

## Dual Status Youth Podcast

**Kelly Meehleib:** Welcome to the Judicial Council's Center for Families, Children & the Courts podcast series on juvenile law. Have you ever been confused about children that enter both the juvenile justice and child welfare system? Today, we will explore the world of dual-status youth.

**Krystal Lopez:** I don't know who needs to hear this, okay. But, I need somebody to please pay attention to whatever the process is in the system when it comes to youth being converted from DCFS over to probation. Whoever makes a decision as to when DCFS is going to be cut off and probation is going to take over, it is crucial.

You guys cannot allow a youth who has been in DCFS their whole entire life for, you know, being neglected, being abused, you know, just a lot of other issues that they've been removed from the home from, and due to the fact that they are dealt un, un, unfavorable circumstances, you know, that.

It's kind of like a chain of events, like, they're put in these situation where they're being taken from their parents, taken from their families. And, now they're responding by being rebellious or they're having behavioral problems due to these issues. Because they don't know how to deal with their emotions. They don't know how to deal with certain things. So, that's how you start getting into trouble. They started with the wrong people. They start going to jail. They start, you know, committing crimes, whether it's to survive or whether just because they're misguided. But, just because we get into some trouble with the law does not mean that our DCFS case needs to be disregarded, you know.

And I just feel like me, personally, I am a youth that was dual supervision for a small period of time, and because of the fact that I continue to have behavioral problems, I feel like that's more of a mental health thing that needs to be addressed not put her on strictly probation because that didn't do nothing for me. You know, I needed more help with these behavioral problems. I needed more help understanding how to channel these emotions that I'm going through instead of lashing out, instead of running away, instead of, you know, not caring and fighting everybody, and doing all these crazy things that are getting me sent to juvenile hall.

Sometimes these issues don't require strictly discipline. Sometimes they require mental health services. Sometimes they require just a little more patience on your end to figure out what a better solution could be. Locking us up is not the only solution, it's not the best solution. I understand it's required by law sometimes, but there's other services that can be given to benefit us as a youth, for our situations. And I just feel like before you called I'll close out that DCFS case, make sure you investigate the DCFS case a little bit more before you just think it's safe for you as a probation officer to place of youth back in care with someone that DCFS deliberately removed them from. That's a big deal and I'm pretty sure I'm not the only youth that went through that.

And to be honest with you, the system put me back in that vicious cycle because instead of me, I shouldn't be given back to my dad, I shouldn't be given back to my mom. But me as a youth at that time, of course, I want that. That's more freedom for me at the time in the moment, yeah. but now that I'm older, that, that wasn't right, you know, that's not how it should have went. I don't think that, you know, they don't even do.

I could have. I've gotten released; and I don't want to get anybody in trouble, but I've gotten released to somebody who wasn't my father, who I just said was my father because probation does not pay that much attention. They don't. All they care, "Oh, you have somebody? Oh, oh they have a room for you to be in? Let me go check it out." You're not even verifying anything, really thoroughly, you know. And as a youth in that situation, it's very fun because you're jumping through loopholes, but in the long run it's very dangerous and just not professional at all. So, if somebody can just do me a favor and just look into that a little bit, I, Krystal Lopez would highly appreciate it. Thank you.

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**Nicole Giacinti:** The intersection of child welfare and juvenile justice is not a new phenomenon. It's estimated that as many as 50 percent of youth referred to the juvenile court on a juvenile justice matter have had involvement with the child welfare system, depending on how broadly we define dual status. Research conducted over the past 25 years has provided us with some understanding of the risk factors that make a child welfare involved youth more likely to become involved in the juvenile justice system. These include having parents with a history of justice system involvement, having first contact with the child welfare system later in childhood or adolescence, experiencing multiple foster care placements, and placements in congregate care. In addition, certain demographic factors of youth receiving child welfare services are associated with greater risk of juvenile justice involvement. For example, males who are involved with child welfare are more likely than their female counterparts to become involved with the juvenile justice system. African-American youth, who are overrepresented in each system individually, are significantly overrepresented in the population of dual-status youth, raising long-standing concerns about bias in decision-making and related societal and structural factors contributing to disproportionate minority contact. For child welfare-involved youth who do become involved in the juvenile justice system, research shows that they are more likely to be detained, to have longer stays in detention, and to be formally processed than youth not involved in the child welfare system. Studies have also shown that they are more likely to recidivate and to have criminal justice involvement in early adulthood.

To address these troubling outcomes, jurisdictions around the nation, including California, have undertaken collaborative efforts across child- and family-serving systems on behalf of these youth. California's efforts began in 2005 when the state passed Assembly Bill 129, which amended the Welfare and Institutions Code to allow counties to develop dual-status protocols. Before AB 129, a child in California could not simultaneously be a dependent child of the court and a ward of the court. That meant not only that courts had to choose which system—probation

or child welfare—would serve the child but also that services provided by the system that was not selected would end. To date, 18 out of California’s 58 counties have elected to establish dual-status protocols. Those counties represent 67 percent of California’s population. Several of these counties are among the nationwide network of jurisdictions that have seen success with their dual-status youth efforts.

More recently, many counties that have adopted dual status protocols, including Los Angeles and San Diego, have created specialized courts to hear dual status cases. Here to talk about San Diego County’s Dual Status Youth Court is the Honorable Carolyn Caietti.

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**Kelly Meehleib:** Judge Caietti is the presiding juvenile judge in San Diego County. Welcome, judge.

**Judge Caietti:** Thank you.

**Kelly Meehleib:** Hey Judge, I wanted to start with, what does the term dual status youth refer to?

**Judge Caietti:** Well, the way we used the term in San Diego County is we have youth that have a sustained petition in both child welfare and in juvenile justice. Recognize and realize that that may not be how its defined in other counties. And, I know that there is a statewide effort with what Judicial Council did recently in sending a legislative report asking for common terms and definitions such as dual status.

**Kelly Meehleib:** Okay. And why is this population of youth so significant?

**Judge Caietti:** Oh my. For many reasons. One, we know they have frankly the worst outcomes, in terms of school attendance, graduation rates, placement, leaving placement, stability in placement. They're more involved and likely to become involved in not only the juvenile justice system, but in the criminal justice system. The outcomes are just not that great and we're working to improve that.

**Kelly Meehleib:** And, in terms of the court process, what generally happens with dual status youth?

**Judge Caietti:** So, I think it depends on the county. In San Diego, we have dual status, which is really a subsection of our Crossover Youth Practice Model. And, that is really a broad umbrella in which child welfare, probation, and others try to keep kids out of our court system. So, if they're in one, if they're a dependent, for example, which is frequently where the youth then pick up a juvenile justice petition or law enforcement contact, what can we do to not bring that kid into the other side of the system, child wel-, our juvenile justice, and or have them have a petition filed against them? But, if they do end up in our system, then the way our county handles

it is the most recent petition, that judge knows to send the case to the dual status court where we have child welfare probation meet, confer ahead of time, get the input of our CASAs, get the input of both agencies as well as defense counsel. And, come up with a recommendation whether this youth really would benefit from being in both dependency and juvenile justice or solely in one system which would normally be dependency or child welfare, rather than in juvenile justice. In our County, very very few kids will end up solely in juvenile justice. They're more inclined to stay in dependency or if they've been through once or twice before with a meet confer or it's a very serious offense, then it won't be uncommon for the recommendation to be dual status. If they become dual status, that means jurisdiction's been taken in both juvenile justice and in the child welfare case, you have one judge, you have a lead court, lead agency, but it is the same court. And, we have both child welfare and probation working together along with the attorneys in both the juvenile justice and dependency side. And, the idea is we don't want to replicate services, but we've learned from this process that child welfare and probation bring different things to the table to support that youth. And, the goal is to get them off of dual status as soon as possible, which normally would be terminating successfully probation for our justice involved youth.

**Kelly Meehleib:** Okay. And so, what are the benefits of having a dual status protocol in a county?

**Judge Caietti:** I think there's several to be candid. I think to start off with, if the agencies are not familiar with it, there is reluctance, there's a concern of duplicating resources. Once we got over that hurdle with the benefit of the juvenile presiding judge, the head of child welfare, and probation in our county, and with the assistance of behavioral health services in our county, we work together to assure folks there's not going to be a duplication of services. In fact, also, you'll work together, you'll better appreciate how both systems operate, which I've seen both with the lawyers involved, with the stakeholders in both dependency as well as juvenile justice, recognizing what one side can or cannot do. And, there are benefits to both sides in most cases, but not all the time.

**Kelly Meehleib:** And, what about the benefits to the child of having a dual status?

**Judge Caietti:** There's many as well. In fact, it is not uncommon in our court to have the youth thank their probation officer as well as their child welfare worker for being there and supporting them. We have some kids that are in out-of-county and even out-of-state placement and child welfare and probation-we'll both go to visit once a month. The kids really really appreciate that. They're very thankful for that. In fact, I've had some youth that don't want to get off probation. They want to stay dual status which is not common, but it's not uncommon. And obviously, if we don't have anything else to offer them on that side, they shouldn't be on probation. We don't want them on probation, but there's, there's a bond in many cases that develops, not every time but many a time. And for the youth, it also gives them another set of eyes when they're struggling with drug or alcohol addiction as an example. Or, they're not compliant with their case plan in the child welfare side. If they're also on probation, there's a hook there if you will where they

need to comply or they could face the court with some sanctions or consequences to redirect and be compliant. And, that's where I think it's really helped.

**Kelly Meehleib:** Okay. And, what should the court and court partners know about serving dual status youth?

**Judge Caietti:** That it works. It may not seem like it at first, that it may seem like an awful lot of resources being used to utilize towards a small number of kids. Our county's has been doing the CYPM since 2012. We've been keeping, I've asked for stats since 2013. We have found that most kids remain in dependency. The kids that do crossover do not cross over to the delinquency side, they stay dual status with the goal of to single status. We also have youth that have more stable placement, fewer leaving placement, recognizing there's some that are not, that it's the exact opposite. But for the most part, it looks encouraging what we're seeing in our county in terms of stability for that youth, in terms of placement and meeting their needs. And, a better appreciation for both child welfare and probation in what they do. And, I've also noticed with probation, it's more of a softening, more trauma-informed, and more, I call it, the "social worker mentality," in an appropriate way where they still have law enforcement, obviously, they're probation, but it's a much, I call it "kinder, gentler" group of folks that really do care.

**Kelly Meehleib:** And, what should the court and court partners know about creating or revising dual status protocol or starting a dual status court?

**Judge Caietti:** When we started the crossover youth practice model, because we had actually a form of a dual status court as early as 1998, and it really was perfected I'd say with the Crossover Youth Practice Model when that grant was given and Georgetown came in and helped work with our stakeholders. It's a work in progress. Anticipate pushback at first with folks, a reluctance to do this. But, if you can get the people at the top to come to the table, sit down, and work on what they want to accomplish, I think, it'll work. We have, when we put together the protocol, we had a room full of a cross-section of our juvenile justice and child welfare community – public health, education, the typical folks, DA, public defender, minor's counsel, parent's counsel, behavioral health, some of the community partners that we work with, probation, child welfare schools, you name it, coming to the table to see what they envisioned as part of the protocol and the services to provide and try to coordinate things better. We do have now, multidisciplinary team meetings in addition to the CFT meetings that are required by congregate care reform. I think probation has done a much better job now at complying with the obligation of providing services to families when children are removed and transitioning them back to their home when they reunify. Child welfare has obviously done that for quite a long time and have the expertise in that regard, but it's helped juvenile justice side as well.

So, once we have the protocol established, people may not realize, but we have monthly meetings with folks from the different entities to iron out the quirks. It's as simple as making sure that a youth who comes to the attention of juvenile justice is aware. Child welfare informs juvenile justice folks that there's a JV 220 as an example or making sure that the CASA is

notified or how do we get a free flow of communication acknowledging confidentiality? How do we have access between probation and child welfare of each other systems that's appropriate? With child welfare and probation in our county, they have a dedicated dual status unit, and that's made a huge difference. And, at one point they were co-located in each other's offices, they're not anymore, and that was also helpful when we were trying to get things off the ground. Those are just some examples. But, I can assure you once you have this process you will need to revisit it from time to time. And, in there's cases that come down and you need to make sure you're compliant with any changes in the law.

**Kelly Meehleib:** The Judicial Council's Center for Families, Children & the Courts works with courts throughout the state to improve outcomes for children and families in both the juvenile justice and child welfare systems. For more information, please visit our website at [www.courts.ca.gov](http://www.courts.ca.gov) under Programs for Families and Children.