



**The New York City Council,
Committee on Juvenile Justice
June 18, 2015**

"Oversight- Examining New York City's Crossover Youth Practice Model"

**Testimony by
New York City Administration for Children's Services
Sara Hemmeter, Associate Commissioner for Community-Based Alternatives
Division of Youth and Family Justice**

Good morning Chair Cabrera and members of the Committee on Juvenile Justice. I am Sara Hemmeter, Associate Commissioner for Community-Based Alternatives. With me from ACS is Jacqueline Martin, Deputy Commissioner for Preventive Services, and Julie Hall, Executive Director of Youth Justice Programs, as well as Gineen Gray, Deputy Commissioner for Juvenile Operations at the NYC Department of Probation. Thank you for the opportunity to discuss the interventions that ACS and our partners offer to young people through the Crossover Youth Practice Model (CYPM).

“Crossover” Youth

The term “Crossover Youth” describes a young person who enters the justice system while involved in the child welfare system. These young people, also referred to as “dually involved” youth, essentially “cross over” from the child welfare into the juvenile justice system. The Crossover Youth Practice Model (CYPM) is a multi-agency, cross-systems approach that seeks to improve outcomes for young people who are involved in both systems. The model allows the numerous agencies working with the crossover youth to share information, collaborate on solutions and involve the youth and her family in order to prevent further involvement in either system.

Earlier this month, the Center for Innovation through Data Intelligence (CIDI) in the Mayor’s Office released a groundbreaking study of almost 30,000 adolescents discharged from New York City’s foster care and juvenile justice systems, and youth who are involved in both systems. The study followed adolescents after they left these systems for six years and found that those who had been dually involved used a significant amount of resources associated with government services - including re-entry into foster care or the justice system, homeless shelters, hospitals and use of public benefits. Over 90% of the dually involved youth interacted with at

least one system and almost half of the dually involved youth interacted with three or more of these systems.

Young people who are involved in both the child welfare and juvenile justice systems tend to have worse outcomes than youth who are involved in just one of these systems. The study underscores the urgent need for funding the most effective interventions – those which can prevent young people from becoming system-involved in the first place and those that can get system-involved youth the support that they need in order to become self-sufficient young adults. In addition to expanding and strengthening alternatives for justice involved youth and continuing to reduce the number of young people entering foster care, ACS and other child serving agencies are committed to investing in work that focuses specifically on dually involved youth, such as the Crossover Youth Practice Model.

When a young person is arrested before she turns 16 years old for an act that would have been a crime if she were older than 16, she enters the juvenile justice system. In a traditional juvenile justice case, the process is as follows: a young person is arrested, she goes through the Department of Probation, where she is interviewed about the alleged crime, her school attendance, and other topics. Probation determines whether the case should be referred for formal court proceedings or adjusted. If the case goes to Family Court, the New York City Law Department collects and presents the evidence against the young person and, in most cases, the Legal Aid Society defends her. Historically, the NYPD, the DOE, Probation, the Law Department, the Legal Aid Society and the Courts all work separately on the young person's case, and often in adversarial relationship to one another.

Now, imagine the young person who was arrested is in foster care. In addition to an arresting NYPD officer, the Probation Intake officer, the Law Department lawyer, and her

defense attorney, she has an ACS caseworker and a foster care agency caseworker. Each of these agencies knows about different aspects of the youth's life. The law enforcement agencies are tasked with ensuring public safety and the young person's accountability for their actions; while the defense attorney's goal is to safeguard her rights and legal interests. ACS and foster care caseworkers have context for her actions because they know about the struggles she has had since she was removed from her parent's custody.

Crossover Youth Practice Model Overview

In New York City in 2013, approximately 5,391 youth between the ages of 7 and 15 were arrested. Of those 5,391 young people, an astonishing 74% had current or past child welfare involvement. The Crossover Youth Practice Model (CYPM) was developed in order to combat the poor outcomes that crossover youth experience, such as higher rates of substance abuse and mental illness, recidivism, criminal involvement as adults, and child welfare involvement as parents. Designed by Casey Family Programs and the Center for Juvenile Justice Reform at the Georgetown University Public Policy Institute, the Model encourages different agencies to collaborate, streamline their work and develop a comprehensive plan to prevent further justice involvement. The Model also seeks to reduce the number of youth who enter or re-enter foster care and the number of youth in foster care who move into residential placements in the juvenile justice system. It is founded on the principles of information exchange, coordination, and collaboration between multiple agencies at each point in the juvenile justice process, from arrest through the end of the case.

Research consistently shows that victims of physical abuse and/or neglect are at an increased risk of engaging in delinquent behavior. Crossover cases tend to involve teens who are

victims of persistent or adolescent-onset maltreatment, have been in child welfare placement a long time and/or who have experienced multiple placements of varying types. They are young people who enter the juvenile justice system for mostly non-violent infractions, but are still detained more frequently than non-dually involved youth. Crossover youth tend to be disproportionately young women of color. Many have a history of poor school attendance and special education issues, and oftentimes do not have a family resource or meaningful connections with supportive adults. Many dually-involved youth come from families where both the parents and youth have a history of mental illness, substance abuse, domestic violence, and/or criminal behavior.

New York City began planning for the CYPM in 2012, at which time a group of citywide stakeholders-- including ACS, the Department of Probation (DOP), the Department of Education (DOE), the NYC Law Department, the Legal Aid Society, Bronx Defenders, and the Judiciary-- came together to craft a pilot of the Crossover Youth Practice Model for the City. New York City launched a pilot CYPM program in the Bronx in April of 2014 and also developed a plan for successive expansion throughout the remaining boroughs.

The CYPM process targets youth ages 7 to 15, who have been arrested and fall into at least one of three child welfare categories: they are in foster care, their families are being investigated by ACS for possible maltreatment and a judge has ordered ACS to supervise them, or they are receiving preventive services.

The target population for the Bronx CYPM pilot consisted of youth involved in any of these three child welfare services whose delinquency cases fell under the jurisdiction of the Bronx Family Court. Since launch of the pilot last year, we have identified 168 crossover cases

in the Bronx: 29 were court ordered supervision cases, 33 foster care cases, and 106 preventive services cases.

In April 2015, we expanded the Practice Model to Brooklyn. Thus far we have identified 40 crossover youth, ten of which are court ordered supervision cases, eight are foster care cases and 22 are preventive services cases. Additionally, the implementation process for Manhattan, Queens and Staten Island commenced in February 2015, and we expect to launch in those boroughs by early 2016.

CYPM Process

When a youth is arrested, ACS determines whether the young person or their family has child welfare involvement. Once a crossover youth is identified, the newly assigned juvenile justice workers, the child welfare workers, and Probation staff are informed of the youth's crossover status, if legally permissible. The child welfare worker contacts the youth's parent/guardian and educates the family about the Crossover Youth Practice Model. The youth and the parent are provided consent forms regarding the sharing of information and are given an opportunity to confer with counsel about those consents.

In order to participate in the model, which involves collaborative conferencing, the youth and the parent/guardian must give their consent. In cases where the youth is eligible for adjustment, and when the consents to share information are obtained, DOP invites the youth's child welfare workers to participate in the CYPM Adjustment Conference. At the conference, with participation by the youth, parent/guardian, the youth's attorney, social workers, and other parties the family elects to include, DOP decides whether to adjust the case or to refer the case for possible prosecution. If the case is adjusted, the child welfare and juvenile justice agencies

communicate and work together to jointly plan services on an ongoing basis to address the needs of the youth and their family.

If adjustment fails or the youth is not eligible for adjustment and a delinquency case is ultimately filed, the child welfare worker schedules a conference with the family and the juvenile justice professionals to develop a service plan that provides coordinated services across both systems, expediting the release of the youth from detention where safe, reaching appropriate resolution of the youth's case, and reducing the risk of further involvement in the justice system.

After the judge makes a decision about the facts of the case, DOP staff and child welfare workers meet to discuss the possible options for disposition-- dismissal, probation, conditional discharge, an alternative to placement program, or out-of-home placement. After the judge enters a final order, collaboration continues. For youth who are mandated at disposition to complete services or who are sent to out-of-home placement, the child welfare agency and the juvenile justice provider continue to exchange information, with a focus on achieving permanency and reaching educational goals.

Challenges to Implementation

Implementation has not been without its challenges. One of the more difficult aspects of instituting the Crossover Youth Practice Model in New York City has been changing the internal culture of the various child welfare and juvenile justice stakeholders in their work with dually involved youth. As touched upon earlier, the differing roles that various professionals play in the young person's case colors the way those staff view the youth and naturally influences how they approach their work. The CYPM requires recognition that promoting the needs and interests of crossover youth is the responsibility of all stakeholders, and not just a few at select points during

a young person's case. This shift in viewing young people from an institution-specific lens to a more holistic, trauma-informed treatment lens has begun to take hold, but will take time to fully infuse into all levels of practice at the child welfare and juvenile justice agencies and organizations that work with dually involved youth.

Another major challenge we have faced as the City implements CYPM has been building trust between agencies and across systems, and fostering open communication. Before CYPM, information sharing regarding dually involved youth between agencies and across systems did not happen. But under the collaborative approach of the Model combined with the ability to share information via parent and youth consent, stakeholders now have access to information to which they had little to no access before. This has raised concerns for different stakeholders regarding how the shared information is ultimately used, particularly in the context of adversarial court proceedings. As implementation of CYPM progresses and stakeholders' familiarity and comfort with the Model grows, we hope to allay any lingering concerns as the City achieves better outcomes for crossover youth through consistent and meaningful dialogue between professionals, agencies, and systems.

A Crossover Youth Practice Model has been adopted in 40 other jurisdictions, including Los Angeles and Philadelphia, and has yielded positive results where it has already been implemented. By adopting and implementing the CYPM in New York City, ACS and our citywide partners hope to prevent youth from penetrating further into the juvenile justice and child welfare systems by identifying youth at the very point they cross from one system into the next. This paves the way for workers to exchange information in a timely and more seamless manner, include families in all decision-making aspects of the case, guard against foster care bias

at the point of detention or disposition, and maximize the services utilized by each system to coordinate service planning and to prevent crossover from occurring.

Conclusion

Thank you for the opportunity to discuss the Crossover Youth Practice Model. As this multi-agency, cross-system model continues to expand throughout the five boroughs we look forward to our continued partnership with our sister City agencies, provider agencies, the judiciary, the advocate community, and our other stakeholder partners to advance successful outcomes for young people who are dually involved in the child welfare and juvenile justice systems. My colleague, Jacqueline Martin, will now share with you a hypothetical example of how information sharing and collaboration through the Crossover Youth Practice Model has made a difference in the experience of some of our dually-involved young people as they navigate through the systems. My ACS colleagues and I, and our partners from the Department of Probation are happy to take your questions at the conclusion.

New York City Council
Committee on Juvenile Justice:

Oversight Hearing:
**Examining New York City's Crossover
Youth Practice Model**

Thursday, June 18, 2015

Testimony Presented By
Rev. Wendy Calderón-Payne
Executive Director
BronxConnect

Chairperson Cabrera and Members of the Council: Thank you for extending the invitation to address the Council on the important subject of Examining New York City's Crossover Youth Practice Model. I am Rev. Wendy Calderón-Payne, Executive Director over BronxConnect, which is the only Bronx-based juvenile justice organization serving Bronx court-involved youth for the last 15 years. BronxConnect is also the only Bronx-based juvenile justice organization that has served close to 2000 court-involved youth.

BronxConnect was born out of the indigenous Bronx faith based community's determination to address the epidemic of youth incarceration. Our African-American and Hispanic communities were and are being robbed by a system that incarcerates youth and denies them a quick trial at an overwhelming rate.

The prevalence of "crossover youth," that is youth involved in the Child Welfare system and the Juvenile Justice System, is a phenomenon that has been noted for many years. Many youth in the Child Welfare System, along with their parents, have history of mental illness, substance abuse, domestic violence and/or criminal behavior. This leads to delinquent behavior, with first arrest occurring at a younger age than youths with no involvement in the Child Welfare System.

Unfortunately, these youth are disproportionately young women and African-Americans, with a high history of truancy and special education needs. 42% of all placement cases involved Crossover Youth, as opposed to only 1% of diversion cases and 7% of Probation Cases. These numbers indicates the great need to serve these youth with coordinated services that address substance abuse, mental illness, recidivism so as to break the cycle of involvement in the Child Welfare System.

Currently the City has launched a Crossover Youth Practice Model to address these highly vulnerable youth. As a juvenile justice practitioner I am grateful for Commissioner

Gladys Carrion's commitment to Juvenile Justice and Child Welfare reform. For the last 15 years I have seen the city move to rely more on justice alternative and community based organizations. As a Minister of the Gospel, I adhere strongly to the admonition that whatever we do for the "least of these" we do for Lord himself. And who is not more vulnerable then these children caught up in two systems?

BronxConnect has seen first hand that delinquency never occurs in a void. It is the fruit of the breakdown of our communities and our families.

Chairperson Cabrera, and the entire Juvenile Justice Committee, I am grateful the City is moving towards reform as it pertains to our most vulnerable youth. Yet I am here to encourage you on two specific points as you examine the New York City's Crossover Youth Practice Model. They are as follows:

- 1. Greater Transparency** – The closing of FECS has highlighted the need for transparency. The New York Times on Feb 8 reported, "Although the agency [FECS] had long prided itself on professionalism, it was not meeting some of the performance milestones required in city contracts, failing to evaluate some clients in a timely manner, place them in jobs or sign them up for disability benefits." The City Council should ask and demand complete transparency on all contractual goals. Performance around these goals should also be published as general public information. There is no excuse for lack of transparency.
- 2. Community Experience**—As you contemplate funding the Crossover Youth Practice Model, remember that the very communities that these youths come from are those most prepared to address the needs of these youth and also have the most at stake. The RFP process needs to demand local relevant experience so as to prevent organizations with no local experience to out score community

based local organizations on the sheer number of participants served.

Community based, indigenous organizations offer the community more than just quality services. They employ from the community, and usually represent adults who have come from the very same neighborhoods and backgrounds the youth represent. They are the aunts, big brothers, and “family” that these youth need to thrive on the long term. And quite frankly, too often when large organizations secure these contracts, the majority of positions given to the community are low paying, part-time mentor position. This is just unjust! The City is losing a strong economic development tool by not empowering community agencies run by people of color. Our urban communities are in great need of Manager and Professional jobs. Community entrenched agencies understand the importance of employing our Directors, our MSW, and our Case Managers right from the community. I cannot overstate the value of youths seeing people who look like them everywhere in the organization.

Thank you again for your support in serving these precious youth. May we partner together for a better future now!



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The Council of the City of New York
Committee on Juvenile Justice

Oversight - Examining New York City's Crossover Youth Practice Model

June 18, 2015

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Good morning. I am Tamara Steckler, the Attorney in Charge of the Juvenile Rights Practice (JRP) of the Legal Aid Society, and with me is Meridith Sopher, JRP's Director of Training. We submit this testimony on behalf of the Legal Aid Society, and thank the Committee on Juvenile Justice for inviting The Legal Aid Society to speak about this important topic and for holding this oversight hearing to address the Crossover Project, a protocol and process that seeks to improve outcomes for children who are involved in both the child welfare and juvenile justice systems.

The Legal Aid Society is the nation's largest and oldest provider of legal services to poor families and individuals. The Society's Juvenile Rights Practice provides comprehensive legal representation to children, ages 0-21, who appear before the New York City Family Courts in all five boroughs, in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our Juvenile Rights staff represented some 34,000 children, including approximately 3,500 in juvenile delinquency proceedings.

Our perspective comes from our daily contacts with children and their families, and also from our frequent interactions with the courts, social service providers, schools, and State and City agencies, including the Department of Probation, Administration for Children's Services/Department of Family and Youth Justice. In addition to representing many thousands of children each year in trial and appellate courts, we also pursue impact litigation and other law reform initiatives on behalf of our clients.

According to the Center for Juvenile Justice Reform at Georgetown University's McCourt School of Public Policy's Crossover Youth Practice Model or CYPM (the entity that is facilitating this process in New York City and the model being utilized), the overall goals for the sites participating in the CYPM are, in part, a reduction in the disproportionate representation of children of color and a reduction in the number of youth crossing over and becoming dually-involved. As indicated by the Center, in an effort to achieve the overall goals of the Crossover Youth Practice Model, the following interim measures are being developed and utilized: a reduction in the number of youth re-entering child welfare from juvenile justice placements, a reduction in the penetration of juvenile justice by foster youth, a reduction in the use of pre-adjudication detention, an increase in the use of inter-agency information sharing, and an increase in youth and parent satisfaction with the process. We believe, despite over two years of dedicated work on this issue by all stakeholders, that the overall goals have not been met nor have even the interim measures been successful.

While the Juvenile Rights Practice of The Legal Aid Society (JRP) is supportive of the idea of better addressing the needs of crossover youth, we have great concerns about how this project is being implemented, controlled and evaluated. Our 50 years of experience in both the juvenile justice and child welfare fields, along with the many reforms and changes that have been made over the years in the name of better serving children and families, have left us cautious about well-meaning protocols and their attempts to "help" these families. As is well known, almost all the families in both "crossover" systems in New York City are poor families of color who are inundated with city and state systems attempting to assist them, often with negative results.

That being said, we would like to draw your attention to some of the finer, problematic points JRP would like considered as the City moves forward with this Project.

While coordination is key to providing effective service, two fundamental issues need to be addressed in order to achieve success in this Project. The first is that there needs to be a significant culture shift, and not just at the high level planning tables. So much reform has been attempted that has ended poorly because the culture shift necessary to effectuate the change has not trickled down to those implementing the policy and protocols. Secondly, there needs to be serious accountability—not just a promise to train and track, but a system in place to consistently unpack and evaluate actual cases and to hold those not adhering to the agreed upon principles accountable, not just in words but in remediation. Without robust quality assurance that does not allow agencies to police themselves, but ensures they are engaged in regular and formalized conversation with “outsiders” where deficient practice is challenged and remedied, this Project will not meet its goals.

Moreover, the families involved with this Project are constantly bombarded with well-meaning agencies attempting to “help” them deal with the myriad of issues they face due to poverty, stress and oppression. The Legal Aid Society (LAS) represents these families in their civil matters, criminal matters, and juvenile matters, so we have a breadth of knowledge about the many obstacles these families face in their everyday lives. Adolescents in these communities are held to a higher standard of behavior than adolescents in other communities, or better said, held to these standards by bureaucracies, not just their families. Very few children of any color in any community could undergo the scrutiny that these children face once involved in the child

welfare and juvenile justice systems. While some adolescent behavior may indicate need, sometimes it indicates no need other than the need to grow up. Any crossover work that is to be successful must recognize this.

Probation adjustment has shown itself to be a very successful tool for these children, indicating that just a small amount of intervention can be successful. Success, however, is also defined by children not coming back into the system. While some of our clients do return to us, the majority of our clients do not return to us, and the majority of our clients are not eventually represented by our Criminal Practice. Arrest, in and of itself, cannot be a measure of failure in these communities as most males in poor communities of color are arrested, and many of them are never convicted or even processed through the court system. Only a small fraction of children arrested in New York City ever make it to court, and even fewer are actually prosecuted. Getting arrested in communities like Bedford-Stuyvesant is commonplace, and less a sign of criminal behavior than police activity and poverty. This has been borne out by the stop and frisk data that has become the center of much controversy in New York City. These families are also much too familiar with ACS and its interventions. Thus, the importance of some baseline data to show if these children were being failed, and how exactly they were being failed, would be crucial for determining whether these more intrusive interventions were either necessary or successful.

Perhaps the most disturbing aspect of the current crossover work is the undermining of the premise that these children are innocent until proven guilty. Our current system of justice is an adversarial. Our goal as defense counsel is to ensure our clients are acquitted, and if we cannot accomplish that, we work to ensure their sentence is the least restrictive possible. It is hard to be

defense counsel when every other stakeholder involved thinks they are helping the children, even the prosecutors. As you can imagine, what we think is helping our clients is often very different from what the courts and other stakeholders think is helping our clients. But what we do know is that most of the other stakeholders have not developed the relationships we have with our clients; they have not seen them play sports, been to their homes, talked to their teachers, spoken to their extended family, gotten them into camps and music lessons, listened to them talk about their dreams and hopes for their futures. Most of the adults involved think they know what's best for our clients, we advocate for what our clients think is best, and yes, sometimes they actually do know themselves better than we all do. All the crossover work done pre-fact-finding assumes a fact not in evidence – that these children have committed the alleged violations of the penal law, and that they are in need of our collective assistance immediately and comprehensively. Sometimes they are innocent, and sometimes, even when they are guilty, their “crimes” should be viewed as adolescent risk-taking, and treated as such. Children who grow up in abject poverty, with failing schools, and overstressed parents with little support a crumbling community infrastructures are clearly children in need. But those needs are not always best addressed by court interventions. Nor should children with such needs be confused with children who pose a risk to the community. Such confusion benefits neither the children nor the communities in which they live.

From the very earliest discussions around how best to serve crossover youth in New York City, all stakeholders agreed that training would be critical. To implement a successful model required a thoughtful, detailed, and engaging training. The training would need to shift the mindset and practices of staff who had worked with this population for years, and it would need to convince

them that a new model would improve outcomes for the youth they served without an undue burden on their workload. To create this training, back in January 2013, a multi-agency group was formed. Together with the Vera Institute of Justice, the group worked to identify the goals of the training and how best to achieve them. The idea was to develop and present the training collaboratively, which would reflect the values of the model. Unfortunately, this vision never came to fruition, as funding constraints led Vera to drop out of the planning at the end of 2013, before the training had been developed. At the same time, the Bronx County Family Court decided to launch the model in January 2014, well before the vast majority of frontline staff could possibly be trained. In fact, as of February 2015, more than a full year after the model began, ACS had trained only 92 of the hundreds of foster care agency caseworkers who interact with these youth daily. Probation had not yet begun its formal staff training.

The failure to conduct adequate training is just one way in which the Project has failed our children. Our work with the facilitators of this Project at Georgetown's Center for Juvenile Justice Reform has led us to the conclusion that the Project personnel seem to have very little understanding or interest in the negative impact CYPM is having on our clients, and our reactions to it. Surely, we are critical of a process that presumes to have positive outcomes for our young clients yet often does not. In the case described below, and the anecdotes that follow, the protocol was not followed – despite the fact that this case was in Bronx County, the first site to implement CYPM and one in which all the stakeholders were supposedly well versed in its process. Nevertheless, everything that was supposed to happen did not, despite JRP's efforts to pull other agencies on board with the process. In fact, JRP has shared its experience with these

cases with Project personnel in an attempt to improve outcomes. Project personnel have identified our criticisms as "unhelpful" instead of hearing our complaints as indicators that the Project is not working effectively. Despite our issues with the Project, JRP staff continue to work every day with all the agencies involved to improve this process despite the failures we see and our absolute opposition to a process we feel does not benefit our clients, as the example below illustrates.

In December 2014, our client A.M. was arrested for the assault of his siblings. The arrest took place in the court house when he was present with his family for the arraignment of the related neglect case. Under these circumstances, the arrest of A.M., who was ten years old itself, in court with his family, was completely inappropriate and insensitive. At that time, JRP communicated this case to the Project personnel for assistance and discussion. We did not hear back from them. A.M. was charged with allegedly punishing his younger siblings by placing them on a hot radiator, while his mother was home. On that date, the prosecutors were requesting to remand this ten-year-old child by means of a pre-petition (a pre-filing option to request a remand of the child). The Family Court dismissed the pre-petition without a hearing on consent because of ACS' involvement. In fact, before A.M.'s arrest, his mother had been charged with neglect of her children because she would leave the children with ten-year-old A.M. while she went to work. On the neglect case, which had already been filed at the time A.M. was arrested, A.M. was released to his father, who lived separately from the mother and two siblings. Despite all this action on the neglect case, Probation did not deem this matter eligible for adjustment pre-filing, which was inconsistent with the CYPM protocol.

JRP inquired immediately of Corporation Counsel (CC) and the Department of Probation (DOP) as to why this case was even referred for prosecution as a delinquency case in the first place, given the charges, the underlying circumstances, ACS involvement, alternate parental resource, etc. When DOP requested the case back from Corporation Counsel, Corporation Counsel refused to send it back. They held the case open for investigation. Bronx Defenders represented the mother on the neglect. Under advice of her attorney, the mother declined to talk to the prosecutor.

Given the crossover protocol, JRP staff believed the case against A.M. would not be filed, especially given that A.M. was not living with his siblings and that his mother had been charged with inadequate guardianship. Subsequently, however, every time JRP checked-in with the prosecutor, they were told the case was still being investigated.

Months later, in April 2015, despite our expectation and constant communication, Corporation Counsel filed the case against A.M, even though substantial work was being done by every other stakeholder, including ACS. Additionally, Bronx Family Court had declined to use the Crossover Youth Practice Model judicial decision tree (which fed cases to the appropriately trained judges) which was developed during the implementation meetings and the case joined the neglect docket in a part in which the Judge had no delinquency or crossover experience. JRP spoke with the Supervising Judge to get the case moved back to the Crossover Judge, but this was initially denied.

This case is a clear example of crossover failure. The need to prosecute this ten year old, the subject of a neglect case, who was solely responsible for his two younger siblings was completely contrary to the CYPM, and will provide absolutely nothing to this child and/or his family that the child welfare system cannot provide, especially since he was released to his father.

Even after all of the meetings around crossover youth, and despite what was discussed in those meetings, Probation and Corporation Counsel failed to see that this ten-year-old should not be prosecuted for the very acts that led to the neglect petition. This is exactly the kind of case that the CYPM was intended to address, and yet nothing was done differently than it would have been two years ago. What has been the most confusing is a seeming lack of trust by Corporation Counsel that ACS and Probation can address these matters effectively without prosecution, and their seeming lack of “buy-in” to the very core of the CYPM, helping children avoid the stigma of continued contact with the juvenile justice system. This makes no sense given the City’s financial and staffing commitment to the CYPM.

It is clear that youth who are involved in both the child welfare and juvenile justice systems often have complex mental health and behavioral issues. They have invariably suffered at least one form of trauma. They are more likely to face educational failure, prolonged detention, and future arrests than their peers who are not dually involved. For the agencies planning for these children, the challenges can seem overwhelming.

Frequently, agencies cite barriers to information sharing as a significant obstacle to meeting the children's needs. Incomplete information may lead to insufficient or duplicative service plans. Child welfare, juvenile justice, mental health and education records are each governed by distinct confidentiality laws, with differing allowances and requirements. Much of the work around crossover youth has therefore focused on how to navigate these laws and facilitate the sharing of information. Information sharing has become a goal in itself – many of the CYPM meetings in New York City have focused on how to share information, and cases where information flows freely are celebrated as victories. What we are not seeing, however, is evidence that this increased sharing of information is bringing us closer to the stated goals of the CYPM: to reduce the number of youth being dually adjudicated and in out-of-home placements.

While we understand that agencies need accurate information to plan effectively for the youth in their care, there needs to be additional work around the handling and interpretation of that information. We need to minimize the difference between how the juvenile justice and child welfare systems view the youth they serve. Rather than seeing the dually involved youth as a victim of neglect or abuse, NYPD, prosecutors, and the court continue to use child welfare information against our clients, and to treat them as perpetrators rather than victims. For example:

- A fifteen-year-old in foster care is arrested for possession of a knife. He has no prior delinquency history and good school attendance, and he is given an adjournment in contemplation of dismissal (ACD). During the term of the ACD, he runs away from his foster

home twice and returns to his mother's house. He is not alleged to have engaged in any delinquent behavior other than the initial arrest. The Court remands him to detention saying that he is at risk of not coming to court – despite the fact that he has not missed a court appearance and that all parties knew he was at his mother's home.

- A fourteen-year-old girl who is the subject of a pending child welfare case is picked up at the Port Authority bus terminal and arrested for false personation when she allegedly gives a police officer a false last name and date of birth. She is initially held in secure detention, but when the prosecutor is not ready for trial as required by statute, she is released to the care and custody of ACS. ACS takes her to their intake facility, the Children's Center, to await placement. She is sitting outside of the Children's Center when she is approached by someone with a van who says he works for ACS transportation; she gets into the van and is drugged and abducted. She is held against her will for five weeks, and when she finally escapes she has injuries all over her body. The matter is referred to the FBI, who begins an investigation. She returns to her grandmother's care and ACS resumes services and supervision. Even after being told of the FBI involvement and shown pictures of her injuries, Corporation Counsel continues to prosecute her in Family Court on the false personation charges.

The above cases, including the case of A.M., are just a small sampling all involve a child who has been victimized and is receiving services and supervision through ACS. Not one of these children participated in a crime that presented a serious risk to public safety. Nonetheless, in each instance, prosecutors sought to have the child adjudicated "delinquent" – a stigmatizing label

that serves no useful purpose in these cases.

Because of these concerns, JRP is advising its clients not to sign consents that would allow for a free flow of information between agencies. This position does not mean that information cannot be shared; it simply means that the youth retains control over the content that is shared and the context in which it is used. Toward that end, we have proposed regular conferences at which all stakeholders, including the parent's attorney and the attorney for the child, would be present. In this way, information could be shared in the conference without any consents being signed – and so the youth, parent, and their counsel could be present when the conversations were taking place. This suggestion was flatly rejected; instead, the CYPM protocol requires that consents be signed for a conference to occur. In spite of this, we continue to share information with both Probation and ACS when, and only when, we determine that it is likely to help our clients stay out of the juvenile justice system.

In conclusion, while LAS applauds the efforts of the Administration of Children's Services and the Department of Probation for their diligence in attempting to effectuate what could be a positive change in the treatment of our clients and their families that have the misfortune of being involved in both the juvenile justice and child welfare systems, we believe there needs to be an even greater effort to ensure the thousands of City personnel involved in these matters are fully trained and committed not only to the protocol of the CYPM, but to the very premise of CYPM as stated by its developers: to avoid, whenever possible, a child's entrance into the juvenile justice system, and to utilize the services of the child welfare system first and foremost to better meet

the service needs of these children and their families. This premise, while certainly shared by the leaders of DOP and ACS, has not yet fully made its way to the very people who are tasked with implementing the CYPM every day.

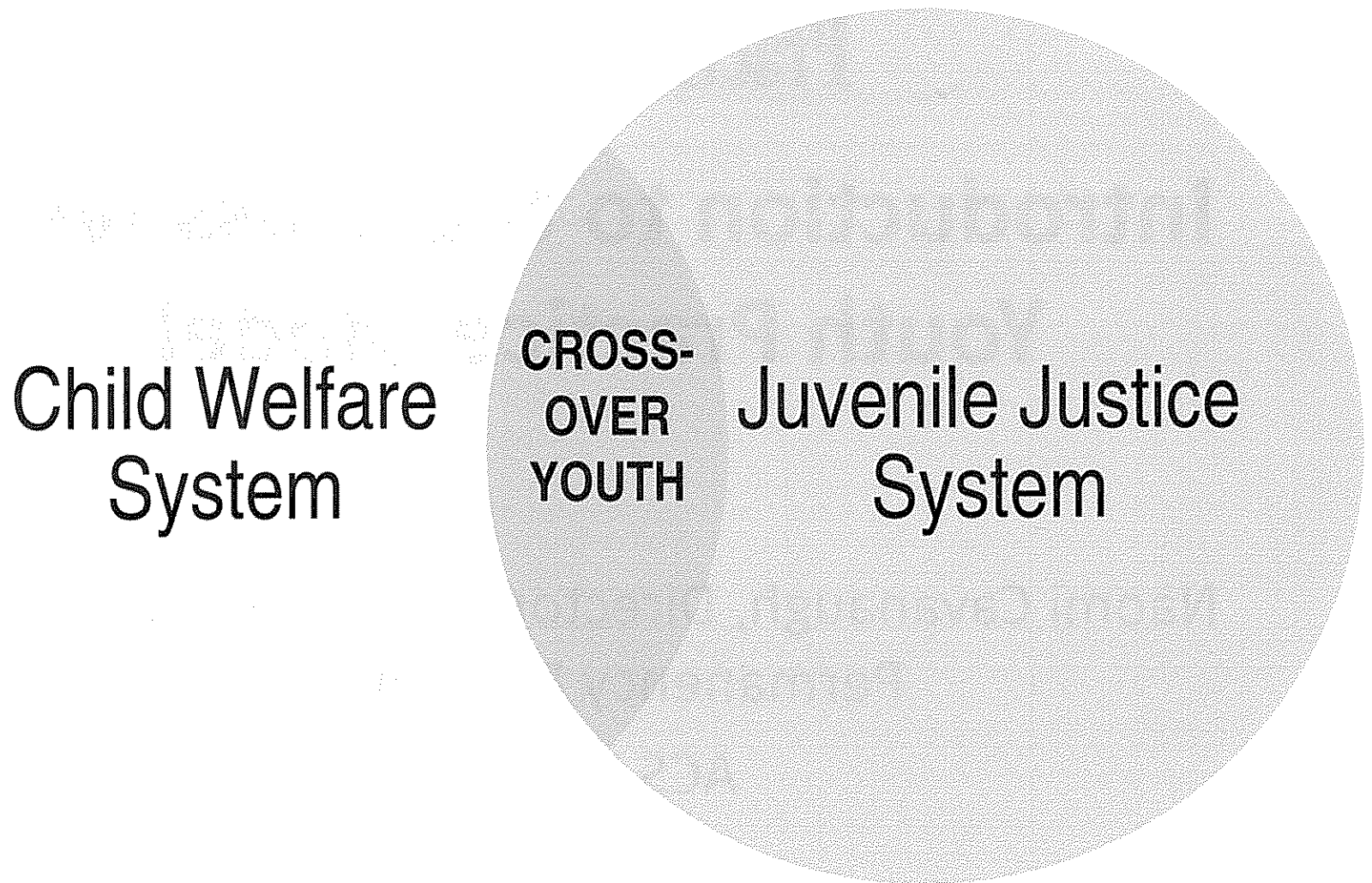


Introduction to the Crossover Youth Practice Model

Naomi Cavanaugh, Director of Juvenile Justice
Permanency Planning

ACS DYFJ

Crossover Youth: The Overlap



Characteristics of Crossover Youth



Child Welfare
System

Persistent or
adolescent-onset
maltreatment

Type and # of
placements


Absence of
positive
attachments

Crossover Youth: The Overlap

Less than $\frac{1}{2}$ charged
with violent offenses

$\frac{1}{4}$ to $\frac{1}{2}$ detained at the
time of arrest

Prior contact with the
system for previous
criminal or status
offense charges



Juvenile Justice
System

Who are the Child Welfare Involved Youth who Cross Over into Delinquency?

- Younger at the age of their first arrest than youth not involved in child welfare
- Disproportionately young women and African-American
- History of not attending school and special education issues
- Parents and youth with history of mental illness, substance abuse, domestic violence, and/or criminal behavior

How Many Youth in Child Welfare Cross Over Into Delinquency?

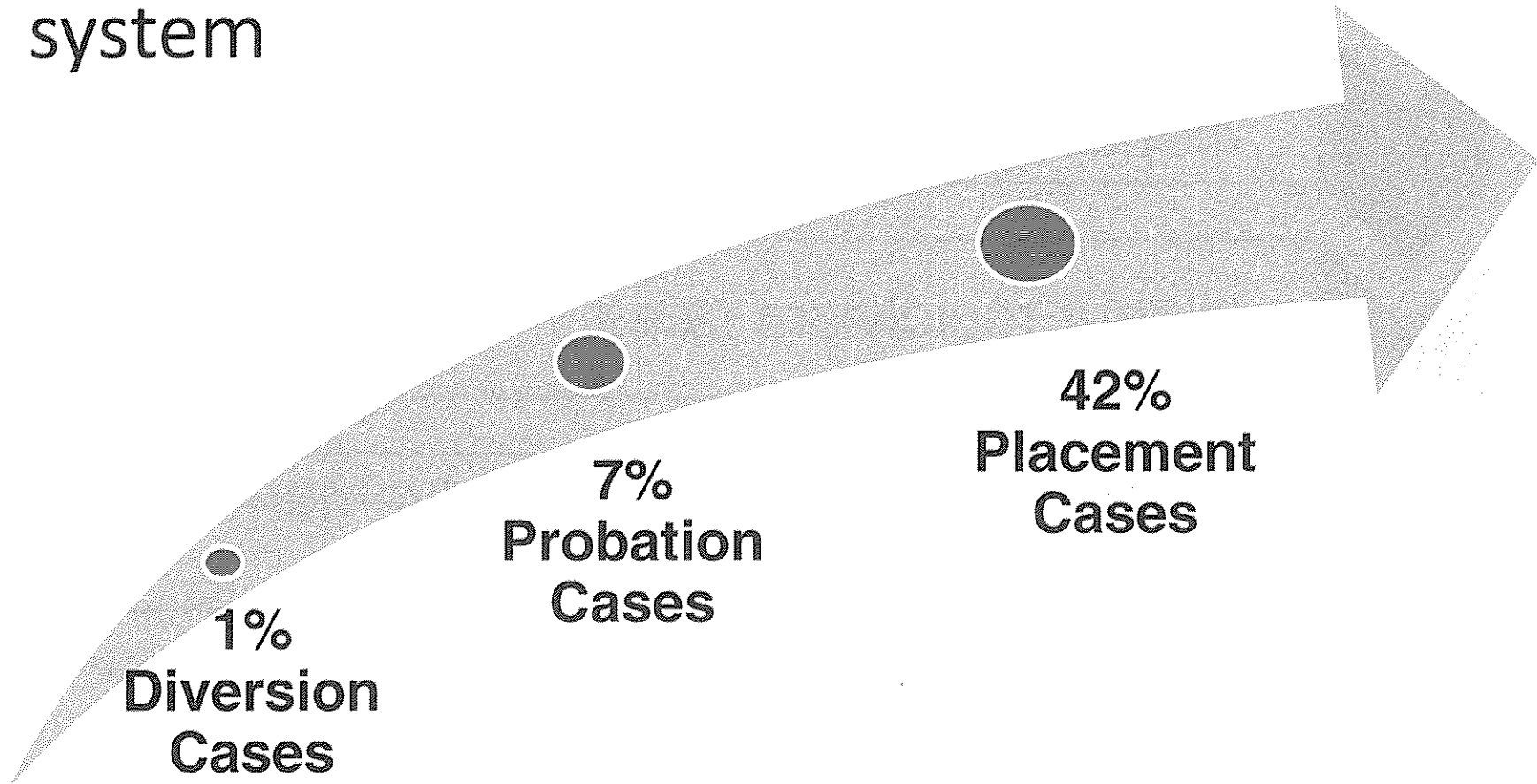
Nationwide, 7% to 30% of youth aged 10 and older in foster care are subsequently arrested.

In New York City,

Approximately 5391 youth were arrested in 2013 (ages 7-15)

- 74% had some child welfare involvement- either current or past! (Only 26% of these had never touched the child welfare system)
- 49% of those child welfare cases were closed
- 13% were active open preventive case
- 9% were open cases but kids were at home
- 4% were foster care youth

Proportion of Crossover Youth increases the further we look in the juvenile justice system



What do we see if we fail to act?



- Higher rates of substance abuse and mental illness



- Higher recidivism rates



- Higher rates of criminal involvement as adults



- Higher rates of child welfare involvement when they become parents

Crossover Youth Practice Model (CYPM)



**Georgetown University Center for Juvenile
Justice Reform and
Casey Family Programs**

CYPM NYC

- Began planning in 2012
- Family Court, DOP, & ACS led initiative
- Launched in the Bronx 4/14/14; BK 4/6/15
- Other boroughs to follow

Key findings from 2010 CYPM cohort

Legal

- More likely to have one or both cases closed
- More likely to receive diversion or dismissal

Permanency

- More likely to remain at home
- Less likely to be placed in congregate care
- Lower percentage had Alternative Permanent Planned Living Arrangement (APPLA) as a permanency goal

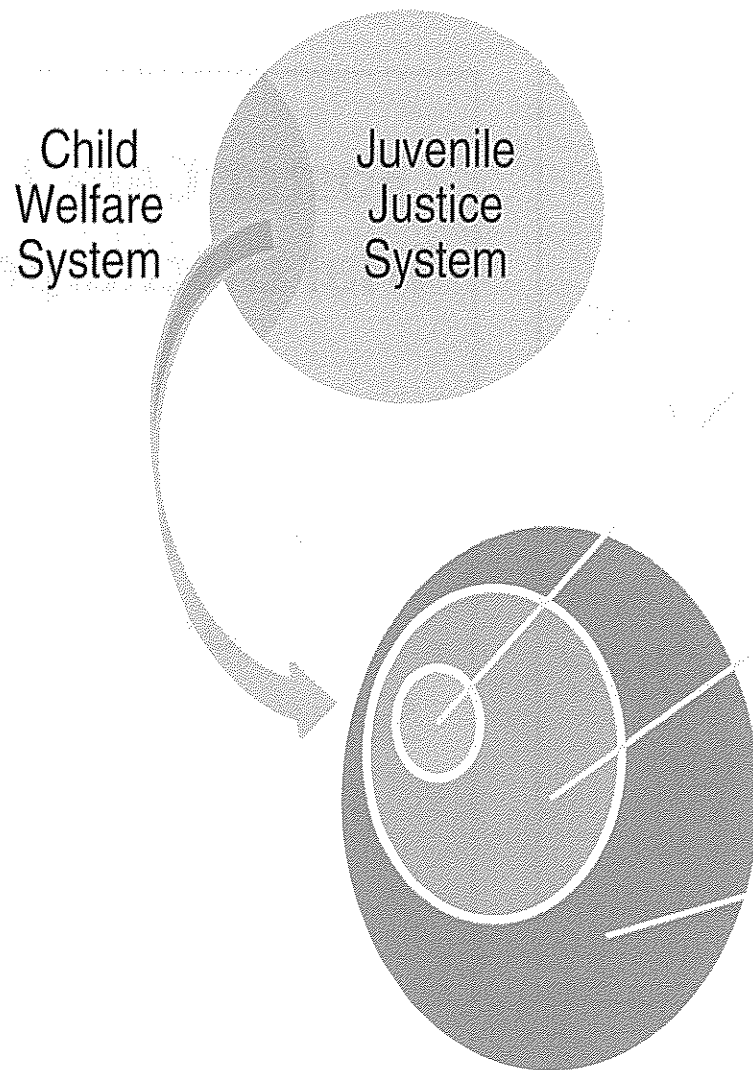
Other Measures of Success

- Increased contact with parents and other family members
- Improvements in mental health and academic functioning
- Increased involvement in extracurricular activities

CYPM 101

- Aim to prevent youth from going further into the Juvenile Justice System
- Identify crossover youth from the beginning
- Ensure that workers are exchanging information in a timely manner
- Include families in all decision-making aspects
- Guard against foster care bias
- Maximize the services utilized by each system to prevent crossover from occurring and to coordinate service planning

Target population for CYPM



Kids with open child welfare cases who have new delinquency case

Kids with open child welfare cases and Family Court delinquency involvement

Kids with ANY child welfare and ANY justice involvement

Crossover youth are identified as one of three types:

Preventive

*Family Support
Services & the
Preventive
Agencies*

Court-Ordered Supervision

*Division of Child
Protection*

Foster Care / Trial Discharge

*Family
Permanency
Services & the
Foster Care
Agencies*

Core Components of the CYPM Model

Arrest

- Identification & Notification
- Pre-Filing: CYPM Adjustment Conference

Court

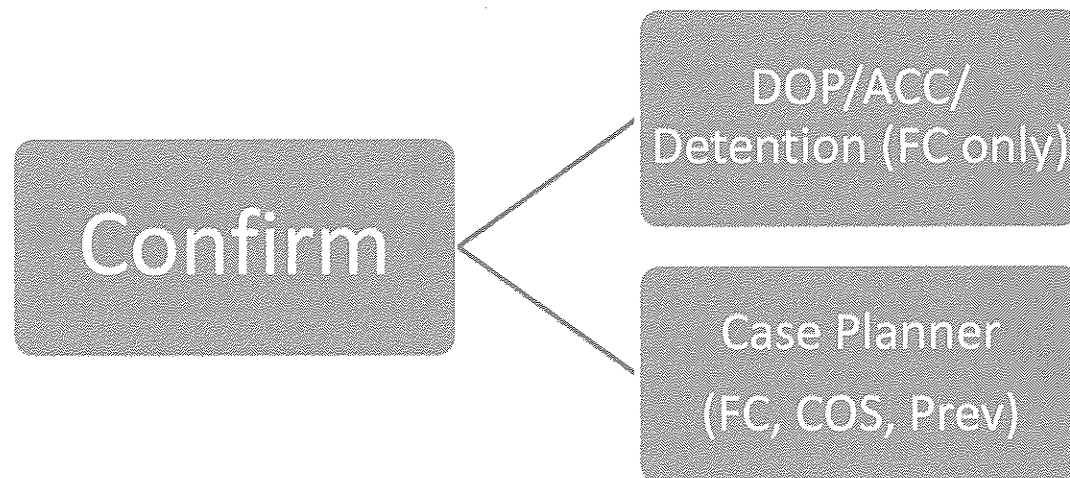
- Post-Filing: Court Identification & Notification
- Post-Filing CYPM Child Welfare Conference

Dispo

- Disposition Planning
- Post-Dispo: Ongoing Collaboration & Discharge Planning

Identification & Notification: ACS Confirm

- Reviews reports of all arrested youth to determine which are crossover youth
- Responsible for identifying CYPM youth & notifying parties



CYPM Notification Email

* ATTENTION CYPM YOUTH *

Attached is a notification about the recent arrest of a youth who has been identified as a crossover youth. This youth is eligible for participation in the Bronx Pilot Program of the Crossover Youth Practice Model (CYPM) if proper consents are signed. These consents allow the child welfare case planners and juvenile justice workers to share information and collaborate with the family on planning for this youth. Please contact Naomi Cavanaugh 212-788-0846 or Naomi.cavanaugh@dfa.state.ny.us or XXXX for more information about CYPM.

CONFIDENTIAL

Confidentiality & Consent

- Confirm only notifies DOP of crossover status for Foster Care Youth
- CPS and Agency planners must get CYPM consent forms signed before speaking with DOP
- DOP must have consents before speaking with CPS and Agency Planners
- If consents are not signed, “business and usual”

The Three Cs

Collaboration

Communication

Conferencing

- Helps define how child welfare and juvenile justice workers should collaborate
- Prioritizes consent so child welfare and juvenile justice workers can communicate
- Schedules conferences so child welfare and juvenile justice workers can both attend

“Light touch”

- The evidence is overwhelming that intervening too intensely leads to worse outcomes.
- BOTH systems have this as a goal
- We do not use the full force of either system on minor situations
- Terms: “Light Touch” “Least Restrictive” “Strengths Based”



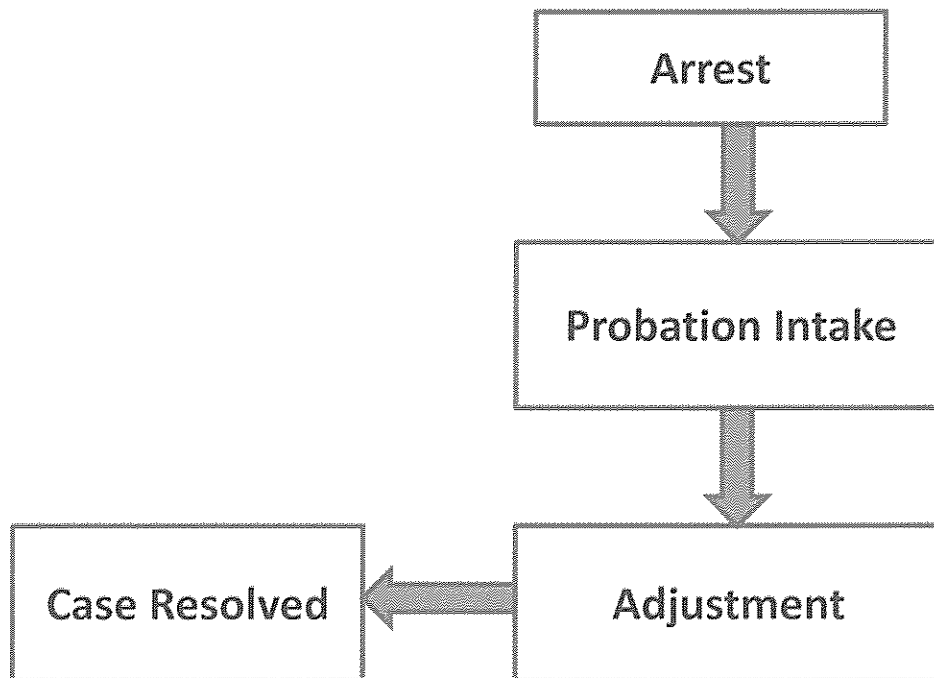
Case Responsibility

- ACS and the Juvenile Justice agency will remain in their respective roles on shared cases
- Different definitions of safety- child safety & community safety
- Different focus for intervention- child & parent
- ACS obligations to plan for the youth remain the same

CYPM Conferencing

- CYPM conferences cannot happen without consent
- Will be run using the existing protocols for DOP Adjustment conferences or ACS conferences (FTCs, ERCs or DCP family meetings)
- Worker from other system invited to participate
- Goal is always to coordinate planning so services and resources can complement those of the other system

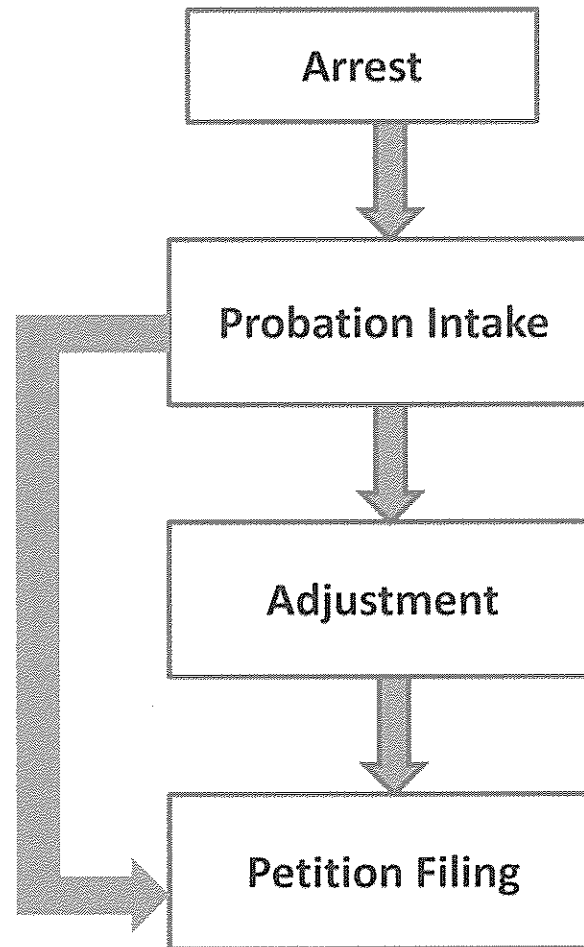
Conferences – Pre-Filing



CYPM Adjustment Conference – led by DOP, Child Welfare staff may participate

Possible ERC (Preventive cases)

Conferences – Post Filing



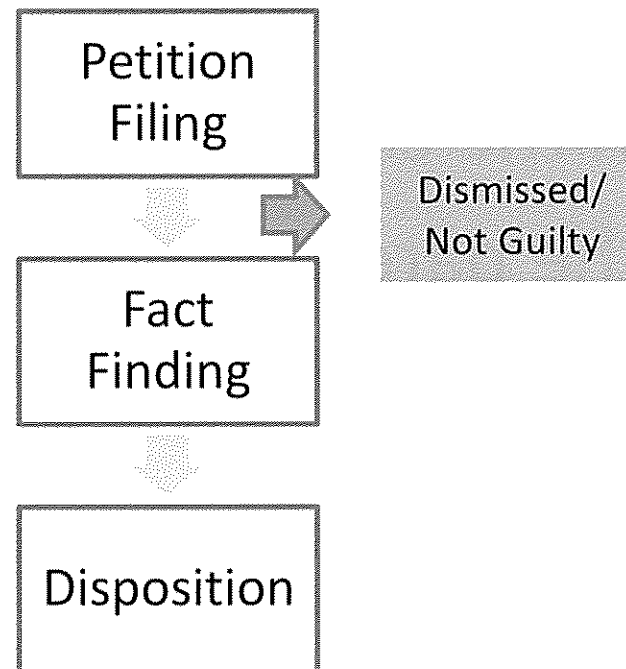
**CYPM Post-Filing
Conference – ACS led
Conference (FTC, Family
Meeting or ERC); Juvenile
Justice provider
participates**

CYPM Court Procedures

- Will the cases be called together?
- When should Case Planners go to court?
- What will FCLS's role be?
- What can the case planner share in Court?
- What if the parent is not going to court or planning for the youth?

Ongoing Collaboration - Post Filing

- Collaboration continues throughout JJ case
- Focus on permanency of youth, successful completion of services, avoiding re-arrest



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/18/15

(PLEASE PRINT)

Name: Mendith Soper

Address: 149 Water Street NYC

I represent: Legal Aid Society

Address: Legal Aid Society

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/18/15

(PLEASE PRINT)

Name: Tamara Steckler

Address: 149 Water Street NYC

I represent: Legal Aid Society

Address: same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Rev. Wendy Calderon Rayner

Address: _____

I represent: Bronx Connect

Address: 432 E 149th St, 10455

Please complete this card and return to the Sergeant-at-Arms.

**THE COUNCIL
THE CITY OF NEW YORK**

Question

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 06/18/15 *Possible Question*

(PLEASE PRINT)

Name: Krista Ranley ACS FCLS

Address: 900 Shennedy Ave Bx NY

I represent: ACS FCLS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Possible Question

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/18/15

(PLEASE PRINT)

Name: Ray Kimelman

Address: _____

I represent: Admin. for Children's Services

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Natale Mark

Address: 150 William St. NY NY

I represent: ACS

Address: Same as above

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/18/15

(PLEASE PRINT)

Name: Jackie Martin

Address: 150 William St.

I represent: ACS

Address: 150 William St.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Quinn Gray

Address: _____

I represent: Department of Probation

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Lisa Frost

Address: _____

I represent: NYC Dept of Probation

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/18/15

(PLEASE PRINT)

Name: Sara Hemmeter

Address: ACS 150 William St.

I represent: ACS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 6/18/15

(PLEASE PRINT)

Name: Julie Hall

Address: ACS 150 William St 715 NY NY 10038

I represent: ACS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Danilo Davila

Address: 150 William St

I represent: ACS

Address: Same as above

Please complete this card and return to the Sergeant-at-Arms