned agency social worker to coordinate case planning and services.
Maricopa County (Phoenix), Arizona <i>Dual Ward Pilot Program</i>	Youth adjudicated delinquent and dependent, emphasis on youth placed out of home.	4*****	25 maximum per PO	Eliminates case transfer when juveniles change placements; PO's required to complete special training from CPS and juvenile court; minimum two contacts per month with youth and family, regular interagency staffings.
Ramsey County (St. Paul), Minnesota <i>Human Services Delinquency Unit</i>	Judges decide who to refer to the unit following established criteria. Target population includes non-violent or less serious offenders with serious emotional problems and very young offenders.*****	2 supervisors, 15 POs, and 3 case aides	25 to 20 per officer	Program started because judges wanted better coordination in dual jurisdiction cases. "Human Services Probation Officers" co-located with social workers at child welfare agency.

* Because most of these efforts are fairly new, maximum caseload capacities have not been established in all of these jurisdictions.

** The Albuquerque Protective Services Division (PSD) reports that they are attempting to consolidate dual supervision cases under one case worker.

*** Albuquerque PSD case workers attend all post-adjudication delinquency hearings in dual jurisdiction cases.

**** In Jefferson County, as well as many other jurisdictions, CHINS refers to what are often called status offenders.

***** Maricopa County Juvenile Court officials reported that one of these positions was recently assigned to handle a juvenile sex offender caseload due to a rise in the number of sex offender cases.

***** Cases assigned to this unit do not have to be "dually adjudicated," but they are involved in both systems in some capacity. Dual jurisdiction youth who exhibit more serious delinquent behavior may be assigned to the Community Corrections unit for more intensive probation supervision.

The Benefits of Child Protective Services Liaisons

Tarrant County, Texas

In 1998, the Tarrant County (which includes the Fort Worth, Texas area) Juvenile Probation Department initiated a contract with the local Child Protective Services office of the Texas Department of Protective and Regulatory Services (the state agency that administers child protection services in Texas) to create a CPS Liaison position. A full-time CPS specialist is located on-site at the probation department to work primarily with youths who are under juvenile court jurisdiction for delinquent acts and who also have documented abuse and/or neglect histories. The liaison is on call during judicial proceedings and is able to represent the assigned CPS caseworker during detention and other delinquency hearings, as well as participate in detention hearings for youth regardless of their status with CPS. The liaison helps expedite appropriate releases from detention when no one is present to take custody of a youth at a detention hearing. Liaisons initiate contact with parents, caseworkers and/or the District Attorney to expedite release. Joint agreements covering confidentiality of records have been reached between the probation department and child protection. These have allowed the liaison to obtain and provide all relevant information to key agencies. Overall, local officials report that interagency communication and cooperation have improved since the advent of the position, and judges consider the liaison an important resource for the court. For more information, contact Tarrant County CPS Liaison Shell Miller-Reyes at 817-838-4600, extension 411.

Bexar County, Texas

About the same time that Tarrant County established its CPS liaison, Bexar County (which includes the San Antonio region) entered into a formal agreement with the state child welfare agency to create a liaison position and provide child protective services consultation for the juvenile probation department. The Bexar County liaison post was originally designed to facilitate “appropriate and expeditious” case management services between child protection and the probation department, but the role has evolved over time to reflect the unique circumstances surrounding dual jurisdiction matters. While the liaison is an employee of CPS, funding for the position is evenly split between the state child welfare agency and juvenile probation. The probation department also provides office space for the liaison. As in Tarrant County, the Bexar County liaison is on-call for court hearings to provide information to the court or to stand in if a CPS caseworker is absent. The liaison also provides case consultation, community outreach services, training and cross training for both agencies, assists probation officers with referrals to CPS or community agencies, and may accompany probation officers on field visits to advise parents about their obligations relevant to CPS. In addition, the CPS liaison is responsible for coordination, monitoring and tracking of all CPS wards who run away from their CPS placements. Coordination includes working with the downtown CPS legal unit, juvenile detention intake officers, and the assigned CPS worker to promptly find a new placement when needed, and to prevent unnecessary detention stays. Since this position was created, local authorities report both systems have built more positive relationships, viewing each other as resources to initiate better case planning for dual jurisdiction juveniles. For more information, contact the Bexar County CPS/Juvenile Probation Liaison Anne-Marie Fanchier at 210-531-1962.

Denver County, Colorado

A third example of the liaison approach can be found in Denver County, Colorado. The Denver Department of Social Services (the county agency that administers child protective services in the Denver area) created a Court Liaison Specialist position in response to the juvenile court’s requirement that agency caseworkers be present at all detention hearings involving a youth with an open dependency case. The Court Liaison Specialist is located at the local detention center and is responsible for reviewing every detention intake each morning during the week for current or past agency involvement. If a juvenile has an open dependency case, the liaison contacts the assigned caseworker regarding the youth’s recent delinquent activity, and reviews all previous minute entries and case history information available on the youth. In this way, the liaison is familiar with a youth’s abuse and neglect history and is able to represent the agency in delinquency hearings involving dual jurisdiction juveniles. The liaison works closely with the assigned caseworker to prepare court recommendations and case plans, and serves as a link to the agency, the juvenile court, and other community programs. In addition, the liaison makes recommendations to the family and caseworker regarding the appropriate level of care and treatment that a youth should receive. Conversely, if upon initial review, the liaison determines that a detained juvenile is not tied to an open dependency case, the liaison may still interview the youth and family to determine if child protection should be involved or if a community referral for services would be more appropriate. Local officials report that by locating the liaison at the detention facility, communication and cooperation have improved as has the handling of dual jurisdiction cases. For more information, contact the Court Liaison Specialist Karol Scanlon at 303-291-8932.

should know how to access resources in different agencies or systems. Pay scales for case managers handling dual system youth should be equivalent across agencies. Our survey did reveal some evidence of cross-training between child welfare and probation entities but this was limited to a very small number of sites.

Reduced caseload sizes. The Child Welfare League of America's Standards of Excellence for Service for Abused or Neglected Children and Their Families recommend that a CPS investigations worker handle no more than 12 investigations during a one month period. For ongoing CPS social workers, the ratio should be one worker for every 15 children. The standards of the American Probation and Parole Association recommend that juvenile probation caseloads not exceed 35 youth per probation officer for standard probation. Specialized caseloads, including intensive probation, sex offenders and others, are often capped at lower levels due to the special needs and risks presented by such cases. Multi-system youth may also benefit from smaller caseloads.

Family-centered interventions. The research literature indicates that coordinated efforts to intervene with the entire family, not just the so-called "problem child," are more likely to produce positive results.¹⁵ Well-designed programs that incorporate "Functional Family Therapy," Wraparound services, and other family-based approaches have produced positive outcomes.¹⁶ These include reduced recidivism for delinquent youth, fewer institutional commitments, less criminality among parents and older youth, less substance abuse, reduced risks of subsequent child abuse and neglect, improved educational status, and improved

family functioning. The court should facilitate the development of such programs in areas where they do not exist.

Gender-specific programming for girls. Females now represent approximately one-fourth of all juveniles referred to the juvenile court.¹⁷ In addition, females are being referred more often for more serious offenses. Females involved in two systems are very likely to have histories of maltreatment. Programs that address these histories are more likely to be effective, though very few gender-specific programs have been subjected to rigorous evaluation.¹⁸ Juvenile courts should help facilitate the development of gender-appropriate programs and services for girls in local communities, and ensure that staff members in these programs have the requisite experience and training to address the long-term ramifications of abuse and neglect.

Programs targeting very young offenders. Compared with juveniles whose delinquent activity starts during the teenage years, child delinquents (offenders younger than age 13) face a greater risk of becoming serious, violent, and chronic juvenile offenders.¹⁹ Many of these children are involved in multiple systems and have histories of abuse and/or neglect. Stopping further system penetration for just one of these cases can save millions of dollars.²⁰ There is growing recognition of the need for an integrated approach to effectively intervene with child delinquents.²¹ Courts should give serious consideration to developing and/or supporting such early intervention programs.

Our survey identified two court-linked programs—the Kent County (Grand Rapids, Michigan) Young Delinquent Intensive Intervention

Program and the Multnomah County (Portland, Oregon) Early Intervention Unit—that serve dual jurisdiction cases involving young children. Our literature search also revealed a number of examples of programs targeted for child delinquents, including the Michigan Early Offender Program, the Minnesota Delinquents Under 10 Program, the Sacramento County (California) Community Intervention Program, and the Toronto (Canada) Under 12 Outreach project. These are all early intervention models that serve substantial numbers of dual jurisdiction cases.

Interagency Collaboration

Consistent with the premise of active judicial leadership and oversight promoted in the *Resource Guidelines*, the final category calls on the court to play a key role in establishing interagency agreements and ensuring that such agreements translate into effective action on the frontlines.

The following conditions, practices, and programs appear most relevant to meaningful interagency coordination of dual jurisdiction cases:

Broad statutory authority. Statutes that allow the court to order parents, guardians, or other family members, including siblings, to participate in court-ordered treatment during the course of dependency or delinquency matters may enhance parental compliance and improve case outcomes. California, Florida, Minnesota, and other states have such provisions which, ultimately, permit the court to focus on family issues, not just the issues of the dual system child.

California has a unique statutory structure related to dual jurisdiction. Under California's Welfare and Institutions Code, Section 241.1, juveniles that appear to be both dependent and delinquent must be investigated by both the child protective services department and probation department to help determine which status (dependent or delinquent) will best serve the interests of the minor and the protection of the community. The determination of this status ultimately rests with the court. This statutory framework may be useful in inhibiting cases from being involved in two systems at the same time.

However, although California law seems to prohibit dual jurisdiction status (i.e., the court is responsible for making the determination of dependency or delinquency), state statutes also provide the court some flexibility in the time it can take to render a determination. Specifically, the judge handling a delinquency matter has the following two options:

1. Adjudicating a juvenile as a delinquent (in most cases, this involves misdemeanor charges) but deferring disposition for six months. During this time, the juvenile may be placed under "dual supervision." For example, Los Angeles County has a Juvenile Dual Supervision Case Management Unit for this purpose and, if all requirements of dual supervision are satisfied, the delinquency case is dismissed after six months.
2. Deferring the judicial entry of judgment (i.e., determination of jurisdiction) and allowing the juvenile to be under dual supervision for up to three years. This option is usually applied when a dependent juvenile is charged with a more serious offense but

does not have an extensive history of delinquent acts.

It is not clear whether the California statutory model has distinct advantages. It could be argued, for example, that this approach takes the court's focus away from the unique needs and risks of each dually involved child and forces the court to place the child in one system or another, despite the fact that both systems may offer some benefits for the child and family. On the other hand, California's Code represents one of the rare examples of state law that specifically addresses the unique status of dual jurisdiction cases and provides the court with some options for attending to individual needs.

Court-facilitated interagency planning meetings that address dual jurisdiction issues. The national Child Victims Act Model Courts Project, has demonstrated the benefits of having judges facilitate collaborative planning efforts. Each national Model Courts site has a committee or workgroup, facilitated by the presiding judge or another assigned judge, that advises the court on needed reforms in abuse and neglect matters. Without this judicial leadership, significant changes in dependency practices would not be easy to achieve. Judicial leadership can also play a key role in fermenting reforms in dual jurisdiction practices. Judges are uniquely positioned to prompt key stakeholders to attend planning meetings and can keep group members focused on relevant objectives and tasks. Adding dual jurisdiction concerns to an existing committee or workgroup agenda, or establishing a specific group for this purpose, represent appropriate options. In national Model Court sites, this may require adding committee representatives from the delinquency field

including prosecutors, probation officials, and perhaps others.

Formal written agreements. Clearly written agreements between agencies, including the court, that delineate roles, responsibilities, and expected measurable outcomes related to dual jurisdiction cases can prevent misunderstandings between entities as they implement interagency efforts. Specifying agreed-upon goals for interagency management of dual jurisdiction cases, in writing, can eliminate such conflicts. Written agreements should include clear identification of the resources and services to be provided by each participating agency and provisions for the timely sharing of relevant information.²²

Collaborative funding arrangements. In most states and counties, there are separate categorical funding pools that can only be used to pay for services for youth and families under the jurisdiction of a specific agency. Similarly, in many jurisdictions, there are specific categories of funds that can only be used to pay for services for youth and families that meet specific criteria. When dual involvement occurs in such environments, there may be conflicts over which agency is responsible for payment and services. This silo mentality may contribute to prolonged delays in intervention. However, a number of states and counties have eliminated or minimized the fragmented approach to funding services. Options include interagency agreements to pool funds, decategorization of funding (Iowa is probably best known for this approach), the use of federal Title IV-E funds for delinquent and dependent youth in out of home placements, and other alternatives intended to remove obstacles in traditional funding mechanisms.

Integrated or shared information systems or databases. Computer hardware and software, the internet, and other technologies have evolved to the point where they no longer present formidable barriers to sharing information. There are a number of jurisdictions that have overcome past technological, as well as bureaucratic and political, obstacles to create shared databases between the court, child welfare agencies, and probation departments. These tools allow the court and its designated officers to promptly access relevant information, address security concerns, and enhance the court's ability to monitor case outcomes and status.

Concluding Remarks

Dual system youth present challenges for juvenile courts. Their cases often heighten conflicts between child protection and probation agencies, while draining scarce resources from both. Many of these youth, particularly children who have experienced patterns of abuse and/or neglect, and children who exhibit early onset of delinquency, are at very high risk of serious problems as they move through adolescence and beyond. In some jurisdictions, the challenges presented by dual involvement seem overwhelming, but it is important to remember that

preventing even small numbers of these cases from future problems will reap important benefits. While it is clear that early intervention and prevention efforts can deter many of these juveniles from subsequent delinquency and violence, substantial numbers eventually penetrate both the dependency and delinquency components of the court system. As a result, many courts should carefully examine current practices and programs, and the need for possible reforms.

While the research literature continues to confirm a very strong relationship between histories of childhood maltreatment, subsequent delinquency, and other problem behaviors, there has been very little work on how court practices can affect these troubling cases. The brief national survey conducted for this report and our experience in hundreds of courts across the country confirm that a relatively small number of courts, probation departments, and child welfare agencies have instituted special court practices and/or comprehensive programs specifically for dual jurisdiction cases.

Because so few of the practices listed in this paper have been the subject of rigorous research, it is important to keep our suggestions in the proper context. While we believe certain practices offer

some promise for more effective handling of co-occurring dependency and delinquency cases, we also believe that making more concrete recommendations, at this point, would be premature. As such, each jurisdiction should engage in healthy debate about the pros and cons of certain practices, and select those most applicable to their communities.

The contents of this paper comprise what we consider to be promising practices relevant to dual involvement, based on our brief national survey and our experience. Our discussions with juvenile courts, probation departments, and other across the country did reveal a growing interest in exploring ways to improve court handling of dual system cases.²³ A number of jurisdictions have implemented programs that reflect emerging research and other sources of recommended practices. We hope that our initial attempts to accumulate relevant information on these and other court-based and court-linked approaches, and our limited descriptions of each, are useful to courts and other agencies as they implement or participate in local planning efforts.

This paper presents a range of practice options for dealing with youth who are both dependent and delinquent. It includes a preliminary listing of promising court-based and court-linked practices and programs

An Integrated Computer System: The State of Delaware's Family and Child Tracking System

Officials in Delaware report that the Family and Child Tracking System (FACTS) produces reliable statewide information, including the ability to promptly identify dual system involvement. The first screen on the FACTS database indicates whether a child is involved in either the child welfare or delinquency systems. There is also an automated tickler feature that notifies the child welfare agency when a dependent child is arrested. By using the same computer system, with applicable confidentiality and security protections, child welfare and probation officials are able to promptly share relevant information. For more information, contact the Delaware Department of Children, Youth, and Families Information Systems Manager at 302-892-6404.

Interagency Collaboration: Lackawanna County's "Center for Success"

In 2002, the Pennsylvania Office of Mental Health and Substance Abuse Services provided a grant to the Lackawanna-Susquehanna-Wayne County Mental Health and Mental Retardation Program to improve mental health services for adjudicated delinquent or dependent youth and their families who are multi-system users. As a result of this grant, Lackawanna County (Scranton, Pennsylvania) initiated extensive interagency planning and system reforms, including changes specific to dual system cases.

Participants in system reform efforts in Lackawanna County included the Unified Family Court system, the Lackawanna County Department of Human Services, the Lackawanna Juvenile Probation Office, the Department of Children and Youth Services, and the Lackawanna Drug and Alcohol Program. These efforts prompted a new approach to youth and families involved in multiple systems called the Center for Success.

The presiding judge played an instrumental role in making the Center for Success a reality. The judge recognized that the historic separation of the court system and the local human services system was not working. As a result, the court system redefined its role and established a high level steering committee, chaired by the presiding judge, to plan and implement system reforms. These planning meetings resulted in a streamlined referral and follow-up process including screening for dual involvement. It also led to the development of the "Court Liaison Intervention Program" where a staff member representing the mental health, mental retardation, and drug and alcohol treatment systems was assigned to the family court and acts as a point person for follow-up with community agencies. Collaboration also produced an effective truancy reduction program to address the high number of dual system youth who exhibit serious school attendance and performance problems, plus other steps designed to address the dilemmas posed by dual system cases.

In many respects, the collaborative planning process in Lackawanna County can serve as a model for other courts to adopt to meet local needs. For more information, contact Judge Chester Harhut at 570-963-6306 or John Nalevanko at 570-963-6790.

that courts and other agencies can reference in developing more effective approaches.

As indicated, some of these approaches have demonstrated empirical benefits while others seem promising but require further evaluation. We suggest courts follow an incremental approach in exploring, prioritizing, and implementing workable options. An incremental approach seems particularly relevant in view of the current budget quandaries faced across the country. Despite these fiscal concerns, the court can and should play an instrumental role in ensuring that dual jurisdiction matters receive the special attention they deserve, and that active coordination occurs, at a minimum, between child welfare and probation officials.

ENDNOTES

- ¹ J. Wiig, C.S. Widom, and J.A. Tuell. *Understanding Child Maltreatment & Delinquency: From Research to Effective Program, Practice, and Systemic Solutions*. (2003) Child Welfare League of America. This monograph presents an excellent overview of the powerful link between abuse and neglect and subsequent juvenile delinquency, elements of effective programs, and the need for an integrated approach to practices, programs, and services.
- ² Throughout this paper, "abuse/neglect" and "dependency" will be used interchangeably to refer to the juvenile court's handling of child abuse and neglect matters. NCJJ recognizes that different jurisdictions use different terms (and acronyms) to refer to such matters.
- ³ In this paper, a "dual jurisdiction" case is one that experiences official dependency activity (any phase from petition filing on) and delinquency activity (any phase from the filing of a complaint or court referral on) during the same time period, regardless of which official activity occurred first. We will also be using terms like dual involvement, dual supervision, dual system, dual wards, and joint involvement to describe the same phenomenon.
- ⁴ "Court-based" means that the family or juvenile court has either enacted court-practices specific to dual jurisdiction cases and/or it has administered and provided oversight for a particular program serving this population. For example, a court may consolidate dependency and delinquency hearings for the same juvenile, or a court's probation department (in circumstances where the court actually administers a probation department) may have special caseloads for dual jurisdiction cases. "Court-linked" refers to a practice or program that the juvenile court actively participates in but is not directly administered or overseen by the court. For example, a court may participate in interagency or multidisciplinary policy or case planning meetings specifically designed for dual jurisdiction cases.
- ⁵ NCJJ reviewed the following nationally recognized references to construct these categories. These included but were not limited to the *Desktop Guide to Good Juvenile Probation Practice* (DTG), the *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases* (and the companion *Adoption and Permanency Guidelines*), the *Child Welfare League of America's Standards of Excellence for Service for Abused or Neglected Children and Their Families*, the National Association of Social Workers (NASW) *Code of Ethics*, as well as practices cited in the research literature (limited as it might be) that suggest certain practices may contribute to measurable benefits in dual jurisdiction cases (a complete listing of all sources reviewed appears at the end of this paper).
- ⁶ While we refer to "two systems" in this paper, we recognize that many dual jurisdiction cases involve multiple systems (e.g., mental health, education, adult criminal justice, etc.), not just child welfare and juvenile justice. However, our focus in this paper centers on juvenile or family court handling of these matters, and delinquency and dependency are the two primary realms of court involvement.
- ⁷ For example, juvenile probation staff screening a first-offender complaint for shoplifting may determine that the youth's diversion contract may require more than participation in a Saturday morning property offender education seminar or an assignment of community work service hours. Knowledge of a prior substantiated child welfare investigation might warrant a closer look at the family dynamics than would normally be warranted and result in some requirement for family counseling as part of the diversion contract. Formal court action on the shoplifting incident may even be required to adequately address the familial issues if it is felt that these contributed to the youth's behavior.
- ⁸ See R. Wiebush, R. Freitag, and C. Baird. *Preventing Delinquency Through Improved Child Protection Services*. (July, 2001). OJJDP Juvenile Justice Bulletin.
- ⁹ See W. Walsh, L. Jones, and T. Cross. *Children's Advocacy Centers: One Philosophy, Many Models*. (Summer, 2003) APSAC Advisor, Vol. 15, Number 3. This article describes the shared characteristics of CACs as well as the different forms CACs take in different locales. The article also describes the soon to be completed multi-site evaluation of CACs being conducted by the Crimes Against Children Research Center based at the University of New Hampshire. CACs exist in urban and rural areas across the country.
- ¹⁰ The *Resource Guidelines* were developed by the National Council of Juvenile and Family Court Judges (NCJFCJ) and set forth the necessary elements of a fair, thorough, and speedy court process in abuse and neglect cases.
- ¹¹ The term "Model Court" was derived from the Victims of Child Abuse Model Court Project. This national project, funded by the Department of Justice, Office of Juvenile Justice and Delinquency Prevention, is intended to promote improvements in juvenile and family court handling of abuse and neglect cases. The Permanency Planning for Children Department of the NCJFCJ administers the Model Court project. However, it is important to recognize that the Model Courts do not claim to have reached an ideal state of practice, nor do they claim to have found the "right answer." The focus of the Model Court project is on the "ongoing process of systems change," where each jurisdiction sets its own goals, works toward implementation of best practices (as outlined in the *Resource Guidelines*), and "continually revisits its mission and goals for further reform." See Permanency Planning for Children Department. *Child Victims Act Model Court Project Status Report 1999*. (January 2000) National Council of Juvenile and Family Court Judges, Technical Assistance Bulletin, Volume IV, No. 1. More recent *Status Reports* are also available from NCJFCJ for 2000 through 2003.
- ¹² In the Hamilton County (Cincinnati, OH) Juvenile Court, pre-adjudicatory and adjudicatory delinquency proceedings on active dependent wards are conducted by judicial officers assigned to the court's delinquency docket. However, disposition on the delinquency matter is the responsibility of the magistrate assigned to the child's open dependency case.

- ¹³ For example, see J. K. Irvine, J. Krysik, C. Risley-Curtiss, and W. Johnson. *Interagency Case Management Project: Final Impact and Cost Study Report*. (May, 2001). Prepared for the Maricopa County (Phoenix, Arizona) Interagency Case Management Project Evaluation Oversight Committee. This study found significant cost savings related to reductions in lengths of stays in out of home placements for multi-system youth placed in an interagency case management project (ICMP) versus a comparison group of youth who were not in the ICMP. The study also found no significant differences in subsequent delinquent referrals despite the fact that ICMP cases had more extensive delinquent histories.
- ¹⁴ The evaluation of Maricopa County's ICMP, discussed earlier, also found that families assigned ICMP case managers experienced significantly less changes in case managers than non-ICMP cases. Specifically, the ICMP cases averaged just over one case manager assigned during the study period while non-ICMP cases averaged close to five case managers assigned during the same period.
- ¹⁵ See J. Gilbert, R. Grimm, and J. Parnham. *Applying Therapeutic Principles to a Family-Focused Juvenile Justice Model*. (June, 2002). University of Arizona Law Review.
- ¹⁶ See C. Burke and S. Pennell. *Reducing Delinquency Through A Family-Based Approach: Reflections*. (March, 2002). San Diego Regional Planning Agency, San Diego, California.
- ¹⁷ See A. Stahl, T. Finnegan, and W. Kang. "Easy Access to Juvenile Court Statistics: 1985-2000." Online. Available: <http://ojjdp.ncjrs.org/ojstatbb/ezajcs/>
- ¹⁸ The Justice Research and Statistics Association's Juvenile Justice Evaluation Center website (www.jrsa.org/jjec/programs/gender) contains a thorough listing and brief summaries of promising gender-specific programs for girls, and related resources.
- ¹⁹ See H.N. Snyder, R.C. Espiritu, D. Huizinga, R. Loeber, and D. Petechuk. *Prevalence and Development of Child Delinquency*. (March 2003). *Child Delinquency Bulletin Series*. Office of Juvenile Justice and Delinquency Prevention.
- ²⁰ See H.N. Snyder and M. Sickmund. *Juvenile Offenders and Victims: 1999 National Report*. (1999). Washington, D.C. Office of Juvenile Justice and Delinquency Prevention.
- ²¹ See B.J. Burns, et. al. *Treatment, Services, and Intervention Programs for Child Delinquents*. (March 2003). *Child Delinquency Bulletin Series*. Office of Juvenile Justice and Delinquency Prevention.
- ²² The formal agreements covering creation of the CPS Liaisons in Tarrant County and Bexar County, Texas offer two excellent examples. These agreements contain very specific goals that transcend traditional CPS and juvenile justice boundaries. Copies of these agreements can be obtained by contacting the liaisons in each county.
- ²³ In response to the growing interest in dual jurisdiction issues, NCJJ is drafting a simple to use planning guide with references to the five broad categories of suggested practices covered in this paper, as well as the more specific promising practices and programs discussed within each category. When ready, the planning guide can assist courts, probation departments, child welfare agencies, and others as they pursue effective interventions for dual system youth.

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APPENDIX B

Summary of County Interviews

Appendix B

Summary of County Interviews

NCJJ conducted interviews in the four counties during the summer of 2004 to obtain stakeholder perspectives on current handling and ongoing challenges related to dual jurisdiction.¹ The Cochise County group interview was conducted on August 4, 2004; the Coconino County group interview was conducted on July 13, 2004; the Maricopa County group interviews were conducted on July 20 and 21, 2004; and the Pima County group interview was conducted on August 10, 2004. All participants were furnished with a copy of the preliminary data analysis summary covering initial findings from the JOLTS extract and case file reviews, and the interview questions, in advance of the interviews.

This section contains the full listing of interview participants and questions, followed by the county interview summaries in table format. The tables reflect stakeholder comments related to current practices, innovations and promising practices where evident, and ongoing challenges as reported by local officials. For easier reference, interview comments have been organized into the five categories of court practices described in the OJJDP Special Project Bulletin in Appendix A.² These categories include:

Screening and Assessment: meaning, from initial intake on, standardized processes and tools used by the court and other agencies to ensure that juveniles with involvement in two systems are identified and their needs, risks, and safety issues properly assessed.

Case assignment: meaning, special procedures implemented by the court to assign dual jurisdiction matters to judges, attorneys, guardians ad litem (GALs) and others involved in dependency and delinquency processes.

Case flow management: meaning, special steps taken in the court process, from the filing of petitions through disposition and beyond, that provide for substantive and timely handling of dual jurisdiction proceedings.

Case planning and supervision: meaning, unique approaches evident after the court process has been initiated that include having someone or a team responsible for coordinating services for these youth and their families, and providing supervision of these cases.

¹ Most interview participants attended group interviews. Some interviews were conducted telephonically with individuals who were unable to attend the group sessions. The larger number of participants in Maricopa County required multiple small group interviews.

² There is obvious overlap across categories. For easier reference, however, we have chosen to organize the interview comments using the five broad categories used in the OJJDP Special Project Bulletin.

Interagency collaboration: meaning, substantive agreements and/or procedures between the court and other agencies that clearly delineate roles and responsibilities related to youth involved in two systems, and that translate into effective action at the frontline level.

In addition to the five broad category summary tables for each study site, three additional summary tables appear that contain responses to three specific interview items. These additional summary tables cover the use of CASA volunteers as surrogate parents (for special education purposes), determination of the educational needs of dual jurisdiction youth, and the transfer of school records for dual jurisdiction cases.

Interview participants included:³

- At least one judge.
- The Director of Juvenile Court Services.
- A deputy county attorney who prosecutes delinquency matters.
- An assistant attorney general who prosecutes dependency matters.
- A guardian ad litem assigned to children in dependency and/or delinquency matters.
- An attorney assigned to represent children in dependency and/or delinquency matters.
- At least one CPS representative.
- At least one probation representative.
- Representatives from any special programs that handle dual jurisdiction cases (e.g., Maricopa County's dual ward program, the CPS Dually Adjudicated Youth Unit in District One, Pima County's Treatment Staffing unit, etc.).
- A representative from past programs intended to serve youth involved with multiple agencies (e.g., ICMP in Maricopa County and Project MATCH in Pima County), as applicable.
- Dependency Unit supervisor or equivalent (where applicable).
- At least one Behavioral Health system representative.
- Appropriate staff persons involved in intake, assessment or screening (e.g., at detention, intake units, as applicable).
- A school representative (preferably one who works closely with the court and/or CPS) who is knowledgeable about school records transfers and related challenges often associated with these cases.
- The court's CASA program coordinator.
- A service provider who handles dual jurisdiction cases (residential and/or non-residential services).
- Others deemed appropriate.

³ Due to time constraints and other factors, some of these individuals were unable to participate in group interviews in specific counties.

Arizona Dual Jurisdiction Youth Study Interview Questions

1. Are the preliminary data from your county (for FY 2002), including the numbers of dual jurisdiction cases, the referral numbers, etc., consistent with your experiences?
2. In your county, how do CPS and probation determine if a juvenile has both dependency and delinquency involvement? (Probe for details on screening processes at all stages including probation, dependency, CPS, behavioral health, others).
3. National research indicates that dual jurisdiction cases may experience more frequent or extended detention stays than other youth. To what extent is this a challenge in your court/department? Please describe any effective/innovative steps your court/department has taken to address this challenge.
4. In some cases, dual jurisdiction may *reduce* detention stays (e.g, when a dependent youth has a CPS caseworker who is promptly made aware of the detainment, promptly responds to this notification, and promptly moves the detained youth to a shelter, foster home, group home, or other residential setting). How often does this type of scenario occur?
5. To what extent do you use voluntary placements for dual jurisdiction youth? When a dual jurisdiction youth in voluntary placement is detained, who do you call and what typically happens?
6. Once a juvenile has been identified as a dual jurisdiction case, please describe how information is shared between CPS, probation, and behavioral health. What barriers prevent timely sharing of relevant information?
7. Please describe any special methods or programs that exist in your county for handling dual jurisdiction cases.
8. How do the sometimes conflicting goals of CPS (family reunification and child safety) and probation (accountability and community safety) affect handling of dual jurisdiction cases in your county? What steps should be taken to minimize or eliminate these conflicts.
9. What cross-training should CPS caseworkers, probation officers, and RBHA case managers who handle dual jurisdiction cases receive in your county?
10. Would it be a good idea to establish a dedicated docket/time block for dual jurisdiction cases? If yes, how could it be done in your county?

11. Approximately 44% of all dual jurisdiction youth included in the study were in out of home placements during the study period. Describe how planning for out of home placement of dual jurisdiction youth is typically handled in your county? (e.g., who is typically involved, the process used, etc.)
12. Who supervises dual jurisdiction youth placed out of home?
13. To what degree do CPS, probation, and, when applicable, behavioral health professionals work on re-entry or re-integration plans for dual jurisdiction youth placed out of home?

Items 14 through 18 are for Maricopa County interviews only:

14. When the Interagency Case Management Project (ICMP) and the CPS Dually Adjudicated Youth (DAY) unit were in operation, what effect do you feel these had on dual jurisdiction cases?
15. What impact has the dissolution of ICMP and the DAY unit had on these cases?
16. What alternatives to ICMP and the DAY unit have been implemented since their dissolution?
17. Do you feel an ICMP-type and/or DAY unit-type program should be initiated again, even in a limited capacity? If yes, why?
18. Describe how and when the Resource Staffing process gets involved with dual jurisdiction cases?

Items 19 through 23 are for Pima County interviews only:

19. When Project MATCH was in operation, what effect do you feel it had on dual jurisdiction cases?
20. What impact has the dissolution of Project MATCH had on these cases?
21. What alternatives to Project MATCH have been implemented since Project MATCH's dissolution?
22. Do you feel a Project MATCH-type program should be initiated again, even in a limited capacity? If yes, why?
23. Describe how & when the Team Staffing process gets involved in dual jurisdiction cases?

24. Would it be appropriate and feasible for CASA volunteers to become surrogate parents (for special education purposes) for dual jurisdiction cases? If yes, explain why and how this could be done in your county.
25. In your county, how does the juvenile court and schools determine the educational needs (including special education needs, as applicable) of dual jurisdiction cases and meet these needs?
26. Describe how school records follow dual jurisdiction cases as they transfer to other school districts or are detained.
27. What other suggestions do you have for improving the handling of these cases?

Cochise County Interview Summary

Current Status

Screening & Assessment	Case Assignment	Case Flow Management	Case Planning & Supervision	Interagency Collaboration
• If child detained, JOLTS shows if there is open dependency. • Intake staff routinely checks for dual involvement. • Staff follows its detention/release screening index. • Detention notifies CPS immediately when juvenile, brought to detention, does not meet intake criteria and parents refuse to take the juvenile home. • Detention contacts CPS and probation officials immediately when JOLTS identifies a dual ward case. • When youth with open dependency is detained, CASA coordinator sends emails to assigned CPS worker. • All detained youth screened by CASA re. dual involvement.	• One judge/one family case assignment is followed in all dependency and delinquency matters unless there is a conflict. • Attorney assignment in dual jurisdiction cases is handled the same way as it is handled in regular dependency and delinquency matters. There are also no differences in CPS worker assignment, probation officer assignment, or county prosecutor assignment. • There are two assistant attorneys general serving the southeastern Arizona region which includes Cochise, Graham, Greenlee, and Santa Cruz counties.	• The presiding juvenile judge consolidates all post-adjudicatory dependency and delinquency hearings unless there are compelling reasons not to do so. • The court has specific days and times for dependency and delinquency matters. Dependency hearings are held on Thursdays and Fridays. This seems to work though there are days when the schedule gets very crowded.	• Regular case planning staffings are held, generally on Fridays. In dual jurisdiction cases, these usually occur at the delinquency pre-disposition phase and often involve CPS and behavioral health representatives. • At these pre-disposition staffings, the agency representatives discuss who can pay for what programs and services. Costs are often shared if there are applicable contracts. • The CFTsⁱ play an important role in planning for out of home placements. • CPS and probation share supervision responsibilities for dual wards placed out of home. One case manager is assigned as the primary contact person.	• Once a case is dually adjudicated, disclosures go back and forth and there are no barriers to sharing applicable information between CPS and probation or the office of the attorney general and county attorney's office. • CPS and probation share more common goals than differences. There is an underlying emphasis on interagency cooperation. • Cross training for probation, CPS, and behavioral health staff members has been prevalent in the Douglas area.

Cochise County Interview Summary

Innovations and Promising Practices

Screening & Assessment	Case Assignment	Case Flow Management	Case Planning & Supervision	Interagency Collaboration
• CPS, juvenile court, & SEABHSⁱⁱ meet monthly to discuss issues including multiple system youth. • Huachuca City Crisis Center allows for assessment/screening of appropriate youth outside detention. However, it has limited capacity. • The juvenile court liaison officer is responsible for promptly obtaining information and providing case management to move youth out of detention as quickly as possible. • Court liaison officer promptly identifies dual wards. • Court instituted a 24-hour on-call procedure to ensure youth do not remain in detention longer than necessary and coordinates due process hearings. The PO & an administrator are on call.	• The presiding judge recognizes the importance of dual jurisdiction cases and the need to treat these cases differently than others.	• Consolidating all post-adjudicatory dependency and delinquency hearings in dual jurisdiction matters ensures that the court receives information and testimony from both the assigned probation officer and CPS caseworker at the same hearing.	• CPS and probation often alternate providing transportation for parents to visit youth placed out of county. This reflects a long-standing philosophy that CPS & probation share common goals. • Local CFTs may help reduce detention stays by devising workable case plan alternatives. • The court liaison officer schedules earlier or immediate staffings when a dual jurisdiction case is detained. This helps prevent prolonged detention stays. These staffings are held when possible. • Plans for an ADJC grant-funded project to improve local re-entry efforts are underway. The first meeting for this grant was held in September 2004.	• Interagency team efforts evident in dual jurisdiction cases, particularly for out of home placement cases. • When CPS is working with a family, even on a “services only” basis, and a juvenile from that family is detained, a CPS representative attends the detention hearing. This minimizes detention stays. • Creation of the CFTs has promoted some cross-training and other innovations, including the development of “modified CFTs” that allow the different agencies to come together to discuss how each system works.

Cochise County Interview Summary

Ongoing Challenges

Screening & Assessment	Case Assignment	Case Flow Management	Case Planning & Supervision	Interagency Collaboration
- When a juvenile is referred for delinquency but not detained, court may not immediately know if there is CPS involvement. - Probation, county attorney, and court may not know about CPS involvement when making diversion decisions. Confidentiality should not prevent this. - If county attorney and AG were able to share appropriate information re. pending cases it would promote more timely decisions and intervention. - AG computer tracks prior CPS history but info not shared with court. Diversion intake or PO not able to call AG to obtain info re. prior CPS reports. - So many of these youth have exhausted placements. - Can be difficult identifying agency w/legal custody when youth from other jurisdiction detained in Cochise County.	- Contact between CPS and the attorney assigned to represent a dual jurisdiction youth in an overlapping delinquency matter can be challenging. When it happens promptly, however, it can reduce detention stays. - Cochise County does not have the manpower or resources to engage in specialized assignments or caseloads for dual system youth. - There are five probation offices in Cochise County spread across the county. This requires PO's to take on multiple responsibilities in their regions and can exacerbate duplication.	The two assistant attorneys general handling dependencies in Cochise County also handles dependencies in three other counties (Graham, Greenlee, and Santa Cruz counties). This plus rising dependency filings exacerbate workload demands.	- While Cochise County has a specialized caseload for out of home placements, this is not limited to dual jurisdiction youth. - Most dual wards are placed out of county. This adds substantial time and travel demands for CPS & POs. - Re-entry planning for juveniles who have been committed to ADJC continues to be a major challenge.ⁱⁱⁱ - The data confirm that many dual jurisdiction youth have serious mental health problems. In many cases, SEABHS is not able to provide effective early intervention. It can take months to see a psychiatrist for an evaluation to determine eligibility for services.^{iv}	- Prosecutor & PO cannot share pre-adjudication info on delinquency case. - AG does not always know when there is co-occurring delinquency.^v - AG & legal defender do not receive delinquency dispo reports.^{vi} - The assistant attorneys general serving this region do not have access to a JOLTS terminal. - Turnover for behavioral health & CPS personnel make consistent cross-training difficult. - CPSA^{vii} should be involved in developing appropriate cross-training relevant to dual jurisdiction. - Fund pooling & interagency agreements permitting agencies to access each others' contract services, are needed. - Interagency protocols with SEABHS are needed to resolve ongoing challenges.

Cochise County Interview Summary

Should CASA volunteers serve as surrogate parents for special education purposes?		
<i>Current Status</i>	<i>Innovations and Promising Practices</i>	<i>Ongoing Challenges</i>
- Local CASA advocates feel it is not appropriate to serve as surrogate parents. Advocates have indicated their preference to focus on traditional CASA volunteer roles. CASA advocates have expressed concerns about possible negative consequences of adding surrogate parent responsibilities to their roles. - There are some specialized CASA volunteers with strong educational backgrounds. These volunteers do help with the development of Individual Education Plans (IEPs). - There are licensed surrogate parents who can and should serve in this capacity.	Having a licensed surrogate parent assigned to the detention center may offer important benefits for educational planning and transition of detained youth.	- Many surrogate parents do not take an active advocacy role other than signing off on the special education voucher or plan. Dual jurisdiction youth, in particular, need stronger educational advocacy. There is a need to develop a more effective pool of surrogate parents. - The presiding juvenile court judge indicated he sees very few motions for appointment of a surrogate parent. There may be a need for more motions in dual jurisdiction cases.

How are the educational needs of dual jurisdiction youth determined?		
<i>Current Status</i>	<i>Innovations and Promising Practices</i>	<i>Ongoing Challenges</i>
The schools work closely with detention education personnel.	- The juvenile court has a transition counseling program. All youth receive one counseling session while detained & two more sessions after release. This program is intended to improve the transition from detention back to school. - In addition to a grant-funded position, the county provides a half-time employee to support educational transition efforts.	- It has been difficult for the transition counseling program to cover the entire county due to distance and time demands. - Some detention education personnel are grant funded. There is a need to find more permanent funding for special program in detention education.

Cochise County Interview Summary

How is the transfer of school records handled?		
<i>Current Status</i>	<i>Innovations and Promising Practices</i>	<i>Ongoing Challenges</i>
• The transition education officer is responsible for obtaining and sending the most up to date records. • In dual jurisdiction cases, school records can be released to the assigned CPS caseworker. While waiting for records, CPS caseworkers are authorized to place youth in school and the school is responsible for obtaining the records.	• Assigning the transition education officer to handle these matters centers responsibility for this important task. • The AOC is attempting to have all detention center schools in the state accredited as one school district. This should improve the transfer of records.	• Obtaining the most recent records can be a real challenge. • Detained youth who are released mid-week may not be placed in school until the following week. This delay contributes to academic deficiencies and other problems experienced by dual wards. • There have been a number of cases where schools that accepted dual jurisdiction cases had to wait days to obtain the most recent school records.

Coconino County Interview Summary

Current Status

Screening & Assessment	Case Assignment	Case Flow Management	Case Planning & Supervision	Interagency Collaboration
- At intake, court staff members check JOLTS to determine dual involvement. However, it may be easier to identify dual system cases whose delinquency involvement precedes dependency. - Policy requires regular review of detainees. - The CPS caseworker^{viii} co-located at the juvenile court promptly identifies whether or not a detained youth has an open case with CPS or an active dependency. - The behavioral health specialist assigned to juvenile court finds out about dual involvement through CFT meetings or court documentation. - Many dual jurisdiction cases in Coconino County present lower level or less serious delinquency. Substance abuse is often a major concern with these families, but not serious violence problems.	- The vast majority of dependency and delinquency matters are assigned to one judge. One judge/one family case assignment is the rule, unless there is a conflict. - All dually adjudicated youth are assigned to a specific CPS caseworker who is based at the juvenile court. This caseworker co-manages these cases with each youth's assigned probation officer. - The assignment practices for attorneys, assistant attorneys general, and county prosecutors are the same for dual wards and non-dual system cases. - The behavioral health specialist assigned to the juvenile detention center works with all dual wards during their detention stays.	- The court has specific time blocks for dependencies and specific time blocks for delinquencies. These seem to be working. - Coconino County has one court/one judge and this seems to work. Scheduling and holding hearings on a case by case basis seems to be effective. - The juvenile court frequently, but not always, combines dependency and delinquency hearings in dual jurisdiction cases.	- Court policy requires joint CPS/probation case plans. - The court uses a special minute entry format for dually adjudicated cases. This ME contains specific language that requires the CPS worker & PO to prepare a joint case plan. - CPS, probation, and behavioral health provide a team supervision approach. If behavioral health is paying for services they review level of care every 30 days. The assigned PO has to make contact every three months. The CPS dually adjudicated worker must also make contacts. - Overall, the three agencies work well together on re-entry plans, though there have been some challenges getting the new mental health clinic established & working with courtesy case managers in other counties.	- While CPS and juvenile probation have some differences in goals, overlap with rehabilitative aspects of delinquency cases seems more common. - By providing appropriate cross-training, CPS and probation can move beyond traditional clashes. - Cross-training could be more formalized. - Interagency case reviews of dual system cases can be a useful tool. Previous reviews indicated dually adjudicated youth were not able to access services before their first delinquency referral. - One of the benefits of dual adjudication is it allows the judge to decide on the placement and who will pay, even if there are disagreements among the agencies. Lately, these disagreements seem less frequent.

Coconino County Interview Summary

Innovations and Promising Practices

Screening & Assessment	Case Assignment	Case Flow Management	Case Planning & Supervision	Interagency Collaboration
- The behavioral health specialist, stationed at the detention center for the past nine years, provides on site assessment and counseling in detention. The specialist determines if detained youth are AHCCCS eligible. If so and if these youth meet diagnostic criteria, they are eligible for mental health services. The specialist expedites mental health services for many dual jurisdiction cases. - The behavioral health specialist conducts three group counseling sessions in detention per week, paid for by the court. This helps identify youth who need services after release. The groups and early assessment may enhance safety of detained youth and detention staff.	The juvenile court judge has mandated joint CPS/probation court reports and case plans, and often requires the dually adjudicated youth caseworker and the assigned probation officers to attend hearings together.	A dedicated docket or time block for dual jurisdiction matters does not seem necessary in Coconino County. The court tries to accommodate families and their schedules which do not follow set patterns. However, the notion of a dedicated docket has been discussed.	- The dually adjudicated youth CPS caseworker is co-located full-time at the juvenile court center. - Supervision of dual wards involves a team approach that includes the CPS dually adjudicated worker, the assigned PO, an ADJC parole officer, and a behavioral health case manager. The dually adjudicated youth team approach began in August or September 2003. - If a space is available, court staff can authorize a “free bed” at the Open Inn Alternative Center as an alternative to detention. This bed is provided at no cost to the juvenile court. This allows case planning to proceed without the pressures associated with prolonged detention periods.	- Co-location of the CPS caseworker at the juvenile court prevents extended detention stays in many dual system cases. - Co-locating the CPS dually adjudicated case manager and ADJC parole officer with field probation officers has improved information sharing. - Co-locating the mental health specialist in the intake unit (in detention) promotes information sharing & expedites mental health eligibility screening. - CPS, probation, & RBHA staff should have annual joint training where behavioral health familiarizes others with the CFT process; probation familiarizes CPS & the RBHA with probation processes; and CPS familiarizes juvenile probation and behavioral health with their processes.

Coconino County Interview Summary

Ongoing Challenges

Screening & Assessment	Case Assignment	Case Flow Management	Case Planning & Supervision	Interagency Collaboration
• There is no formal process for determining dual involvement when an existing dependency experiences subsequent delinquency activity. • Having a CPS CHILDS computer at the juvenile court will allow prompt determination of prior or current CPS involvement. However, at the time of the interview, the installation had been delayed. • There is a need for cross-training that covers the needs assessments used by different agencies and how these can be integrated. • There should be cross training on the CPS “Strengths & Risk Assessment.” • Labeling dual system juveniles, for Title XIX and other purposes, creates obstacles that inhibit meeting the needs presented by these cases. • Many dual system youth prefer group homes to foster homes.	• CPS caseloads and dependency filings are increasing in Coconino County.^{ix} This magnifies the workload demands on all CPS caseworkers including the dually adjudicated caseworker. It may also foreshadow increasing numbers of dual wards in Coconino County. • In most dual jurisdiction cases, there is a mental health diagnosis so the first step involves assignment & formation of a CFT. In these cases, the CFT drives the process. The behavioral health psychologist determines if level of care criteria are being met. But the lack of placement options really affects this. There is increasing emphasis on intensive in-home services.	• At present, the court does not have difficulty finding adequate time to schedule and conduct hearings in dual system cases. However, if dependency filings continue to increase, there could be adverse effects on the court calendar. • When extended detention occurs it is usually due to the lack of placement options.	• Beds at the Alternative Center are often full. • There can be conflicts b/w goals of reunification & offender accountability. • The CPS “imminent danger” criteria can affect probation case plan goals. • Some dual jurisdiction cases need higher levels of care, but the lack of foster homes is a bigger issue. • Many dual jurisdiction cases are headed to independent living as a case plan goal. There are some independent living programs in Coconino County and they should be utilized more effectively. • Having placements in Phoenix separates families & affects re-entry plans. • Past efforts to create a specialized caseload for youth in placement, with aftercare & step down options, were disbanded. • There is a need for more placement options including those that keep siblings together.	• There is a need for better coordination b/w schools & family resource ctrs. • The CPS workload is very heavy. There are times when caseworkers turn to detention until a more permanent placement can be found. • Broad-based cross-training for probation, CPS, the RBHA, & schools is an important need. • Fully integrating the three agencies should be carefully examined. • There is no system to deal with school-based problems associated with dual jurisdiction. • Creating a single fund or interagency block grant should be seriously explored at the state level. • Many cases have special needs that may be met by specially qualified and trained professional foster parents. • There is a need to strengthen the link between behavioral health system staff and the Alternative Center. • There seems to be consensus in regarding the need for significant systemic reform leading to the creation of a “child-driven” system vs an agency-driven system. With appropriate seed money from the AOC & others, it may be appropriate to develop a pilot project based on the “child-driven” system concept.^x

Coconino County Interview Summary

Should CASA volunteers serve as surrogate parents for special education purposes?		
<i>Current Status</i>	<i>Innovations and Promising Practices</i>	<i>Ongoing Challenges</i>
The ramifications of assigning CASA volunteers in dually adjudicated cases is being explored locally.	There seems to be consensus that having volunteer advocates serve as surrogate parents would be an appropriate expansion of the traditional CASA volunteer role in Coconino County.	Guardians Ad Litem (GALs) have had to serve as surrogate parents at times, and there is a federal law issue that may prevent GALs from doing this.

How are the educational needs of dual jurisdiction youth determined?		
<i>Current Status</i>	<i>Innovations and Promising Practices</i>	<i>Ongoing Challenges</i>
- Youth in detention receive accredited education services including school credits. - Dual jurisdiction cases that have an Individual Education Plan (IEP) for special education get more timely attention. If a dual jurisdiction case has serious behavioral health issues, the behavioral health specialist assigned to the juvenile court attends the IEP meeting to advocate for that juvenile's educational needs.	Local officials are setting up an alternative high school that may be an appropriate setting for many dual system youth.	- Many dual jurisdiction juveniles and their families are indigent and tend to have less effective advocates for their school needs. - Information-sharing between the agencies and the schools is not as good as it should be. There seems to be a need to develop more positive relations with local schools.

Coconino County Interview Summary

How is the transfer of school records handled?		
<i>Current Status</i>	<i>Innovations and Promising Practices</i>	<i>Ongoing Challenges</i>
• This is a challenge. There are times when up to date records are not available for the school a youth is transferring to. This information should be in the previous school's files, in the probation officer's file or the CPS caseworker's file, but sometimes it is not.	• Interview participants indicated this is an area that deserves continued attention.	• The federal HPPA regulations may be having adverse effects on this, which may reflect a perception of what HPPA requires versus a substantive barrier to prompt transfer of records.

Maricopa County Interview Summary

Current Status

Screening & Assessment	Case Assignment	Case Flow Management	Case Planning & Supervision	Interagency Collaboration
- JOLTS automatically indicates dual involvement. - When delinquency occurs parties in the dependency are automatically endorsed in the minute entry. - When probation receives a delinquency referral the intake officer identifies the legal guardian. If it is CPS, the caseworker is notified. - When delinquency precedes dependency, the consistency of screening for dual involvement & notification across agencies may vary depending on the reasons for the child's dependency action. - The AG is notified when a dependent ward has subsequent delinquency. - Dual wards tend to experience longer detention stays because they are awaiting placements. - ValueOptions has 5 days to screen referrals made to one of seven Community Service Providers (CSPs) in the local behavioral health network. If the referral is denied, probation/CPS may pursue a Review of CPS and Probation Referral (RCPR) appeal.	- The court has one judge/one family case assignment in dual jurisdiction cases. - The assignment practices for attorneys, GALs, assistant attorneys general, and county prosecutors are the same for dual wards & non-dual wards. - Dually adjudicated probationers are assigned to the court's dual ward project but this project does not have the capacity to serve all dually adjudicated youth. - There are specific probation officers, in the program services division, assigned to specific programs. This enhances familiarity with the assigned programs.	- There are differences among judges in how they handle these matters. Some are more likely to address mental health & other issues that can appropriately reduce detention stays. Some judges are very familiar with community-based programs while others are not. - Some judges combine dual jurisdiction hearings on the JV (delinquency) calendar to ensure attendance by the prosecutor (CA). Others hold the delinquency hearing first, then the dependency. The CA rarely attends separate dependency hearings, though some attend placement reviews. - The court has dedicated times for delinquencies & dependencies. This hybrid model seems to be working. <i>Continued on next page</i>	- If it is dependency case first, CPS drives the planning process. If it is a delinquency case first and probation is involved, probation may take the lead. There is an interagency staffing process, but if there is a dependency first, the probation department's staffing process may not be used. - For CFT cases, the CFT facilitator plays an important role helping the team identify placement options. - The dual ward supervision unit is responsible for supervising dually adjudicated youth though, again, this unit is not able to serve all dual jurisdiction cases. PO's in this unit keep their cases regardless of placement site.^{xi} - Dual jurisdiction cases are often referred for delinquent acts that occur at placements (e.g., criminal damage). When the CA declines to file on these referrals, CPS may not have an alternative placement. - Dual ward PO's follow co-case management practices w/ CPS and behavioral health staff. - If a dual ward is older, the plan usually changes to independent living. Specific CPS caseworkers are assigned to these cases. <i>Continued on next page</i>	- The court and CPS are developing protocols for releases of info that would help case management and planning for dual wards. CPS has legal guardianship in these cases & the caseworker can sign releases, but PO's may encounter difficulties obtaining CPS info. - When a dual system case is assigned to a dual ward PO, the PO identifies & contacts the CPS caseworker. The PO also determines if the juvenile is involved with behavioral health. If the juvenile is receiving intensive case management services through the network, the PO contacts the assigned case manager. <i>Continued on next page</i>

Maricopa County Interview Summary

Current status – continued

Case Flow Management	Case Planning & Supervision	Interagency Collaboration
• The pre-petition Resource Staffing process is used when someone is considering filing a private dependency petition.^{xii} Resource Staffings are held on Tuesdays and Thursdays, with slots available for up to four staffings each day. • Prior to each Resource Staffing, the behavioral health “Stakeholder Liaison” reviews the ValueOptions database to see if a child and/or family is already enrolled in the behavioral health network. If so, the mental health service provider attends the staffing. • The assigned PO attends the Resource Staffing when needed. In most cases, both the assigned PO & a representative from the program services unit attend.^{xiii}	• The Little Canyon Center, a residential treatment center operated by Arizona Baptist Children’ Services, serves youth who require a more acute level of care. About 75 percent of the juveniles placed in this program are dual jurisdiction cases. • Until FY2003, some dual jurisdiction cases were handled through the Interagency Case Management Project or ICMP.^{xiv} Interview participants stated that ICMP had reached a point where it would have been even more effective. • Dissolution of the CPS Dually Adjudicated Youth (DAY) unit has created some coordination issues in dual jurisdiction cases. Caseworkers previously assigned to this unit have been reassigned to regular units and units focused on independent living programs. • ICMP and DAY unit staff used to be able to answer questions in court regarding community resources and what can or cannot be done in dual jurisdiction cases. With rare exceptions, that consistency and expertise are no longer evident. • Instead of relying on a single ICMP case manager, the court has to bring in both the CPS caseworker and the assigned probation officer to resolve differences in case plans. • There have been some notable improvements in aftercare planning – the court demands it. • Some providers used to have no say in aftercare planning including where a juvenile would go after discharge. Now, some providers are looked to as authorities, to some extent, on what a youth may need after release. • At Mingus Mountain, a RTC for girls that serves a substantial number of dual jurisdiction cases, aftercare recommendations often involve transition to one of the Mingus Mountain therapeutic group homes. Many clinical and probation personnel feel that many dual wards should go through a step down phase, or series of phases, to achieve successful community reintegration. Each step down phase usually involves shorter-term stays. This allows for a transition period and helps prepare youth for the independent living goal that many dual jurisdiction cases have.	• If the CFT process is involved, the PO attends the CFT meeting, signs applicable releases of information, and works with others tied to the CFT. • Once a dual jurisdiction youth is placed at a RTC, the RTC is responsible for notifying all involved agencies and obtaining necessary information. This is usually done through the CFT process. • ValueOptions initiated cross-training to all probation officers in August 2004. The purpose of this training is to explain the children’s behavioral health system so that probation officers better understand how the system operates and how they can access services.

Maricopa County Interview Summary

Innovations and Promising Practices

Screening & Assessment	Case Assignment	Case Flow Management	Case Planning & Supervision	Interagency Collaboration
- The juvenile court is working with ValueOptions to get dual jurisdiction cases treated as a special category. This would expedite mental health assessment and treatment services. - ValueOptions has implemented a model allowing the seven CSPs to be co-located to better coordinate screening and service delivery.	The court is doing a better job of noticing GALs when their dependency cases experience subsequent delinquency hearings. GALs with the county's Legal Advocate's office make it a point to attend delinquency hearings in these instances.	- The court is doing a better job combining dependency and delinquency hearings. - Dual ward PO's are able to expedite detention release to group homes by asking the provider to accept the juvenile as a shelter placement. This is done in cases that do not have extreme mental health and delinquency issues. - The court is pursuing funding from the Annie E. Casey Foundation to create more detention alternatives. - The juvenile court has been working with the state dually adjudicated work group to examine options for these cases including earlier intervention with dually involved status offenders. - As of July 2004, CFTs had been held in only 10 percent of eligible cases. CFTs offer a means for more people to improve case planning & accountability. - Every CFT case should have a "crisis plan" delineating what service providers can expect from a particular child. If group home providers follow these crisis plans there should be less delinquent incidents in group homes.	- The court initiated special caseloads (i.e., the dual ward pilot project) but it took a year to do it. The project has now been in existence for approximately three years. - Probation officers assigned to the dual ward project have some different roles and responsibilities than regular probation officers. These include being in the field on a full time basis (referred to as "virtual probation" because these officers do not have offices); attending all CFTs, FCRB hearings, and all dependency hearings; attending all placement staffings; co-case managing with CPS and behavioral health; and keeping their assigned cases no matter where youth reside (i.e., there are no changes in probation officers when a dual ward moves to a different zip code area).	- The court has initiated efforts to strengthen working relationships b/w diversion programs & behavioral health. - Dual ward project PO's have been granted access to dependency archives and can obtain more comprehensive dependency history info. This improves the quality of info available to the court. - The court hopes to bring a psychologist & other providers into detention to better prepare dual wards for placements. - The juvenile court and community providers are expanding alternatives to secure detention. For example, Arizona Baptist Children's Services purchased the Charter Hospital facility on the northwest side of Phoenix. This facility has been converted into a staff-secure center for status offenders. Many of these status offenders have co-occurring dependency activity or involvement with CPS.
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Maricopa County Interview Summary

Innovations and Promising Practices – continued

Case Flow Management	Case Planning & Supervision	Interagency Collaboration
• The Resource Staffing process has helped prevent private dependency petitions and expedited services including Title XIX eligibility determinations that help move kids out of detention. This has been particularly helpful for minority youth. • If the ICMP is restarted in a limited fashion, dual jurisdiction cases could be assigned to one judge and a court team comprised of a deputy county attorney, an assistant AG, a public defender, a GAL for the child, and the ICMP case managers. This concept is worth further discussion. • There have been some discussions regarding videoconferencing between some providers and the court (e.g., to reduce time and travel demands and enhance participation), but some technical barriers have inhibited this.	• The attorneys in the Legal Advocate Office that represent children in dependency matters in Maricopa County, operate in two-person teams with each attorney assigned a full time social worker. This team approach allows legal advocates to obtain more comprehensive information about their dependency cases. However, many of these social workers do not have a thorough understanding of the delinquency system which may impede thorough case planning efforts. • The Little Canyon Center staff reports that approximately 75 percent of the dual jurisdiction youth placed in the RTC stay for the full term of their placement. This may reflect program attributes that should be examined for expansion and replication. • The court is pursuing funding support from the county to build a post-disposition facility.	• The CFT serves as a positive forum for interagency brainstorming and collaboration. • There has been more training on the role of CFTs. • One goal of the dual ward supervision unit is to engage CPS, behavioral health, and a number of service providers in fostering a strong community team approach to dual jurisdiction cases. • Out of home placement costs are often shared across agencies. • Two behavioral health “Stakeholder Liaisons” are on site at Durango and SEF and available to attend Resource Staffings when called upon to do so. The Stakeholder Liaisons also provide on site assistance to guardians in completing required paperwork for Title XIX eligibility. The liaison positions were created to improve communication and coordination between probation and behavioral health. • The court, CPS, and ValueOptions have reached an agreement to expedite initial mental health screening intakes for dual jurisdiction cases that are not already enrolled in the network. The initial intake is supposed to be completed within seven days of the referral that occurs at the Resource Staffing.

Maricopa County Interview Summary

Ongoing Challenges

Screening & Assessment	Case Assignment	Case Flow Management	Case Planning & Supervision	Interagency Collaboration
- No written interagency protocols for notification/handling of these cases. - The court may not consistently determine prior referrals to CPS. - Notification may depend on caseworker/PO experience/training. - Court can become frustrated with delays in the RCPR (appeal) process. - Behavioral health/many schools ill-equipped to handle many dual wards. More substance abuse treatment options are needed inc. those that do not require court involvement. - Dual ward issues need to be addressed much earlier, especially youth who are dependent first. - All case managers should meet w/all RTC placed children before & after placement to reduce early releases. - Intake & other PO's need access to CHILDS to improve assessment and screening. - Some cases are being detained until they are 18 years of age. Many involve behavioral health issues, some quite serious. - There are some fundamental differences between the delinquency & dependency aspects of these cases, they do not just involve a child's "best interests." They also involve liberty/due process considerations.	- Dependency filings are increasing substantially. - Some CPS workers feel some POs are too concerned about accountability aspects of dual system cases, but the probation philosophy emphasizes child safety as well. - In some cases, PO's feel some CPS workers do not recognize public safety issues. - Judicial rotation changes judicial assignments. In the past year or so, half of the judges assigned to the court's southeast facility (SEF) changed. The majority of new SEF judges transferred from criminal bench. - Substantial CPS turnover continues. In one year, there may be three or more changes in workers. For dual wards with serious abandonment issues this can be traumatic.	- When new judges rotate to the juvenile court, they may not have the experience or training to handle dual system cases. - Detention hearings pose challenges. Frequently, there is no dependency rep at these hearings. CASAs could attend some hearings. - What happens in the courtroom is not the most critical aspect. However, the concept of assigning dual jurisdiction cases to one courtroom with a special team deserves further discussion. - It is difficult to say whether a dedicated dual jurisdiction docket or time block would work for dual system cases. - Combined dual jurisdiction hearings should be called whenever a key event such as a change of school or placement is about to happen. <i>Continued on next page</i>	- The court & other agencies need to work together to improve transition prep for youth awaiting placements. - Placement facilities that serve dual system youth, especially those under contract with CPS, need more respite assistance. - There is ongoing debate re. PO's having access to dependency archives. This info could help case planning. - Some judges visit programs where a substantial number of dual jurisdiction youth have been placed and others do not. Judges that visit are more familiar with services offered to these youth. - The formula used by the AOC to provide state funding for probation officers may need to be revised to address the need for specialization in dual jurisdiction cases. <i>Continued on next page</i>	- Sometimes dual ward PO's have to move a juvenile & cannot notify the caseworker until after the move. - Sharing info in dual jurisdiction cases is a very important issue. While things seem to have improved, there is a lack of communication between some PO's & some caseworkers. - Confidentiality can be an issue, more so when youth are detained and there are health-related issues (e.g., if a detained girl is pregnant it can be complicated sharing info with others). - CPS, the court, & behavioral health should have access to each other's info systems. Having three different computer systems just adds to the fragmentation. <i>Continued on next page</i>

Maricopa County Interview Summary

Ongoing challenges – continued

Case Flow Management	Case Planning & Supervision	Interagency Collaboration
• At times, the court resets dual jurisdiction case hearings to enable the CPS worker & PO to attend. With ICMP, the court could rely on one case manager to provide the info needed to make informed decisions. • There court may be reluctant to make findings allowing access to more federal funds (e.g., Title IV-E). Access to these funds could expand group home options. There should be training on this topic. • Psychiatric and medication evaluations can take up to two weeks to complete following the Resource Staffing. • There is no longer term follow up on Resource Staffing cases to determine subsequent court activity, whether such activity occurs before or after services are provided, how long services are provided and the types of services engaged, etc. • There are substantial staff time and travel demands on out of county providers when they attend hearings at Durango & SEF. • A dedicated docket or time block for dual jurisdiction matters would be helpful for out of home cases, particularly when a juvenile wants to attend a hearing. • The court should create a special dual jurisdiction report format, distributed in advance of hearings that would be completed in advance of hearings & detail the types of info the court is looking for. The responding agencies should be able to email or fax the report back to the court before the hearings are held.	• The Austin Center and/or a public school with high numbers of dual system cases may need school-based PO's assigned to them. • Caseworkers in the CPS DAY unit were very informed about the delinquency process and the resources available for dual jurisdiction cases. DAY unit staff worked closely with PO's in dual ward cases. Many newer caseworkers are not familiar with the delinquency aspects of a case, making it much harder to coordinate. This can make case plans less effective. • Future training should ensure that CPS caseworkers, PO's, and behavioral health case managers understand Arizona laws re. school absenteeism. There are times when students who are dual wards have misinformation re. how much school they can miss. Some case managers and PO's may not know what the laws require. • Some former ICMP cases that are dual wards now may be having more trouble staying in placements and participating in treatment. • ICMP cases in placement did not seem to experience as many delinquency referrals from group homes. • The data and experiences at juvenile court suggest the need for more, not less, special team development. The ICMP model should be used for all dual jurisdiction cases. The dual ward project is a positive approach but ICMP was more comprehensive. • An ICMP type program for high risk dual jurisdiction cases could help break that cycle of frequent placement changes and other problems. Something about ICMP seemed to promote stronger commitments from children and families, and the case managers had strong commitments to their cases. Same thing with the CPS DAY Unit. The unit did not have the turn over problems that other units tend to have. • From the legal advocate's standpoint, ideally, the ICMP approach should not be limited to certain subsets of cases. The court and the community need case managers who understand how to work with these children and families regardless of systemic constraints, and who have the ability to get better services for their clients. <i>Continued on next page</i>	• Some providers do not find out about dual involvement until after a case is accepted for placement or services. If a referral comes through the probation department, the provider may not find out that other agencies or the RBHA are involved. There are times when other agencies are surprised that a juvenile has been placed in a RTC. • At least some assistant AG's may not have been aware that the CPS dually adjudicated youth unit had been disbanded. • As of late July 2004, CFTs had been assembled in approximately 10 percent of eligible cases in Maricopa County. This may reflect understaffing of the CFT effort including the need for more trained CFT facilitators. • Dual jurisdiction cases that are also involved in the children's behavioral health system can get very complicated. Specifically, it is not always clear who has ultimate authority in these matters. Often times, psychiatrists and psychologists disagree with probation officials. ValueOptions seems to drive the court order. Lately, the CFT coordinators are taking more of a lead role. <i>Continued on next page</i>

Maricopa County Interview Summary

Ongoing challenges – continued

Case Planning & Supervision	Interagency Collaboration
• Service providers, particular group home providers, need training on what to expect and how to handle dual wards. Too many providers panic and do not know who to call for assistance. • Separate pockets of funding for placements administered by different agencies continues to be a source of frustration. How agencies block beds in different programs is also problematic. • Aftercare planning should start early with workable release plans even if a child is released early. • There may still be cases when joint case planning does not occur. Sometimes, the agency paying for the placement takes on this responsibility. Joint planning should occur in all dual jurisdiction cases. • A substantial number of dual wards are discharged from a RTC at the first sign of progress, not giving enough time for these youth to practice what they have learned. The RTC generates a discharge summary with recommendations & makes it known when they feel a resident has been discharged against medical advice. Most of these youth come back again after being released too soon. It would be more cost effective in the long run to keep them in placement until they are ready. • There needs to be greater attention paid to the number of placement and school transitions that dual jurisdiction youth experience. Many of these kids have trouble transitioning from room to room, let alone moving from one group home to another.	• The juvenile court, CPS, & behavioral health should revisit co-locating specialized teams for dual wards. • Initial cross training should provide an appropriate overview of how each system (behavioral health, CPS, juvenile probation) works. • There should be training on adolescent development with behavioral health, CPS, and juvenile probation staff all attending together. This training should include discussions of how behavioral manifestations of adolescent development, and related issues, trigger different reactions by each system and how those responses can be improved to produce positive outcomes. • There should be regular interagency “brown bag” type trainings like they have in Pima County. These could be held once a month, and could include cross training as well as other special topics relevant to dual jurisdiction. • There should be less emphasis on training probation officers on defensive tactics and more training on the different systems involved with youth and families. • A lot of dual jurisdiction cases have RBHA involvement which requires providers to attend CFT meetings. This requires additional time away from the treatment center. Perhaps some type of mobile technology could help reduce time and travel demands. • There is a strong perception that HPPA regulations prevent ValueOptions from allowing CPS and probation access to its computer system. This issue needs to be carefully and closely examined. Having better access to each other’s information would improve case management and case planning, enhance communication, and allow broader evaluation of programs and services relevant to dual jurisdiction. • When dual wards go AWOL they often run to other counties. There should be more consistency and better communication within and across counties.

Maricopa County Interview Summary

Should CASA volunteers serve as surrogate parents for special education purposes?		
<i>Current Status</i>	<i>Innovations and Promising Practices</i>	<i>Ongoing Challenges</i>
• Some CASAs already serve as surrogate parents. These advocates can serve as surrogate parents for any child, not just those assigned a CASA. • The court needs more CASA volunteers and it would seem appropriate for at least some to serve as surrogate parents. Generally, PO's experiences with CASAs are very positive. • Friends in Foster Care can be surrogate parents. • The CFT is supposed to be involved in some capacity as an advocate for the child.	• One of the CASA volunteers provides ongoing training on the responsibilities and roles of surrogate parents. • The Arizona Department of Education (DOE) and the Administrative Office of the Arizona Supreme Court (AOC) are discussing the feasibility of transferring administrative responsibilities of the surrogate parent program from DOE to the AOC.	• CASA volunteers who may want to serve as surrogate parents may be required to be fingerprinted again. This adds costs and time demands. It is unclear if previous fingerprinting of CASA volunteers suffices for subsequent surrogate parent duties.

Maricopa County Interview Summary

How are the educational needs of dual jurisdiction youth determined?		
<i>Current Status</i>	<i>Innovations and Promising Practices</i>	<i>Ongoing Challenges</i>
- Many dual jurisdiction youth have special education needs. The placing agency has to provide a special education voucher for special education programs, including those at RTCs. This voucher has to be signed by the student's home school district. - The probation department follows normal processes, but identifying all the special education needs is a challenge.	The Austin Center for Exceptional Students is a private school (not a Charter school) intended to be successful with students who have not succeeded in regular schools. It serves 54 students with approximately 27 percent of these residing in foster homes or group homes. The Austin Center contracts with schools directly and serves children in kindergarten through eighth grade, all enrolled in special education classes. The Austin Center reports that a high proportion of dual jurisdiction cases placed in their program (the program is not limited to dual jurisdiction cases) achieve notable educational progress. Many of these kids transition to public schools though this transition can be challenging. Approximately 20 percent of the youth placed in the Austin Center program are subsequently detained and do not return, meaning roughly 80 percent experience sustained educational progress while enrolled.^{xv}	- The court does not seem to be as involved in determining educational needs as perhaps it should be. In dual jurisdiction cases, there is a lot more going on in terms of mental health, special education needs, and other issues. If the right people are involved in developing Individual Education Plans (IEPs), including those who strongly advocate for a child's needs, the student will get more appropriate services. But in most cases, the court does not have a lot of impact. Usually, much of this responsibility falls on the CPS caseworker. - There may be substantial delays in obtaining special education vouchers. This can delay RTC placements and, possibly, prolong detention stays. With the Maricopa County area growing so quickly and the proliferation of Charter Schools, it can be very difficult to get up to date records. Charter Schools are not part of the districts. Each is an independent entity. - There may be times when dual jurisdiction youth placed in a residential treatment center that has a self contained special education program are moved out of that program before they are ready. Specifically, there may be times when these kids achieve some educational progress while in the RTC and it is determined that such youth no longer meet medical necessity requirements and their placement is changed. - The amount of movement and school changes seen in dual jurisdiction cases creates some problems. These youth should qualify for some type of special educational planning whether they ultimately qualify for special education classes or not. - On the educational level, these cases require stability. While it makes sense to strive for least restrictive goals, many dual jurisdiction youth are not successful in mainstream public school programs. They need the stability offered by highly structured and specialized education programs.

Maricopa County Interview Summary

How is the transfer of school records handled?		
<i>Current Status</i>	<i>Innovations and Promising Practices</i>	<i>Ongoing Challenges</i>
The probation department does the best it can but usually the CPS caseworker is the key for acquiring this information in dual jurisdiction cases.	At the Mingus Mountain RTC, the principal is very familiar with this process and the registrar has been successful getting information from the last school attended in many cases. Overall, however, it is difficult to obtain up to date school records.	- If probation is initiating a RTC placement for a dual jurisdiction youth, it seems very difficult to get all the necessary documentation from the CPS caseworker. If CPS initiates the referral the school program typically gets what it needs. - Experienced and trained case managers are much more effective at getting up to date records from schools, but worker turnover has a negative effect on this. The ICMP and DAY units were very effective in this regard.

Pima County Interview Summary

Current Status

Screening & Assessment	Case Assignment	Case Flow Management	Case Planning & Supervision	Interagency Collaboration
- When a juvenile is detained, the intake unit checks JOLTS for active warrants, court involvement and/or dependency involvement. - If there is no information on JOLTS, the Intake unit asks the juvenile & family about CPS involvement during the intake interview. - When a dependency petition is filed on a juvenile, the dependency unit checks JOLTS for delinquency involvement. If there is an active delinquency, the dependency unit contacts the assigned PO and the assigned PO contacts the assigned CPS caseworker. - The calendaring unit also checks for dual involvement whenever a new petition (dependency or delinquency) is filed. - Whenever a dependency petition is filed the court-based mental health liaisons are notified. - The dependency unit intake specialist sends relevant information via email to the assigned PO in all dual system matters.	- The court is committed to one judge/one family case assignment for dependency and delinquency matters. - The assignment practices for attorneys, GALs, assistant attorneys general, and county prosecutors are the same for dual system and non-dual system cases.	- Judges currently manage their own calendars. - There are specific days and times for dependency and delinquency hearings. - Some dual jurisdiction cases are detained for a four hour “cooling off” period before returning home. These short stays can be more effective than extended stays and provide some respite to caregivers.	- Treatment Staffings, held every Thursday, involve case planning for the more difficult cases, including those instances when CPS and probation cannot agree on placement. The staffings include reps from probation, CPS, and CPSA. The process includes re-entry planning in post-placement cases. - For less complex out of home cases, the planning process is less formal. The PO and/or CPS caseworker initiates communication and usually come to agreement. - The assigned PO & CPS caseworker continue to supervise cases placed out of home. There are no special units/caseloads for these cases. - The placement review process is a critical component where CPS, probation, and the RBHA come jointly discuss after-care plans. - The CFT process also involves after-care planning. - The CFT is intended to address service needs for dual system cases and others, including those who would have been eligible for Project MATCH.^{xvi}	- The court & CPS share many common goals. Probation is not just about accountability & public safety. There is substantial overlap. - In dual jurisdiction cases, CPS may use probation conditions to help motivate families and juveniles. - Team Staffings occur when there is disagreement among CPS, probation, and the RBHA over where a dual ward should be placed and who will pay for the placement. - Integrating behavioral health goals is also important. The CFT is an important emerging process. - PO’s receive training on “navigating the child welfare system.” This and other factors have helped many understand the importance of approaching dual jurisdiction cases from a “family systems” perspective.

Pima County Interview Summary

Innovations and Promising Practices

Screening & Assessment	Case Assignment	Case Flow Management	Case Planning & Supervision	Interagency Collaboration
• The dependency unit, intake unit, and probation use JOLTS to ascertain dual involvement. While JOLTS is designed to automatically flag these cases, these units double check through interviews and follow up contacts. • The court, CPS, and behavioral health have made conscious efforts to distinguish between dual jurisdiction youth who become seriously aggressive against other persons versus those who experience less serious probation violations or commit property damage (e.g., punching out walls).	• Many if not all dual system cases that involve out of home placements are assigned to the Team Staffing process for interagency planning and resolution of any disagreements regarding payment for services. • CPS has a court liaison assigned to and co-located at the court's dependency unit. Dependency unit staff and the liaison work closely together to ensure that assigned judges, caseworkers, probation officers, attorneys, and others are promptly notified of dual involvement.	• The court is committed to one judge/one family case handling in dependency & delinquency matters. • The court, CPS, and behavioral health have developed protocols for speeding up the processing of dual jurisdiction cases; this has really improved case management and reduced detention stays. • There is a joint (CPS and probation) protocol for the four-hour detention stay. • The detention intake protocol specifically addresses notification and other special procedures to be followed in dual jurisdiction cases. • The court has developed a protocol that enables CPS to investigate cases prior to a dependency petition being filed by a GAL. • Probation officers are invited to attend dependency pre-hearing conferences.	• The Treatment Staffing process has been successful in promoting cooperative case planning & resolving disagreements over which agency will pay for services.	• There are 3 behavioral health liaisons assigned to juvenile court.^{xvii} The liaisons can access JOLTS and the CPSA database at court. This allows them to quickly determine if a juvenile is enrolled in the RBHA network. This process occurs whenever a youth is detained, not just in dual jurisdiction matters. • The 3 behavioral health liaisons, the CPS liaison assigned to the court, a probation rep, and an ADJC liaison, regularly participate in Team Staffings for dual wards. • Team Staffings and the presence of liaisons from the different agencies promote shared goals and interagency cooperation. • The presiding juvenile court judge has mandated cross training b/w CPS & probation. This can be done again. • The court has made it a priority to involve more probation officers in cross training.

Pima County Interview Summary

Ongoing Challenges

Screening & Assessment	Case Assignment	Case Flow Management	Case Planning & Supervision	Interagency Collaboration
- When a child is referred for a delinquent act but no delinquency petition is filed, the CPS liaison assigned to the juvenile court's dependency unit may check for CPS involvement, but this does not occur all the time. Making this a standard practice might help the court with earlier identification. - Most families of dual wards are involved in three or more systems – the juvenile court, CPS, and behavioral health. Many are also involved in the criminal justice system. The data reinforce how difficult it can be to navigate multiple systems. - The more difficult dual jurisdiction cases have been unsuccessful in so many placements. Maybe 30 to 40% of all dual jurisdiction youth in Pima County are acute cases with serious mental health issues and these pose major challenges.	As in other counties, the number of dependency filings in Pima County is rising substantially, increasing workloads for all assigned professionals.	- The greater likelihood of prolonged or repeated detention for dual jurisdiction youth is an important issue in Pima County. The court continues to work on effective processes to reduce these detention periods. - Some juveniles feel safe in detention but the goal is to achieve community success. - The notion of a dedicated docket for dual system matters has been discussed but there do not appear to be clear advantages, though it may result in more probation officers attending dual jurisdiction hearings. - There appear to be some concerns and questions about the benefits of and reasons for “unsuccessful termination” of probation and why that disposition is used by the court.	- Few viable placement options for more acute cases. - Many dual system youth experience frequent placement changes. This places substantial pressures on caseworkers, case managers, and POs to find appropriate placements and avoid detention or ADJC. - Out of county placements make it difficult to maintain communication between youth and their families. - Turnover among case managers & caseworkers poses continuous challenges. - Through July 2004, CFTs had been held in only 15 percent of eligible cases. - Many female dual jurisdiction experience repeated placement failures. - Programs designed for dependent children are not equipped to effectively handle delinquency issues and visa versa. - In some cases, when probation issues are resolved broader family issues remain. Keeping juveniles on probation in these cases seems advisable but conflicts occur. - The filing of a dependency petition reflects family and parental issues while probation tends to focus on the behavior of the juvenile. Balancing these two in workable case plans can be challenging. - Dual jurisdiction youth should be more involved in case planning and broader planning efforts. - Overall, there is a need for more comprehensive interagency planning in these cases.	- More recent hires seem more open to cross training. - The RBHA should be more involved in subsequent cross training efforts, revisiting how each system works & how to navigate each is helpful. - Getting PO's, caseworkers, and case managers to understand what each can & cannot do involves more than training. - All involved agencies should continue efforts to improve sharing of relevant information. - Steps should be taken to enable the court to have appropriate access to the CPS CHILDS computer system. Similarly, steps should be taken to provide appropriate CPS access to JOLTS.^{xviii}

Pima County Interview Summary

Should CASA volunteers serve as surrogate parents for special education purposes?		
<i>Current Status</i>	<i>Innovations and Promising Practices</i>	<i>Ongoing Challenges</i>
There seems to be consensus that this is an appropriate role for specially trained CASA volunteers in Pima County.	A small number of specially qualified CASA volunteers in Pima County have been designated as “educational consultants.” These volunteer advocates can serve as surrogate parents.	The educational needs presented by many dual jurisdiction youth place added demands on volunteer advocates assigned to these difficult cases.

How are the educational needs of dual jurisdiction youth determined?		
<i>Current Status</i>	<i>Innovations and Promising Practices</i>	<i>Ongoing Challenges</i>
The Governor’s Action Plan for CPS Reform emphasizes the need to improve educational planning for dual wards. The Pima County Juvenile Court & CPS are working together to improve these efforts.	Judge Suzanne Cuneo is heading a workgroup charged with continuing to improve practices in this area.	Many dual jurisdiction youth have special education needs that are difficult to address, and as the preliminary data indicate, many of these juveniles change schools frequently.

Pima County Interview Summary

How is the transfer of school records handled?		
<i>Current Status</i>	<i>Innovations and Promising Practices</i>	<i>Ongoing Challenges</i>
- Judges are entering special orders to obtain education records. - Probation officers have instituted special efforts to obtain records more promptly. - Detention school personnel are very diligent in advising probation officers about what records are needed, particularly special education records.	The SMART teams can assist the court in obtaining school records.^{xix}	Getting the most up to date school records in a timely manner remains an ongoing challenge.

Endnotes

ⁱ Child and Family Teams or CFTs were established in all counties by the state's children's behavioral health system (administered by the Arizona Department of Health Services). They offer a multi-disciplinary team approach to determining and delivering mental health services to children and families.

ⁱⁱ Southeastern Behavioral Health Services (SEABHS) is the largest provider of Title XIX mental health services in southeastern Arizona.

ⁱⁱⁱ Youth committed to ADJC are not Title XIX eligible while incarcerated and many of these youth have serious mental health problems. Cochise County officials indicated this issue is being discussed at the state level.

^{iv} At the group interview, a behavioral health representative recommended that the clinical director of SEABHS be contacted directly if timely services are not being provided.

^v At the group interview, the presiding judge agreed to add the assistant AG to the delinquency minute entry distribution list.

^{vi} At the group interview, the presiding judge agreed to distribute disposition reports to the assistant AG and legal defender. The legal defender represents children in many dependency matters.

^{vii} CPSA refers to the Community Partnership of Southern Arizona. It is the Regional Behavioral Health Authority for southern Arizona.

^{viii} The CPS case manager located at the juvenile court handles all investigations and ongoing case management of dually adjudicated cases in Coconino County. If CPS receives a report that a youth, who has been previously adjudicated for a delinquent act, is an alleged victim of abuse or neglect, the report will be investigated by this case manager. If a dependency petition is filed and the court makes a dependency finding, the youth will be assigned to this case manager for ongoing case management services. This case manager works closely with assigned probation officers in all dually adjudicated cases.

^{ix} Officials from the AOC and the Office of the Attorney General indicated that if current filing trends continue, *statewide* dependency filings for FY2005 may be 20 percent (or more) higher than for FY2004.

^x The juvenile probation department in Coconino County is already using community advisory board grant dollars (\$6,000) to start this process. Additional funding support could broaden the scope of this pilot.

^{xi} Probation officers with standard caseloads are assigned to specific zip code regions. If a youth assigned to these probation officers moves to another zip code region, a different probation officer assumes responsibility for that case.

^{xii} The Resource Staffing process, while not specifically designed for youth involved in multiple systems or dual jurisdiction youth, represents a multi-agency collaborative effort that may have positive effects on dual system cases. The primary goals of the Resource Staffing process include screening cases that may be the subject of a private dependency filing and providing appropriate services in lieu of the private filing. This pre-filing stage is an important case processing event that may divert potential dual jurisdiction cases from further court involvement. There are two ways to access the Resource Staffing process. The first involves prospective private petitioners who show up at the court and ask how to file a dependency petition (e.g., grandparents who may have concerns about their grandchild's parents). Court administration is contacted and meets with the prospective filers to clarify their goals and then schedule a Resource Staffing. If a Resource Staffing is needed, the potential filers meet with representatives from court administration, CPS, and ValueOptions. Probation is also represented if it is a dual jurisdiction case. The vast majority of Resource Staffings, perhaps as high as 85 percent of them, involve some form of dual jurisdiction. The second way to initiate a Resource Staffing is if a GAL, assigned in a delinquency case, is considering filing a dependency petition. The GAL contacts court administration to discuss the viability of initiating services for a family instead of filing the dependency petition. The GAL can request a Resource Staffing in these cases. There were 92 Resource Staffings conducted between January and September 2004. Court administration tracks this information including the ages of juveniles referred for Resource Staffings. Generally, Resource Staffings involve cases that have delinquency involvement first.

^{xiii} The Program Services Unit used to be called the Treatment Services Unit. It does troubleshooting to help resolve problems in challenging cases. The unit typically gets involved when juveniles are experiencing prolonged detention stays, when there are payment issues for services, and when there are concerns regarding where a youth will be placed.

^{xiv} See J.K. Irvine, J. Krysik, C. Risley-Curtiss, and W. Johnson. *Interagency Case Management Project: Final Impact and Cost Study Report*. This study found significant cost savings related to reductions in lengths of stays in out of home placements for multi-system youth placed in the ICMP versus a comparison group of youth who were not in ICMP. The study also found no significant differences in subsequent delinquent referrals between the ICMP and comparison groups despite more extensive delinquent histories in the ICMP group.

^{xv} These figures were reported to NCJJ during the interview process and have not been independently verified. As recommended, subsequent efforts should carefully examine programs that report positive outcomes for dual wards.

^{xvi} While not exclusively intended for dual jurisdiction youth, Project MATCH (the Project) was developed to serve youth involved in multiple systems. It was designed to provide more comprehensive case management and other services for youth and families involved with more than one agency. Agencies that participated in the Project included CPS, the Division of Development Disabilities, juvenile probation, juvenile parole (ADJC), and behavioral health (CPSA through a number of its service providers). The Project was disbanded in 2003 though a small number of cases that were placed in the Project prior to its dissolution continue to be served under its structure. The Pima County Juvenile Court Center had one probation officer assigned to the Project. Caseloads for each case manager assigned to the Project, including the probation officer, were capped at 15 children. Interview participants indicated that Project MATCH had mixed results. There did not appear to be a strong consensus to revive the project.

^{xvii} The three liaisons are funded by the state through the Arizona Department of Health Services.

^{xviii} There are precedents for this in Coconino and Maricopa counties.

^{xix} SMART stands for School Multi-Agency Response Team. This program was initiated by the Office of the Pima County Attorney to improve the community's and schools' responses to youth involved with the juvenile justice system and youth at risk of becoming involved. Each team is comprised of a deputy county attorney, a law enforcement officer (which may include a School Resource Officer), a probation officer (which may include a school-based "Safe School" probation officer), and school officials. Each team meets monthly to staff cases, including cases involving dual jurisdiction youth, and develop strategies for helping students abide by the law and succeed in school.