

Dual Status Task Force Final Report

December 2021



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I. Executive Summary

In 2018, the Texas Judicial Council adopted a Juvenile Justice Committee recommendation for the Children’s Commission to convene a task force to study and report on issues relating to youth with involvement in the child welfare and juvenile justice systems. The recommendation directed the task force to establish a common, statewide definition(s) for the population, identify resources needed to meet the needs of youth who are dually involved, and make other recommendations as may be necessary to improve outcomes for youth who are dually involved. The Committee also recommended addressing training needs for judges and other necessary parties on handling cases involving youth involved in both systems.

The Dual Status Task Force (DSTF) convened from July 2019 to December 2020. The Task Force included approximately 35 child welfare and juvenile justice system stakeholders from throughout Texas. The Task Force created six workgroups: Agency Coordination, Data, Definitions, Judicial Practices, Legal Representation & Advocacy, and Training. Approximately 80 subject matter experts from throughout Texas participated in the workgroup discussions over the 18-month duration of the Task Force. Each of the six DSTF workgroups developed recommendations specific to their assigned topic. There was significant overlap as many of the issues are interrelated.

This report captures recommendations from the Task Force about what data, training, tools, resources, and practices may be necessary to better understand and improve outcomes for youth involved in both the child welfare and juvenile justice systems. The report represents an important first step to identify strengths and opportunities for continued coordination and collaboration to better serve children and families who experience these systems in Texas.

II. Background

Youth involved in both the child welfare and juvenile justice systems — commonly referred to as crossover, dually-involved, dually-adjudicated, dual-system, or multi-system youth — require a unique approach.¹ National studies provide some insight of the intersect between youth who experience both the child welfare system and the juvenile justice system. Children and youth who experience abuse or neglect are at a 47 percent greater risk of being juvenile justice involved, compared to the general population.² Females and African American youth are disproportionately represented among youth involved in both the child welfare and juvenile justice systems compared to their peers with involvement in one of these systems.³ Among youth involved in both systems, 92 percent first experience the

child welfare system then become juvenile justice involved.⁴ Although prevalence is hard to quantify and dependent on the definition used for the population, it is estimated that 45-75% of first-time juvenile petitions involve dual system youth.⁵ Involvement in both the child welfare and juvenile justice systems is associated with higher risks for mental health, education, and vocation challenges as well as higher rates of recidivism, longer stays in detention, placement instability, and poor permanency outcomes.⁶

Youth who come into contact with the child welfare, juvenile justice, and related legal systems also interact with other child serving systems, including but not limited to education, mental health, substance treatment, medical, and many others. These systems are complex to navigate independently and taken together have many practical, organizational, and jurisdictional differences. When systems operate with different goals for how to best serve youth and families, the experience can be confusing and overwhelming for youth and families. When systems stakeholders work together to support youth and families with consistent and shared policies and practices, the environment is easier to navigate and supportive. It is essential that there are partnerships at the state and local levels that bridge these systems so that challenges can be addressed, and best practices can be elevated for greater consistency across the state. To be most effective, these partnerships should include agency staff, legal professionals, volunteers, community members, as well as parents and young adults with lived experiences in the child welfare and juvenile justice systems.

State Agency Responsibility and Structure

The Department of Family and Protective Services (DFPS) and Texas Juvenile Justice Department (TJJD) are the primary state agencies charged with addressing the needs of child welfare and juvenile justice involved youth, respectively. DFPS is a state-run child welfare agency that operates several programs including a statewide child abuse hotline, a Child Protective Investigations division, and a Child Protective Services division which is managed through a regional structure with leadership and staff spread across 11 distinct regions of Texas. In several catchment areas, privatized Single Source Continuum Contractors (SSCCs) contract with DFPS to provide case management and/or foster care placement services, depending on the SSCC's stage of implementation, through a model called Community Based Care.⁷

TJJD partners with individual counties which provide services to all youth referred to the juvenile courts. County Juvenile Probation Departments handle most of the sanctions as well as therapeutic and other interventions the courts may impose. At the state level, TJJD also manages state-operated secure facilities and halfway houses to provide treatment

services to those youth who have multiple juvenile adjudications or who have exhausted their options in the county. Additionally, youth who have committed the most serious offenses requiring specialized treatment services that counties are not equipped to provide are also likely to be committed to TJJD.

Court Structure

In general, Texas has an elected, independent judiciary. Child welfare matters are typically heard in District Courts and County Courts at Law. There are also about 30 specialty courts referred to as Child Protection Courts (CPCs) that are associate judges with jurisdiction over child protection cases and are operated through the Office of Court Administration (OCA).⁸

Depending on the stage and severity of the case and how a matter is charged, a juvenile matter can be heard by a state District Court judge, a Juvenile Court referee or magistrate employed by a county, a designated County Court at Law judge, or an elected judge in a Justice or Municipal Court. For very serious felonies, some youth are tried as adults.

Legal Representation

The legal framework for prosecuting child welfare and juvenile justice cases varies throughout the state with District Attorneys, County Attorneys, or DFPS Regional Attorneys providing legal representation for the state in child welfare cases. Juvenile cases are prosecuted through the District Attorney or County Attorney's office. Attorneys representing parents and children in child welfare cases are typically appointed through the court. Juveniles often receive legal representation through court-appointed attorneys. While some jurisdictions have a juvenile public defender or an office of child or parent representation, these representation structures are not common throughout Texas.

III. Creation of the Dual Status Task Force

In 2018, the Texas Judicial Council adopted a Juvenile Justice Committee recommendation for the Children's Commission to convene a task force to study and report on issues relating to youth with involvement in the child welfare and juvenile justice systems.⁹ The recommendation directed the task force to establish a common, statewide definition(s) for the population, identify resources needed to meet the needs of youth who are dually involved, and make other recommendations as may be necessary to improve outcomes for youth who are dually involved. The Committee also recommended addressing training needs for judges and other necessary parties on handling cases involving youth involved in both systems.

The primary role of the Dual Status Task Force (DSTF) was to engage the judicial branch on the issues related to dual status youth. The Task Force focused on promoting effective judicial practices, learning from jurisdictions that have implemented the Crossover Youth Practice Model,¹⁰ exploring the role of the attorney representing the child and the role of the state's attorney, and identifying gaps and strengths in policies and practices that support dual status youth.

DFPS and TJJD already collaborate and work together to support youth involved in both systems. However, the Task Force provided opportunities to bring in external partners to offer feedback and potential resources to help create a common language and strengthen the response to serving dual status youth in Texas. Although the Task Force was judicially led and primarily focused on the legal and judicial elements of serving dual status youth, there was wide consensus that any state or local dual status effort is inextricably intertwined with agency practice.

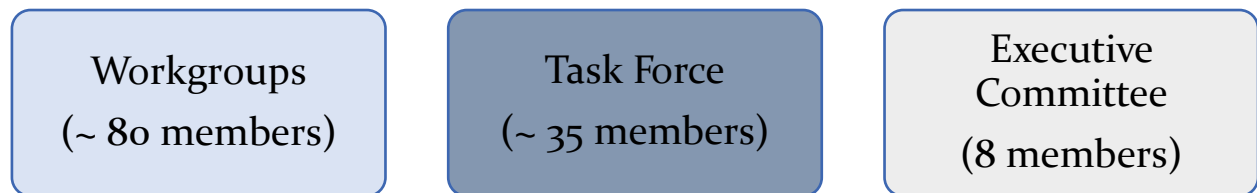
Goals for the Task Force

In the short term, the Task Force had the following goals:

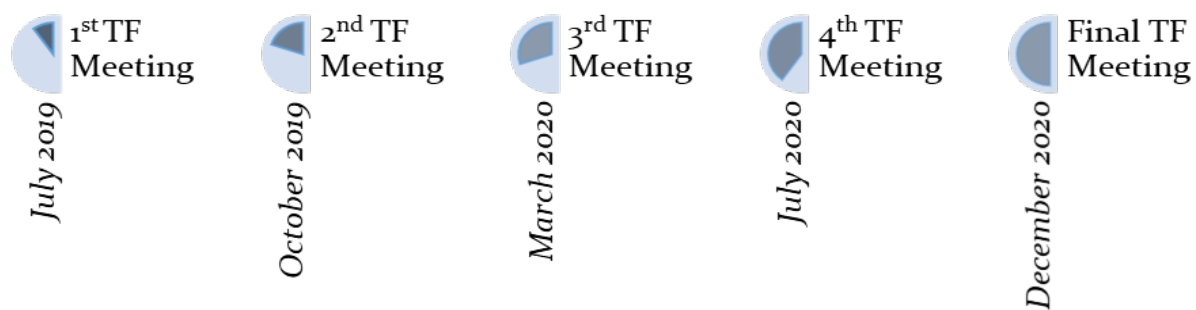
- Identify key subject matter experts from the child welfare, juvenile justice, and legal systems;
- Offer a forum for communication and collaboration among professionals working with youth involved in the child welfare and juvenile justice systems;
- Refine common, statewide terms and definitions for youth who are involved in both systems;
- Develop a method of identifying youth involved in both systems;
- Promote the robust exchange of data and appropriate information sharing between the child welfare and juvenile justice agencies;
- Strengthen the judicial response in serving youth involved in both systems by clarifying the related law and policies and identifying best practices;
- Address training needs for lawyers who represent the state and children as well as judges who preside over cases involving youth involved in both systems;
- Offer support to child welfare and juvenile justice agencies in their efforts to coordinate service delivery and case planning; and
- Make recommendations for systemic improvements to serving youth and families with involvement in both systems.

IV. Task Force Structure

The Task Force included approximately 35 subject matter experts from throughout Texas. An Executive Committee, formed from members of the Task Force and comprised of at least four judges, and the Executive Director of TJJD and the Associate Commissioner for Child Protective Services or their designated staff, was designated with final decision-making authority on any strategies or recommendations presented by the Task Force. The Executive Committee was envisioned for situations where the Task Force could not resolve an issue and a high-level decision-making body would be needed. However, the Task Force did not encounter a need for the Executive Committee for the duration of the eighteen-month period. Task Force members were able to review and discuss all recommendations from each of the workgroups and resolve any concerns without convening the Executive Committee.



The Task Force convened from July 2019 to December 2020. This time period gave the Task Force enough time to identify barriers and develop strategies to improve outcomes while maintaining a sense of urgency for serving youth involved in both systems. The Task Force met in person three times and via Zoom twice during this eighteen-month period. The meeting schedule for the Task Force was as follows:



The Task Force created multiple workgroups for more focused discussion between meetings. Task Force members had the opportunity to participate in the workgroups, if desired. In July 2019, the Task Force created five workgroups: Agency Coordination, Definitions, Judicial Practices, Legal Representation & Advocacy, and Training.

In March 2020, the Task Force created the Data Workgroup. The chart below illustrates the meetings dates for each of the workgroups.

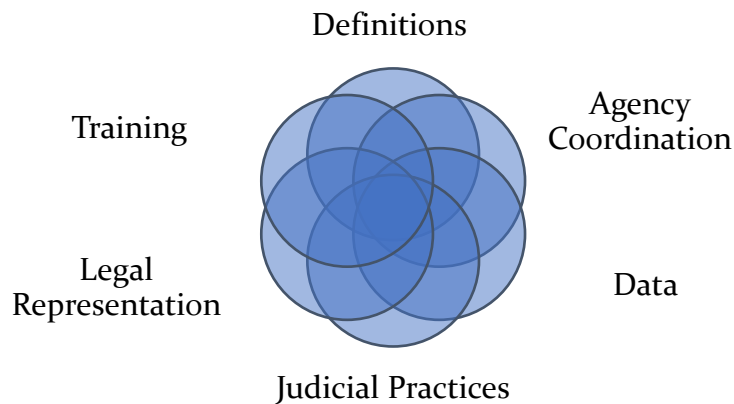
Workgroup	2019	2020
Definitions	08/23	02/07
Agency Coordination	09/17	01/24, 05/11, 06/29, 10/01
Data	<i>(created in 2020)</i>	07/23, 08/26, 10/15, 11/17
Judicial Practices	09/06	02/13, 05/21, 09/24
Legal Rep & Advocacy	09/12	01/07, 05/08, 07/13, 10/05, 10/16
Training	08/29, 12/09	02/06, 03/02, 04/01, 06/11, 10/28

The Children’s Commission provided staff support for the DSTF, including preparing for meetings and keeping workgroups and Task Force members apprised of the progress of each group.

The primary deliverable for the Task Force is the creation of the recommendations summarized in this report.

V. Workgroup Recommendations

Each of the six DSTF workgroups developed recommendations specific to their assigned topic. There was significant overlap as many of the issues are interrelated. All of the recommendations were reviewed by the Task Force members.



Each of the recommendations are outlined below with brief background information about how the Task Force and workgroups envisioned the components of a robust collaboration between the child welfare and juvenile justice systems. The recommendations below set out a vision for the fundamental components of a statewide dual status effort. In the long term, ideally these recommendations will improve outcomes for dual status youth and strengthen partnership across youth-serving systems.



Definitions

Identifying the Need

Establishing a definition of the population of youth who experience both the child welfare and juvenile justice systems was identified as a priority area by the Texas Judicial Council Juvenile Justice Committee and the Dual Status Task Force. A definition is important for multiple reasons:

- There are jurisdictional differences in how this population of youth is referred to, and it would be helpful to have a common statewide definition to enable everyone to speak the same language.
- There should be a clear definition of the population for the purposes of data collection and analysis.
- Having a common definition will benefit judges and attorneys who are interested in developing a dual status docket, response, or practice model in their jurisdiction.

- A definition calls attention to the needs of youth who experience both systems.
- A common definition will streamline information sharing and make it easier to communicate about the specific needs of youth who meet the defined population.
- It will be easier to deploy a specific intervention if the youth population is defined.
- Developing a common definition is fundamental to all the other efforts related to dual status including policy, practice, and training.

Analyzing Existing Definitions

The Definitions Workgroup began by analyzing existing definitions from national organizations and other states. There are many terms used in other jurisdictions including “crossover,” “dual status,” “dual contact,” “dually identified,” “dually involved,” and “dually adjudicated.”¹¹ After reviewing the existing terminology, there was consensus that Texas should adopt no more than two terms to minimize confusion and streamline practice. There was discussion that the term “crossover” is overly broad and does not capture the fluidity of youth encountering multiple systems at different points in time. Since a determination was made that there would be no more than two terms, discussion then centered on which terms including the word “dual” should be considered. The Definitions Workgroup assessed that the nuances between “contact,” “identified,” and “involved” may lead to confusion in practice throughout the child welfare and juvenile justice systems. “Adjudicated” is not a widely used term in the Texas child welfare system. Ultimately, the terms “dual system” and “dual status” were proposed by the Definitions Workgroup.

Tailoring Definitions for Texas

The first critical issue to address in defining the terms “dual system” and “dual status” in Texas was to assess what level of involvement is significant enough to be considered a system contact for the purposes of the definition. For juvenile justice, system involvement is only initiated in one way: through a referral. After referral, many things can happen with a juvenile case, but it was decided that any activity short of a referral did not rise to the level of juvenile involvement for definition purposes. Within the child welfare system, the level of contact could occur in multiple ways: the youth is the subject of an open child abuse or neglect investigation, the youth is the subject of an investigation where DFPS determined there was reason to believe abuse or neglect occurred, the youth is the subject of a Family-Based Safety Services case,¹² or the youth is in DFPS managing conservatorship.

After laying out what level of involvement is required, the second central issue for the definitions is the timing of when the system contact occurs. The primary reasoning behind the need for two definitions is that concurrent involvement in the child welfare and juvenile justice systems may represent a higher level of need for coordination to ensure that youth do not have deeper or more lengthy system involvement, which requires a more targeted, intensive response. As a result, “dual system” refers to historical involvement in one or both systems whereas “dual status” indicates that the youth is involved in both systems simultaneously. At the March 2020 Task Force meeting, members unanimously agreed to adopt the two definitions included below.

Task Force Definitions

DUAL SYSTEM

- A dual system youth is a youth who is or was referred to the juvenile justice system; and
- is or was in the temporary or permanent managing conservatorship of the department;
- is or was the subject of a family-based safety services case with the department;
- is an alleged victim of abuse or neglect in an open Child Protective Investigations case; or
- is a victim in a case in which the department investigation concluded that there was a reason to believe that abuse or neglect occurred.

DUAL STATUS

- A dual status youth is a dual system youth who has or had concurrent involvement in both the child welfare and juvenile justice systems.

Scope of Definitions

There was substantial discussion about which youth would not fall under these definitions. The first population considered was youth who are detained and participate in a First Offender program, but no juvenile justice referral is made. This would be hard to track since these records are maintained through the local police department and sealed upon completion of the program. Also, these programs are not readily available across the state. Without a referral, there is no formal record that the youth is involved in the juvenile justice system.

Another group is youth who are alleged victims of abuse or neglect, but the resulting investigation ends with no finding of Reason to Believe. Although these youth may have a high risk for involvement in one or both systems, if abuse or neglect are ruled out and there is no other Child Protective Services (CPS) involvement, these circumstances did not seem appropriate for inclusion in the “dual system” or “dual status” definitions. Also, if a DFPS investigation concluded that there was reason to believe that the youth was the perpetrator of abuse or neglect and there is no allegation of abuse or neglect that the youth is an alleged victim, this also appeared to fall outside the bounds of these definitions. Although this may be appropriate for information sharing between agencies, this does not fit the dual system definition if the only CPS involvement occurs when the youth is identified as a perpetrator. Additionally, when a family is involved with Alternative Response¹³ through DFPS, the goal is to divert the family from the child welfare system, so this population of youth also appeared to fall outside the bounds of dual system involvement.

Assessing Limitations

The Definitions Workgroup also discussed whether there should be time parameters between contact with either system. For example, in a situation when a child is adopted after being in DFPS conservatorship at 6 months old and that same child is arrested at 14 years old, should the child fall under the dual system definition? The workgroup decided not to adopt time limits for two reasons. First, especially as it relates to traumatic events and Adverse Childhood Experiences (ACEs),¹⁴ this historical event can still be relevant in understanding the child’s needs and serving the child and family. Second, the time limits would likely lead to confusion and inconsistency in implementation which runs counter to the motivation behind creating a definition. However, it is critical that confidentiality is protected for all youth, including youth in these circumstances. Ultimately, there was agreement that this is a training or practice issue and not a necessary component of the definition.

Another issue considered was whether there should be age restrictions on the definitions of dual system and dual status. There was significant concern expressed in the Task Force and workgroup meetings about youth who are 17 years old. Under Texas law, youth who are arrested at age 17 are not served through the juvenile justice system but rather fall under the jurisdiction of the criminal justice system. However, youth can be in foster care until age 18 and can voluntarily remain in foster care for several more years depending on the circumstances. There are youth with prior or current DFPS involvement who are arrested at age 17 and their experiences, including the opportunity to seal that record, are very different from that of a 16-year-old in similar circumstances. Although this is an important consideration, it falls beyond the scope of this Task Force and definition. Most Task Force

members agreed that the definitions of “dual system” and “dual status” should not extend beyond the juvenile justice or child welfare systems. However, if the definition of “child”¹⁵ in Title 3 of the Texas Family Code changes over time, these definitions are flexible to include any individual who is referred to the juvenile justice system. It is also possible that a youth who is 17 will be dual status and receiving services and become involved in the adult justice system. Like other local justice policies, local criminal justice policies should include coordination with regional DFPS agencies to support youth who are currently in conservatorship who become involved in the criminal justice system.

Finally, consideration was given to whether the definitions should only apply to youth in DFPS managing conservatorship, rather than the broader interpretation of child welfare contact that includes open investigations, closed investigations that resulted in a Reason to Believe finding, and Family-Based Safety Services. The Definitions Workgroup discussed that the more comprehensive definition of contact with the child welfare system would be beneficial both in tracking data and outcomes, as well as serving youth who may need a more targeted approach. For example, a youth with a juvenile case whose family receives Family-Based Safety Services could likely benefit from a dual status approach. Limiting the dual status definition to youth only in conservatorship could also narrow court options to include court ordered services (also known as motion to participate) cases where the child or youth remains in the home with services under the supervision of the court.

Referencing the Definitions

There was some discussion about where the definitions should be placed to ensure that relevant stakeholders utilize the definitions with uniformity. One possibility was to include the definitions in Chapter 51 of the Texas Family Code or some other section in Title 3. There was consensus that the definitions should not be copied into the sections controlling child welfare law but rather should reference the definitions in Title 3. The rationale for this is that should the definitions evolve over time, it is more efficient to modify them in one place rather than in two sections of the Texas Family Code.

Definitions, if necessary, may also need to be incorporated into court rules, DFPS Policy, and/or TJJD Standards. For regions with Community Based Care, the Single Source Continuum Contractors may be interested in reviewing contracts, protocols, or business processes to reflect these definitions as well.

87th Legislative Session Updates

During the 87th Regular Legislative Session, several definitions were adopted into statute under Senate Bill 2049 and House Bill 3774. Relevant provisions are included below.

Texas Family Code Section 51.02 | Definitions

In Texas Family Code Title 3:

(3-a) "Dual status child" means a child who has been referred to the juvenile justice system and is:

- (A) in the temporary or permanent managing conservatorship of the Department of Family and Protective Services;
- (B) the subject of a case for which family-based safety services have been offered or provided by the department;
- (C) an alleged victim of abuse or neglect in an open child protective investigation; or
- (D) a victim in a case in which, after an investigation, the department concluded there was reason to believe the child was abused or neglected.

Texas Family Code Section 51.11 | Guardian ad Litem

(a) In Texas Family Code Section 51.11:

(1) "Dual-system child" means a child who, at any time before the child's 18th birthday, was referred to the juvenile justice system and was involved in the child welfare system by being:

- (A) placed in the temporary or permanent managing conservatorship of the Department of Family and Protective Services;
- (B) the subject of a family-based safety services case with the Department of Family and Protective Services;
- (C) an alleged victim of abuse or neglect in an active case being investigated by the Department of Family and Protective Services child protective investigations division; or
- (D) a victim in a case in which the Department of Family and Protective Services investigation concluded that there was a reason to believe that abuse or neglect occurred.

(2) "Dual-status child" means a dual-system child who is involved with both the child welfare and juvenile justice systems at the same time.

Additional Considerations

Over the past decade, there is an increasing acknowledgement in multiple sectors, including child welfare and disability rights, that using “person first” language is ideal, putting the individual before any characteristic. For example, the term “youth in foster care” is preferred over “foster youth.” This terminology recognizes the individuality of a person rather than emphasizing one aspect of their experience. The Task Force identified this limitation in the proposed definition and encouraged the use of “person first” language whenever possible.



Agency Coordination

Overarching Principles – Agency Coordination

The Agency Coordination Workgroup was tasked with identifying the core components to a cross-system approach to serving dual system and dual status youth. The workgroup broke down the analysis into three parts: the early, the middle, and the end stages of case-related collaboration on behalf of dual status youth. The “early stage” focused on identification, intake, and developing cross-agency relationships. The “middle stage” involved joint assessment and planning. The “end stage” included transition planning, youth exiting foster care, and sustainability of any agency effort aimed at supporting dual status youth. There were some recommendations that broach all three stages and provide the foundation for a dual status approach in Texas.

It is noted that both systems already have policies and or procedures that address several of these recommendations. In those instances, the child welfare and juvenile justice systems should continue their practice in accordance with agency policy and resources. Lastly, it is recognized that the child welfare and juvenile justice systems can only engage with and/or serve youth and families when the respective agency has current jurisdiction or authority to do so, and these recommendations are not intended to go beyond the scope of current law.

A1. Youth should not be processed through the juvenile justice system if there is no need for rehabilitation.

The first overarching principle is that to the extent possible, children and families in need of support should be served within their communities. Additionally, if there are confirmed allegations of abuse or neglect, then assistance should be provided by the child welfare system, as deemed appropriate with the agency's statutory authority and policy. Similarly, if there is a need for rehabilitation, assistance should be provided by the juvenile justice system as appropriate. Involvement in the juvenile justice system can have both short-term and long-term consequences.¹⁶ Children and youth who experience adversity should be viewed through both an equity and a trauma-informed lens, looking beyond the presenting behavior to address what the youth has experienced and what steps are needed to keep the youth and the community safe. Juvenile justice system interventions should be reserved for youth in need of rehabilitation and any dual status initiative should reflect this approach.

A2. Professionals and supportive adults should encourage and teach youth to self-advocate.

Adolescence is the time when youth develop their independence and autonomy. For systems-involved youth, many critical decisions are made by others on the youth's behalf on a regular basis. There are various professionals and adults involved in a youth's case and this can be overwhelming for youth even when only one system is involved. Youth have insights and opinions about the decisions that impact their lives, and their voices and perspectives are critical to encouraging positive outcomes. Engaging youth can help to establish and maintain their buy-in and understanding of the process as well as build confidence and communication skills. For example, when a youth is in DFPS conservatorship they participate and provide input with their plan of service and at permanency meetings.¹⁷ In building a climate where youth voice is valued, youth will learn to self-advocate and may feel empowered by being a part of the decision-making process.

A3. Agency staff should engage family members early on within the process and throughout the process.

Family engagement is another critical component of agency coordination, and it is currently reflected in agency policy. Both the child welfare and juvenile justice systems aim to support children in the community with familial support. Family members can serve as placement resources and accountability partners and can help to stabilize youth in crisis. DFPS policy encourages family participation in Family Group Decision Making meetings, the youth's plan of service, circles of support meetings, and at permanency meetings.¹⁸ In addition, DFPS pursues all possible kinship placement options for youth in care, which allows youth to draw on pre-established family connections or create new supporting familial connections.¹⁹

Further, the Collaborative Family Engagement (CFE) project was established to adapt Family Finding tools and meetings to support a team-based approach between local CASA programs and DFPS staff to identify and engage family and fictive kin.²⁰ One of CFE's primary objectives is to increase the number of adults serving as a support system for parents and children involved in child welfare cases by searching for and engaging family and those with close relationships to the family. This model is not available everywhere in Texas, but DFPS and Texas CASA continue to work together to expand CFE statewide.

Family engagement is most successful when it is intentional. Agency staff (DFPS, SSCC [where appropriate], Probation, and/or TJJD) should engage family both early in the case and on a regular basis. The systems should coordinate to understand parental rights and take steps to revisit or work within the existing parental rights arrangements for youth who are in permanent managing conservatorship (PMC) in accordance with agency policies.

A4. Agency staff should identify personal/familiar supports for youth.

Every youth with child welfare or juvenile justice involvement should maintain positive connections to supportive adults. This could be a parent, relative, fictive or identified kin, coach, teacher, faith leader, and/or another trusted adult. Even if the individual is not a placement resource, the connections are invaluable to youth with dual system involvement. For example, when a youth is in conservatorship, DFPS provides parents, caregivers, facility case managers, relatives, and individuals close to the youth who have expressed interest in assisting the youth to participate in the youth's plan of service, and youth 14 and older are allowed to invite at least two adults who are not their caseworker or parent to permanency meetings.²¹ Agency staff should continue to identify who the youth is connected to and ensure there is regular contact with that person, if appropriate. Agency staff should ensure

every youth has a positive connection to a supportive adult, whether the adult is a discharge resource or not.

- A5. Cross-system coordination is helpful to ensure the best and least restrictive placement appropriate to meet the youth's needs.

Both the child welfare and juvenile justice systems aim to serve youth in the least restrictive setting. Youth should be placed in the community whenever possible, preferably with relatives or kin, with services provided to them in their community. By maintaining community ties and keeping youth in a home-like setting, the youth can receive services and support and build skills in a familiar environment. Although some youth may temporarily be placed in a residential treatment center, detention or post-adjudication facility, or other congregate setting, cross-system coordination can ensure such placements are used only when necessary, as a targeted intervention designed to address the youth's individual needs. Placement collaboration can be coordinated and addressed through the coordinated service planning approach.²²

- A6. Multi-disciplinary teams get everyone on the same page about how to meet the needs of the child and family.

The child welfare and juvenile justice systems both serve children and families but operate under different organizational and legal structures. It is critical that agencies serving youth involved in both systems refrain from operating in silos and instead partner together to promote better outcomes. When a youth is identified as dual status, a multi-disciplinary team should meet quickly and regularly to assess the needs of the youth and family, streamline efforts, and share resources to the extent possible. For example, it is inefficient when both entities refer the youth for comparable counseling or after-school tutoring services. DFPS follows the coordinated services planning approach by collaborating with juvenile justice in the planning and provision of services. This includes inviting juvenile justice staff to participate in child welfare staffing and service planning, and when appropriate joint home visits and parent/youth visits.²³ By getting on the same page early, the agencies involved can make the best use of limited time and resources and youth and families hear the same message from both systems.

Please note that additional funding may be required to effectuate a multi-disciplinary team approach. The agencies supporting dual status youth should identify whether additional funding is available to support this recommendation.

- A7. The dual status or crossover model should be scaled statewide so that all dual status youth can benefit from joint planning and improved agency coordination.

Several of the large, urban, and mid-size jurisdictions in Texas have a dual status or crossover initiative. Georgetown University Center for Juvenile Justice Reform created the Crossover Youth Practice Model which has been utilized in various forms in Travis, Bexar, Harris, McLennan, Dallas, and Tarrant Counties. The RFK Child's Action Corps²⁴ also has a robust dual status initiative which has been implemented in El Paso County. These national models are implemented throughout the United States and backed by significant research and analysis. Jurisdictions with an interest in training and technical assistance could request support from these national organizations or local jurisdictions that have implemented these models.

Although there is some coordination at the local level, one issue identified by every DSTF workgroup is the need for coordination statewide. Texas is a large state with each jurisdiction exercising local control over practice and procedures. Cross-system coordination becomes even more complicated when multiple counties and jurisdictions are involved. For example, a youth could be removed from their parents in Lubbock and placed in San Antonio, get into a fight at school, and have a subsequent referral for assault in San Antonio which results in two open cases. As more children and youth are served closer to home through Community Based Care, these cross-jurisdictional scenarios may become less common but there could be additional complexity with the involvement of the SSCC.

Additionally, smaller or rural jurisdictions may lack the resources to develop a comprehensive dual status initiative, especially given the number of youth and families impacted. As a result, with appropriate resources, some issues may be resolved at the state level with local input and coordination. For example, a model Memorandum of Understanding (MOU) could provide a template for data and information sharing between the child welfare and juvenile justice agencies serving dual status youth. This approach would allow Texas to maximize the benefits of increased efficiency between the two systems and youth can experience a more coordinated approach regardless of where their child welfare and juvenile involvement occurs.

A8. Any dual status initiative should take into account disproportionality and disparities in both the child welfare and juvenile justice systems.

National research shows that African American youth are overrepresented in child welfare and juvenile systems. African American youth and female youth are also overrepresented in the dual status population.²⁵

In continuing to address disproportionality, any dual status initiative should also take into account the disproportionate impact on children and youth of color and develop any

initiative through an equity lens. Girls are also overrepresented in the dual status population compared to peers in the justice system alone. Initiatives should review how local policies and practices disparately impact girls.

The child welfare and juvenile justice system stakeholders, including DFPS and TJJD, analyze race and ethnicity data in services and programs and seek strategies designed to eliminate disproportionality.²⁶ These existing efforts should incorporate any considerations related to dual system or dual status involvement.



“Early Stage” Dual Status Program Structure Components

- A9. Whether a local dual status effort is community-initiated or judge-initiated, there should be leadership buy-in and a commitment to sustainability.

There are multiple ways to initiate a dual status program or initiative which will look different depending on the community’s needs. Many dual status initiatives are judicially led with courts adopting a “one-family, one-judge” model and encouraging agencies in both systems to coordinate efforts on behalf of the children and families involved. Some examples of this exist in Bexar and Travis Counties. Another approach is for the community to prioritize this issue and utilize a backbone organization to garner buy-in and support. This is the current model in Harris County.

Communities can also designate specialized field level caseworkers and officers to collaborate even without a formalized process from a judge or backbone agency to develop policies to coordinate care for youth with dual status. With a state as diverse as Texas, there is no preferred approach, but one underlying, unifying component is needed for leadership

buy-in to whichever process is used. If local leadership is not invested in the initiative, the success of implementation will be very limited.

Equally important is to consider turnover and plan for continuity and sustainability. To be most effective, the dual status initiative cannot depend on one or two individuals but rather should be integrated into the structure of both systems over time with clear, written protocols to support the work.

A10. DFPS, SSCCs, and Probation need to have buy-in to work collectively in the case planning process.

In addition to having buy-in at the leadership level, it is critical for each of the agencies serving dual status youth to prioritize a collaborative approach to serving this population. As a state agency, DFPS is responsible for rules and policies impacting all aspects of child welfare practice. Depending on the stage of implementation, the SSCCs are responsible for foster care placement and case management within the designated catchment area. Probation is responsible for rehabilitation and supervision of juveniles. Each of these agencies are responsible for court-related duties as well.

Throughout the duration of the Dual Status Task Force and the Agency Coordination Workgroup, it became clear that there are many robust cross-system partnerships already in place in different parts of the state. In some geographical areas, communication and coordination between the child welfare and juvenile justice systems is irregular and strained. Although each agency brings a different perspective, training, staff, and set of responsibilities to supporting children, youth, and families, there is also overlap in these responsibilities when a youth is involved in the child welfare and juvenile justice systems. Some challenges may need to be resolved systematically, rather than on a case-by-case basis.

A11. Agency staff should utilize Community Resource Coordinating Groups and System of Care models to organize multi-system staffings, blend funding, share resources, and coordinate the response for youth involved in the child welfare and juvenile justice systems.

There are existing systems in place to support multi-disciplinary teams and a new structure may not be necessary to get all the necessary stakeholders together to plan and coordinate service delivery. Community Resource Coordinating Groups (CRCG)²⁷ and Systems of Care²⁸ are two examples of models that can support improved coordination and collaboration across the child welfare and juvenile justice systems. In addition, these supports may be particularly important when the child welfare and juvenile justice system

involvement are ending in the youth's life. However, it is important to note that these models are not ubiquitous throughout Texas and some areas have less resources than others. While it may not be possible to leverage existing models in every community, doing an assessment of community resources is an important early step in any dual status initiative or program.

[A12. Sharing information across stakeholders can prevent re-traumatization and not require the youth to repeat information multiple times.](#)

Both the child welfare and juvenile justice system deeply value confidentiality and privacy protections in light of the age and maturity of the youth involved and the sensitivity of the information. Establishing trust is also critical to authentic youth engagement. Information must be shared between DFPS, SSCCs, and Probation in a way that protects the youth's privacy and prevents re-traumatization by not asking the youth to repeat vulnerable information to multiple individuals on various occasions. If processes are put in place, professionals and advocates can communicate the information without negatively impacting the youth.

[A13. Parameters around information sharing are needed so that information is promptly exchanged.](#)

To promote the prompt exchange of relevant information, it may be necessary to develop MOUs, business rules, or other parameters between DFPS, SSCCs, and Probation. Bexar and Travis Counties as well as other jurisdictions have examples that can perhaps be scaled to other jurisdictions or statewide. In addition to MOUs, TJJD and local juvenile probation departments can request information and records from DFPS through its Records Management Group and DFPS can request information from TJJD through the TJJD website.²⁹ If these considerations are outlined early in the collaboration, agency staff will have clearer direction and guidance about how to handle different scenarios.

[A14. If a youth has cases in multiple courts or counties, there should be support available through DFPS, SSCCs, or Probation to help the youth navigate the process.](#)

When a youth has cases in multiple courts, competing timelines as well as different procedures and terminology can be very confusing. All stakeholders should offer information and support to help youth and their families. Information should be available to help youth navigate the child welfare, juvenile justice, and court systems, with a focus on the implications of dual status involvement. These efforts should be coordinated with the youth's attorney(s).

Training/Staffing

- A15. DFPS, SSCC, and Probation staff should be trained on any process that identifies youth as dual system or dual status in real time.

Early identification is critical to support any dual status initiative. If agency staff is not aware that a youth is involved in both systems, it will be difficult to get a complete picture of the family's history or the youth's needs. However, setting up a process to identify youth as dual status is unlikely to bear fruit unless clear training is available at regular intervals to ensure new and existing staff are familiar with the process to screen and identify dual system and dual status involvement.

- A16. Explore having dedicated staff for dual status youth in DFPS, SSCCs, and Probation, as this could improve outcomes for youth and offer clarity for youth, families, and agencies by providing clear points of contact.

Dual status youth often have highly complex needs, and this can be a challenge in both the child welfare and juvenile justice systems. One recommendation to improve practice is to explore having specialized caseworker staff to develop expertise in the issues impacting this population. Dedicated staff streamline communication for youth and families. These staff can be fluent in the required processes in both systems and more efficiently troubleshoot issues. Further, these staff can serve as subject matter experts for cross-system training.

- A17. DFPS should clarify the role of the liaison to TJJD.

DFPS has Juvenile Justice Regional Liaisons who serve as a point of contact for dual status cases.³⁰ There is also a state-level liaison who is directed to coordinate with TJJD. A list of regional TJJD liaisons is available on the DFPS website.³¹

The existing regional liaisons often have additional roles and responsibilities, and they cover the entire region (and in some areas, multiple regions). Perhaps these liaisons can serve as the dedicated staff referenced in Recommendation A16. However, DFPS should first assess the workload for these liaisons and clarify the expectations of the role, as additional resources may be needed. Then it will be important to increase awareness about the liaison position so there is a single point of contact for TJJD and Probation Departments.

- A18. Agencies should determine whether additional funding is needed to dedicate staff to serve dual status youth.

After agencies assess the size of the dual status population and if it is determined there is need to dedicate staff to serve this population, the agencies should also evaluate whether additional funding is needed or whether existing staff and financial resources suffice. Agencies should explore all available funding mechanisms including a Legislative Appropriations Request, grants, and other federal, state, local, and philanthropic funding opportunities.

A19. Agency leadership should clarify expectations for specialized caseloads. Guidelines and best practices on caseloads for dedicated dual status staff should allow for tailoring based on the needs of the jurisdiction.

The workload for supporting a dual status youth may be more intense than it would be if the youth were only involved in one system. As a result, leadership should be clear on the expectations for dedicated staff, including caseload numbers. Due to the particular needs of each jurisdiction and differing levels of resources, a “one size fits all” approach for the entire state would not suffice. Each jurisdiction should determine staffing depending on local needs. If caseworkers have both dual status and non-dual status cases, a slightly lower than average caseload can ensure the needs of all cases are met.

A20. TJJD and DFPS should explore whether to develop guidance related to serving dual status youth and investigate funding streams to support programming efforts and training.

At the state level, guidance could be helpful concerning best practices regarding serving dual status youth. The information should set parameters around contact frequency, case planning, treatment dosing, etc. To encourage greater uniformity throughout the state, this guidance should be developed by TJJD and DFPS and be included in standards, resource guides, or policy guidance. Since some of these practices may bear a financial cost, when developing the guidance, consideration should be given to county funding levels because counties fund the local juvenile probation departments. Also, if possible and with the assistance of the counties, additional funding mechanisms to support implementation of best practices should be identified.

A21. Agencies should incorporate coordination with SSCCs into the regions that are implementing Community Based Care so that the SSCC builds relationships with Probation as well.

As Texas moves towards Community Based Care and a public-private approach to child welfare, relationships with Probation will need to include both DFPS and the SSCCs. Over time, the SSCCs will take more responsibility for the day-to-day functions of a child welfare

case and DFPS will transition to more of an oversight and contract monitoring role. For a dual status effort to be successful, planning and coordination should include the SSCC as well as DFPS.

Coordination with JP and Municipal Courts

For certain misdemeanors and civil matters, youth may come before Justice of the Peace (JP) and Municipal Courts.³² As a result, a youth's case management could potentially involve JP and Municipal Courts. If the youth is not referred on a juvenile matter or is over the age of 17, the youth is unlikely to be considered dual system or dual status. Nonetheless, even if the youth is not considered dual system or dual status, the youth in these circumstances could likely benefit from a coordinated approach.

A22. Juvenile and child welfare judges should increase coordination with JP and Municipal Courts.

In building a local dual status initiative, outreach to the legal and judicial stakeholders should include individuals who practice and serve in the JP and Municipal Courts. These relationships should be established early in the development of a cross-system collaboration so that points of contact are clear, and any communication processes are laid out in advance of a case specific inquiry. Coordination between the judicial entities will be integral to the success of this effort.

A23. Stakeholders should explore increased diversion programs for these courts and improved coordination with DFPS when a youth has a JP or Municipal Court case.

One primary goal of any dual status initiative should be to minimize penetration into the juvenile justice system and prevent involvement in the criminal justice system. In assessing local needs, stakeholders should consider whether there are readily available diversion programs that can assist with accomplishing this goal, keeping youth and the community safe while maintaining a focus on accountability and rehabilitation. Communities should also explore if these programs limit participation of youth involved in the child welfare system, either by policy or in practice, and if any modifications are needed to lessen the burden on caregivers. If these diversion programs are not available, this may be an area of further exploration for the community.

A24. The Juvenile Case Manager (where available) is a central, yet underutilized, point of contact and a hub for information for some dual status youth.

The Juvenile Case Manager is a statutorily-created position that assists JP and Municipal Courts in administering the court's juvenile docket and in supervising the court's orders in juvenile cases.³³ The case manager may provide prevention services to a child considered at risk of entering the juvenile justice system and intervention services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses.³⁴ Although case manager positions are not available in every jurisdiction, case managers can offer information, coordination, and support for youth involved in the child welfare system where available.



“Middle Stage” Dual Status Program Components

A25. Agencies should avoid duplication of effort whenever possible.

The child welfare and juvenile justice systems utilize different tools, forms, and assessments to determine how best to serve children and families. For dual status cases, these efforts on behalf of separate entities may result in some redundancy and inefficiencies. To the extent appropriate, agencies should share information and resources which can result in access to more relevant information, mitigate against duplication of effort, and protect against agencies operating in silos.

A26. Rather than create a joint assessment, agencies should consider sharing the PACT, MAYSI, CANS, and other recent assessments or plans related to the youth.

There are assessments and tools that are validated and already implemented in the child welfare and juvenile justice systems, including but not limited to the Positive Achievement Change Tool (PACT), Massachusetts Youth Screening Instrument (MAYSI), and Child and Adolescent Needs and Strengths (CANS) assessments. Rather than create a new

instrument, relevant portions of these existing tools can be shared between agencies as long as the structure is in place to only share relevant information and follow procedures to ensure the youth's privacy remains protected.

A27. Agency leadership should encourage joint visits.

Similar to written assessments, plans, and tools, it may be more efficient to conduct joint visits where appropriate. This can be beneficial for multiple reasons. First, if DFPS/SSCC staff and Probation visit a youth at the same time, that youth will experience a unified message from agency staff, and it will also reduce the number of appointments for the family. This can also reduce costs for each agency in personnel costs associated with travel and coordination. This strategy should only be employed when appropriate and feasible.

A28. Frequent agency contacts are beneficial to supporting dual status youth in the community.

As mentioned above, youth are best served in the least restrictive setting and ideally within their communities. To maintain youth safely in the community, it may be necessary to visit the youth more frequently and provide more intensive support to address the underlying issues behind the behavior, especially early in dual system identification. Currently, youth are visited face-to-face once a month and more when it is needed to ensure child safety, permanency, and well-being.³⁵ This recommendation applies equally to DFPS/SSCC and Probation staff although increased frequency of visits may only be necessary in one system, depending on the circumstances and the needs of the youth.

A29. Agency staff should utilize technology to enable more regular and effective joint visits.

Although it is not a direct replacement for in-person visits, technology and virtual visits provide new opportunities to connect with youth and families, as long as such use does not violate state or federal child welfare requirements or guidance. Virtual visits may enable greater frequency and increased convenience for agency staff and the youth and family. Youth also communicate frequently using technology so it may provide opportunities for increased engagement with them.

A30. Cross-system communication encourages agency staff serving the youth to be aware of the services available in the community.

Availability of services in the community can be fluid and it is valuable for agencies to maintain regular communication so that everyone can remain abreast of the current service

array. This transparency may also help to diffuse concern about competition for limited resources by ensuring the agencies constantly evaluate service gaps and strengths in their communities.

A31. If possible and appropriate, agency staff should include mental health coordinators and case managers in the dual status planning process.

Dual status youth are impacted by histories of trauma and often have mental health and substance use challenges. If the circumstances in the youth's life indicate such a need, the collaborative approach to case planning should include mental and behavioral health professionals who can assess related needs and make tailored recommendations to support the youth's mental health and well-being.

A32. Agencies should take a holistic approach and coordinate multiple needs including education, mental health, and behavior management.

The needs of dual status youth are multi-faceted, and it is important for agency staff to take a comprehensive approach to understanding the breadth of each youth's strengths and challenges. With a comprehensive approach, all the agencies involved will be better able to serve dual status youth.

A33. DFPS, TJJD, and other government agencies should streamline or clarify the process for third party social service agencies to sign MOUs with state and local entities, including Children's Advocacy Centers.

In addition to the state and local governmental agencies, there are many organizations that bring significant resources to bear in serving dual status youth. This includes Children's Advocacy Centers, Court Appointed Special Advocates (CASAs), housing assistance programs, etc. Partnerships with these entities should be clearly outlined in an MOU or other agreement to clarify roles and expectations. DFPS already has established agreements with Children's Advocacy Centers, Transitional Living Centers, housing assistance programs, and other community partners. Entering into this type of agreement with a state agency can be complex and time consuming. Agency leaders should make every effort to simplify and streamline this process to the extent possible when such agreements are not already in place.

Dual Status Program Kinship Support

A34. Agencies should explore additional resources and information needed to better support relative and kinship caregivers.

Relatives and kinship caregivers often provide tremendous support to families in crisis. While maintaining familial and community ties can support stability and positive connections for a youth who is currently dual status, a relative or kinship caregiver may not have access to all the information and resources they need to fully support the youth. DFPS, SSCC, and Probation staff should confer with relative or kinship caregivers to address any unmet needs and encourage continuous support for the youth. This includes equipping relative or kinship caregivers with information to help navigate each system as well as how to manage challenging behaviors in the home.

A35. The caregiver, whether a parent, kinship, or licensed foster parent, needs to have open communication with the agencies serving the child.

The placement of a youth in foster care may change depending on the circumstances. For example, a youth could be removed from a parent, placed with an elderly relative who ultimately can no longer care for the youth, and as a result the youth enters a licensed foster home placement. Regardless of who the youth reside with, agency staff should maintain open lines of communication with the youth's daily caregiver. This is especially important as youth and families move through each system and have different caseworkers (i.e., investigation, conservatorship, court officers, field officer, etc.) throughout that process. While those processes may be familiar for people in the field, the other system and the youth and families may not be aware of the intricacies of how the system operations.

A36. Probation should coordinate with DFPS to create a clear process to identify the legal guardian for the youth when DFPS is involved with the family.

There are many scenarios where a family can be involved in a child welfare case through DFPS. To other entities, it may be unclear who is the legal guardian of the youth in these instances. For example, a youth could reside with an aunt with or without the state having managing conservatorship over the child. If DFPS does not have conservatorship of the child and is not involved with the youth or family in any other way, DFPS would not know the current guardian's identity. If that youth is detained but can be released to a guardian, Probation will need to know if the aunt has legal authority to act on that youth's behalf. There should be a process in place, and an accompanying training protocol, so that juvenile justice agencies can more easily determine who is the legal guardian for the child.



“End Stage” Transition Planning

A37. Transition planning should begin as early as possible.

For all youth with either child welfare or juvenile justice involvement or both, careful planning is critical to ensure smooth transitions. DFPS and TJJD currently begin coordinating on placements for youth in foster care 90 days prior to the expected release date. This includes planning with the discharge resources for the youth’s re-entry into the community after being placed through the juvenile justice system. Regardless of the circumstances, early planning is key, so that the youth and other stakeholders have a clear understanding of roles and expectations. Youth should be encouraged to practice healthy self-advocacy throughout the transition planning process. Caregivers and staff should model the self-advocacy by including youth in decision-making processes.

A38. It is critical for agency staff to identify situations early where youth do not have a viable discharge plan.

Early planning also requires identification of youth who do not have a viable discharge plan. This is important so that youth maintain connections to their family and community while in placement and also because when the plan is rushed it may not support successful re-entry. If a youth has no one to plan with, this should be identified as early as possible so that DFPS and Probation or TJJD can identify a supportive environment when the youth is ready to be released.

A39. DFPS, TJJD, and Probation should consider developing a plan for dual status youth earlier than 90 days before the youth exits placement.

Current practice is to identify a DFPS placement for a dual status youth exiting a TJJD placement 90 days before discharge. There are practical reasons for this timeline since a DFPS placement cannot be held for long periods of time and the placement may no longer be available when the youth is released. However, this population of dual status youth often have very specialized needs and planning prior to a 90-day period could help to line up all the necessary services and support for the youth to be safe and secure in the community. State and local child welfare and juvenile justice agencies should continue to explore earlier opportunities for transition planning.

A40. Dual status transition planning should include Child Advocacy Centers, mentorship groups, mental health providers, educators, workforce boards, Juvenile Case Managers, CRCGs, Multidisciplinary Teams, and Care Coordination Teams or Advocate Agencies, etc., if appropriate.

As outlined above, a holistic approach significantly strengthens the planning process for dual status youth. While this is important for all dual status youth, it is especially crucial when serving youth who are transitioning out of a juvenile placement or exiting foster care. All relevant agencies, advocates, and service providers should coordinate efforts to ensure the youth's education, health, mental health, supervision, and other needs are adequately addressed.

A41. Depending on the type of case and youth's individual circumstances, agency staff should consider very frequent contact and monitoring (i.e., weekly for the first 30 days after re-entry).

The approach to supervision of a youth with juvenile justice involvement should always be based on the needs of the youth and the protection of the community. While a youth is in a highly structured juvenile placement, many aspects of daily life are closely monitored. When a youth re-enters the community, more frequent contact with the child welfare and juvenile justice systems may help ease the transition to a less structured environment and support successful re-entry. It is important that this contact be seen as supportive rather than restrictive or punitive.

A42. TJJD and Probation should encourage partnerships with community agencies to support aftercare for dual status youth.

TJJD and Probation should be engaged in identifying gaps in services and supports at the state and local levels. Partnerships with local organizations can assist with fulfilling the mission of the juvenile justice system to keep youth closer to the community with services that are tailored to meet the needs of the community. This is equally important at the front

end for diversion and prevention as it is at the back end, providing aftercare services that help youth re-integrate into the community and develop connections that can support pro-social activity. Ideally, these deeper community ties will help youth stay on track and minimize recidivism.

Youth Age 14 and Older

- A43. For youth over the age of 14 years old, staff at DFPS, SSCCs, and Probation should ensure youth have information about the DFPS aging-out process and provide youth with designated points of contact, including Preparation for Adult Living (PAL) Coordinators.

For older youth in the child welfare system, the transition to adulthood can be confusing and complex. Some youth exit the child welfare system at age 18 without a network of support. These youth are vulnerable to homelessness, substance use, unemployment, teenage pregnancy, and other challenges. There are many services and supports available to youth who may turn 18 while in the care of the child welfare system but the legal framework and array of services can be difficult to comprehend and navigate. While DFPS is responsible for planning for this transition, providing Preparation for Adult Living services, and educating the youth about the aging-out process, the other agencies involved in the youth's life can support this transition by being familiar with the process, relevant points of contact, and available supports. Any supportive adult who can help the youth navigate this transition should be part of the planning process and encourage participation in circles of support.

Some youth may voluntarily remain in care past the age of 18. This is an option that is explored and should continue to be explored on a regular basis with older youth to assess whether the additional time can help with the transition to adulthood and stability after foster care. Young adults with lived experience aging out of the system can be a key support in helping youth approaching 18 with their decision-making process.

- A44. Agencies should explore the creation of peer support groups and mentors for young adults formerly in foster care to help youth navigate dual status involvement and aging out of foster care.

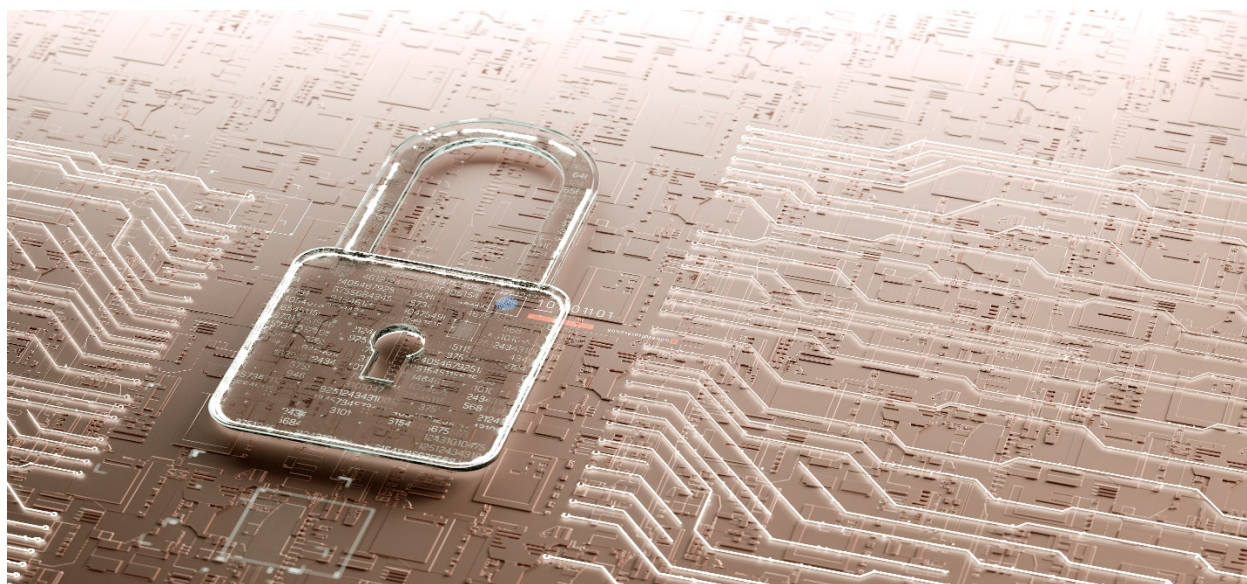
Peer support groups and mentors are two mechanisms to provide increased support in the community. For some youth, information is better received from individuals with lived experience who have navigated these systems firsthand. This type of positive peer support can be especially significant during adolescence when youth are more easily influenced by

peers. Mentors also provide stability and provide opportunities for a healthy relationship with a trusted adult.

Records Sealing

A45. Sealing records is an integral part to serving dual status youth and should be discussed with the youth on multiple occasions.

Juvenile justice involvement should not carry long-term consequences for youth. If the youth is rehabilitated, the slate should be cleared and the youth should not encounter barriers to housing, employment, etc. that can be associated with an adult criminal conviction. There is a statutory framework for automatic sealing of records and sealing by application depending on the age of the youth and circumstances of the juvenile case. For youth, sealing can be difficult to understand, and agencies can encourage youth to consult with an attorney experienced in sealing juvenile records to ensure the sealing process is completed properly.



Data & Information Sharing

Overarching Principles

D1. A multi-agency, cross-disciplinary group should continue to study how information is collected and stored at various state and local agencies and identify additional recommendations of data use and analysis.

There are many unanswered questions about dual status and dual system youth in Texas. For example, *How many dual status and dual system youth are there in Texas? What are the outcomes for these youth? What are their permanency outcomes?* DFPS and TJJD have a longstanding data sharing agreement and the state agencies meet periodically to assess the data. This agreement primarily involves youth who are placed at a TJJD facility, representing a very small number of dual status youth. Many dual system and dual status youth are served at the local level through Probation.

Bringing together experts from the state and local levels will encourage a data-driven approach to serving youth involved in both systems. The Data Workgroup was not created until almost a year into the Task Force. As a result, it is strongly recommended that the dialogue about data and information sharing continue into the future.

Child-level Data

- D2. [Juvenile Probation Departments should utilize existing data related to child welfare involvement that are available through the PACT and other assessments.](#)

Adding data measures to agency case management systems can be time consuming and costly. To the extent possible, agencies and organizations should utilize and leverage existing data to support youth. For Probation, the PACT and other assessments may already capture a history of abuse or neglect, ACEs, and other indicators of potential CPS involvement.

- D3. [When adequate funding exists, the Juvenile Case Management System should be updated to include the standard definition for dual status and to make dual status a required field prior to entering a disposition in the juvenile case.](#)

There was wide consensus in the Data Workgroup that the youth's dual status should be tracked in the Probation system due to the privacy required for the juvenile justice system and to streamline record keeping in the event the records will be sealed per statute.

The Juvenile Case Management System (JCMS) is a comprehensive, web-based technology solution that creates a robust juvenile justice information and case management system for the common data collection, reporting, and management needs of local juvenile Probation Departments in Texas.³⁶ To track data most efficiently and uniformly through Probation, JCMS will need to be updated to include the definition of dual status and to make this field required. This update would come with a financial cost but since the field is already permissive, the update can build upon the existing data infrastructure. In the long term,

dual system could also be included in JCMS to capture youth with non-concurrent involvement.

- D4. Jurisdictions that do not utilize JCMS must also electronically capture information about dual status involvement using the standard definition for dual status.

Several Texas jurisdictions do not use JCMS. Due to the mobility of youth in child welfare and juvenile justice systems, a statewide approach to data collection and analysis will be critical to prompt identification and efficient support of dual status youth. As a result, for jurisdictions that use JCMS, as well as those that do not, having a standard definition and flag for dual status youth should be a required data element.

- D5. When dual status becomes a required field in JCMS and other systems, it should be a required data point for the Electronic Data Interchange extract.

Through the Electronic Data Interchange (EDI) extract, Probation Departments regularly report data to TJJD. The EDI is an existing tool to uniformly gather data statewide. Adding dual status as a required field in the extract will ensure uniform data collection by local Probation Departments and enable a more comprehensive data analysis for dual status youth outcomes statewide.

- D6. DFPS and TJJD should continue to exchange data and review information at least annually to determine whether there are any noticeable trends.

The state agencies already exchange data every year as resources allow and analyze outcomes for youth in DFPS conservatorship who are placed with TJJD. If the steps above are realized and data are collected at the local level and provided to TJJD, this data analysis can become broader over time. It is important for DFPS and TJJD to continue to evaluate trends and outcomes for this youth population over time.

- D7. DFPS, SSCCs, Probation, and TJJD should let youth and their families know when data may be shared and for what purpose.

While data collection and analysis are extremely valuable, agencies serving youth must remember that the data represent children and families. As such, youth should be informed about what information in their case is private and what information is shared.

Uniform Data Collection and Judicial Review

- D8. DFPS and TJJD should compare what data are available in each respective system, determine which elements should be tracked for dual status youth, and identify which necessary data elements are not currently tracked.

Regularly identifying dual status youth throughout Texas will be a monumental step forward but ultimately the agencies serving dual status youth must also analyze how dual status youth fare in the Texas child welfare and juvenile justice systems. DFPS and TJJD should assess what data elements are most critical in evaluating the outcomes of dual status youth and identify which elements are already tracked in each system. This scan of existing data points will likely reveal which elements do not currently exist but may need to be developed in the future. Depending on the type and number of new desired data elements, additional funding may be needed to incorporate such data elements into each system.

- D9. Uniform data elements should be identified for counties that are interested in a dual status initiative.

Jurisdictions that embark on a dual status initiative may consider joining together to identify key data elements to track progress over time. While there may be local needs and considerations, a standard set of uniform data elements could be beneficial to determine if the initiative is effective and what changes may be needed to address local challenges.

- D10. Data elements from counties with existing dual status initiatives can be used as a model for tracking.

Bexar, Travis, and Harris counties already track data on dual status youth. The efforts in these counties can be built upon in other large urban areas as well as mid-size and smaller jurisdictions. The existing initiatives can set a baseline for data as dual status efforts are scaled statewide.

- D11. For counties with dual status initiatives, the juvenile board should review the uniform elements on an annual basis with Probation and DFPS and include all judges hearing dual status cases.

Once uniform data elements are identified, there should be structures in place to provide accountability and oversight. The juvenile board should regularly review the data elements to measure progress over time. All judges hearing dual status cases and those with oversight in the jurisdiction should be included in the review process to ensure the entire bench is well-informed about the challenges and benefits of a dual status initiative.

D12. The Child Protection Case Management System should be updated in phases over time to support Child Protection Courts hearing juvenile justice matters.

In the 86th Legislative Session, CPCs were granted jurisdiction over dual status cases. In general, courts in Texas are independent and utilize a variety of case management software. The CPCs employ the Child Protection Case Management System (CPCMS) which is managed by OCA. During the period when the Task Force met, CPCMS only included data fields related to the child welfare case. Using a staged approach, OCA plans to update CPCMS with juvenile fields so that CPCs have one, consolidated case management software to track information while hearing dual status cases.

D13. Courts that utilize CPCMS should receive training and information about entering any data related to juvenile justice involvement.

After relevant data fields are created in CPCMS, Child Protection Court judges and court coordinators must be trained and become familiar with the fields and how to streamline data entry. If judges and coordinators are not trained, the data quality may be impacted as a result.

Points of Contact

D14. DFPS, SSCCs, and Probation Departments should identify local liaisons and consider providing read-only access to the relevant data systems.

Sharing child-level data requires great attention to ensure confidentiality and privacy protections are adequately maintained. Rather than giving multiple people access to sensitive information or instituting complex data sharing plans that require regular exchanges of information and potentially extensive technology updates, another short-term recommendation is the designation of local liaisons who can obtain read-only access to the relevant data system. Liaisons would only be allowed to access information as allowable under confidentiality laws and as necessary to assist the youth. Additional funding for each system would be needed, including funding to train staff on how to use the data system. If select individuals at DFPS, SSCCs, and Probation receive training on accessing each data system and how to maintain confidentiality, each agency will benefit from child-level information while balancing the youth and families' privacy.

D15. Dedicated Probation Officers could serve as central points of contact to identify dual status youth and track their outcomes. These positions could be organized by judicial district to support multiple counties and have special read-only access to IMPACT.

IMPACT stands for "Information Management Protecting Adults and Children in Texas" and it is the primary source of data in the Texas child welfare system.

Although both the child welfare and juvenile justice systems should have access to information about dual status youth, multiple workgroups suggested Probation is set up to serve as the conduit for identification of dual status youth. Several reasons support this recommendation. First, although there is minimal Texas data, national data show the most common pathway to dual status involvement is for a youth to first experience the child welfare system then the juvenile justice system. Rather than tracking youth over time to determine whether they become juvenile justice involved, Probation can identify dual status youth at intake. Additionally, the confidentiality protections at stake are different in juvenile cases as are the records sealing provisions in the law. As a result, Probation can serve as the central point of contact for identification and tracking.

Until more is known about the number of youth who are dual status or dual system in Texas, it would be premature to designate Probation Officers in every county. The TJJD regions and DFPS regions are also drawn differently. To provide coverage for multiple counties, a logical way to organize these positions could be by judicial district. This would allow for continuity at the agency level as well as allow judges to identify dual status youth more uniformly and take a "one-family, one-judge" approach to their cases.

D16. Any updates to data systems and agency practice around data and information sharing should be accompanied by readily accessible training.

Training is critical to ensuring any agency changes are implemented properly. This includes providing information and guidance about any data and information sharing changes as well as the role and expectations of individuals with read-only access or designated dual status Probation Officers. The training must also include appropriate systems and processes to track data for analysis as well as information sharing and the differences between the two. The training should include a discussion about the importance of identifying youth and available research on outcomes for dual status youth as well as how to maintain confidentiality. Additional funding may be needed for both systems to train staff.

Aggregate Data Analysis

D17. DFPS, SSCCs, TJJD, and Probation should collaborate to identify a consistent set of research questions regarding dual status youth and pursue a longitudinal data analysis.

While child-level information is essential when serving youth in real time, Texas could also benefit from research and a longitudinal analysis of outcomes for dual status youth. Through a targeted research project, the state will better understand how youth in Texas who experience both the child welfare and juvenile justice systems fare in those systems and what their long-term outcomes are beyond recidivism. There are many relevant considerations, and it will be important for state and local agencies to identify and align their priorities for research questions. Research projects can be time and resource intensive so a collaborative approach will ensure the research reflects those priorities. It is important to note that any research project must be informed by confidentiality considerations and requirements and agency resources.

D18. DFPS, SSCCs, TJJD, and Probation Departments may consider partnering with an academic institution to conduct research on experiences and outcomes for dual system and/or dual status youth.

Agencies serving dual status youth are highly skilled at managing data collection and analysis but there are various, competing requests for information. Academic institutions are well-equipped to provide support by pursuing discrete research projects, in collaboration with state and local agencies. Several Texas public institutions of higher education are already familiar with and have expertise in the areas of child welfare and juvenile justice. In determining priorities, the focus may naturally land on dual status youth but in the long-term, research on youth with non-concurrent dual system involvement may also provide critical information for both systems. Any such research must be informed by confidentiality considerations and requirements and agency resources.

Long-term Goals

D19. Efforts to track data should expand beyond the dual status youth populations to include dual system involvement.

As mentioned above, while immediate attention is needed to assess the dual status population, research on dual system involvement could also lead to increased awareness and targeted practice improvements in Texas.

D20. Although data should be tracked and maintained through Probation, when feasible, the IMPACT system should be updated to include a field to capture dual system and dual status involvement.

Through read-only access and dedicated points of contact, it will be much easier to identify a youth's involvement in both systems. However, ideally both data systems would eventually have the capability to track whether a youth has dual status or dual system involvement. Many of the changes to IMPACT are federal or state requirements. However, the definitions and flags for dual status and dual system should be added to the list of potential IMPACT updates when adequate funding becomes available. This change will allow caseworkers to note the youth's involvement in the juvenile justice system without providing details about the juvenile case, which may result in additional services to support the youth and family.

D21. DFPS should explore a data portal for external access to IMPACT for Probation using an Application Programming Interface (API).

A data portal could be another mechanism to allow Probation to access IMPACT. An API would be required, and this could take significant time and resources to build. If other recommendations are adopted by Probation, this step may not be necessary so DFPS should work in conjunction with Probation leadership and TJJD to assess whether a portal would be a worthwhile endeavor.

D22. A central hub for juvenile and child welfare information could streamline information sharing if confidentiality protections are in place to ensure the appropriate use of sensitive information.

Another strategy to allow all child serving entities access to data and information is to store it in a central repository. Creating a central hub for information is a complex endeavor that must account for various confidentiality laws and rules, including but not limited to the Family Educational Rights and Privacy Act (FERPA), Child Abuse Prevention and Treatment Act (CAPTA), and Health Insurance Portability and Accountability Act of 1996 (HIPAA). One example of this approach is the Juvenile Information Sharing System in Harris County. Each participating agency designates administrators with access. The system allows providers to work together in a coordinated approach guided by mutually identified goals, shared access to information, and a collaborative treatment and service plan.³⁷ Since this approach can be time-consuming and costly, state and local agencies should evaluate whether to pursue development of a central hub in the future.



Judicial Practices

Dual Status Child Protection Court Pilot

The Dual Status Task Force Judicial Practices Workgroup surveyed existing practices and noted that several large, urban areas have implemented the Crossover Youth Practice Model developed by Georgetown University or the RFK Children’s Action Corps Dual Status Youth and Probation Reform Models, including Travis, Bexar, Harris, McLennan, Tarrant, El Paso, and Dallas Counties. One major goal of the Task Force and the workgroup is to support mid-size and smaller jurisdictions with a “one-family, one-judge model” that may lack the resources and training to get an initiative started.

Dual Status and the Child Protection Courts

In the 86th Legislative Session, CPCs were given the authority under Texas Family Code Chapters 51 and 201 to hear juvenile matters if there is a pending child welfare case, subject to the order of the referring court. The court with jurisdiction over the juvenile case can refer any aspect of the juvenile case to the Child Protection Court if the associate judge consents to receive it.³⁸

The Judicial Practices Workgroup was charged with studying the issue and presenting a pilot proposal. Members of the workgroup discussed the Child Protection Court pilot at great length and developed the parameters outlined below.

Goals for the Dual Status Pilot

Currently, in dual status cases the child welfare and juvenile justice systems often operate independently with separate judges, prosecutors, and attorneys, while having similar goals and approaches aimed at serving the same youth and family. These systems are complex to navigate independently and taken together have many practical, organizational, and jurisdictional differences. By consolidating both cases before one court, judges will be better able to make informed decisions, Probation and CPS will be required to communicate and share information and resources, efforts to serve children and families will be more streamlined and efficient and ultimately, children, youth, and families will benefit from a more targeted approach that aims to limit deeper systems involvement.

Duration of the Pilot

The pilot should continue for 12-24 months in duration. At the beginning of this time period, the Children's Commission will host a training for each of the pilot sites that includes court teams comprised of the Child Protection Court judge, prosecutors, attorneys representing children and parents, CASAs, court coordinators, Probation, DFPS staff, SSCC staff for areas with Community Based Care, and other interested stakeholders.

Selecting Pilot Sites

The Dual Status Task Force Judicial Practices Workgroup recommended a pilot in three jurisdictions to build a judicial model for dual status cases in the CPCs. The three pilot sites were identified due to experience among the associate judges with juvenile matters and the different geographic locations of the courts. The sites will include the Child Protection Court of the Rio Grande Valley West, Child Protection Court of the Hill Country, and the Child Protection Court of Taylor County. The three CPC pilot sites represent small, mid-size rural, and suburban areas in the north, central, and south areas of the state. The pilot sites are also representative of other CPCs in that both single county and multi-county courts are included in the pilot.

Stage of the Case

The Judicial Practices Workgroup explored many permutations for what stage would be most appropriate for the Child Protection Court Judge to hear the dual status case. The discussion began with detention hearings. There are many rural communities without access to detention centers and/or secure court space so there may be logistical challenges in hearing the detention hearing on short timeframes. However, detention hearings can be held via videoconferencing and phone calls so this could present an alternative way to conduct the hearing.

Although disposition may be the most natural stage of the juvenile case to be heard by the Child Protection Court judge, some courts may want to preside over the case pre-adjudication. There are a few reasons to support this preference. First, a judge may want to receive a case from the beginning to get a better handle of the facts and circumstances at play. Second, many crossover or dual status dockets aim to minimize contact with the juvenile justice system and encourage a deferred adjudication if appropriate under the circumstances. As a result, judges who have the case pre-adjudication have more tools at their disposal. Notably, CPCs typically do not hear jury trials. If the case goes to a contested hearing, it can be referred to the District Court.

Accordingly, the pilot will cover cases at any stage of the juvenile case with a preference for Child Protection Courts to hear the juvenile matter from the beginning.

Seriousness of the Offense

There are many factors that contribute to how a juvenile offense is charged by the prosecution. Some youth may pose a great risk to the community but come before the court on a low-level offense whereas some youth are charged with serious felonies without any other risk factors present. For this reason, the pilot will have discretion to include Child In Need of Supervision (CINS) offenses, misdemeanors, and felony offenses. The pilot should not include determinate sentence or certification cases given the constitutional issues at stake. For the Child Protection County of the Hill Country, only misdemeanors will be referred by the Juvenile Courts.

Evaluation of the Pilot

By implementing the “one-family, one-judge” court model in the CPCs, the Dual Status Task Force hopes to address the abuse and neglect which youth in the juvenile justice system are exposed to, respond to the trauma they endure, rehabilitate youth while protecting the community, bring all the professionals together to work for the best interest of the youth, reduce county funds spent duplicating agency efforts in dual status cases, and ultimately identify best practices for CPCs serving dual status youth in Texas.

Researchers from the University of Texas – San Antonio and Prairie View A&M plan to study the pilot so that learnings can be shared with other Child Protection Courts that will be handling juvenile cases throughout the state in the future.



Legal Representation & Advocacy

Overarching Principles

- L1. All legal professionals including judges, prosecutors, defense attorneys, attorneys ad litem, and advocates should be aware of and seek to address disproportionality and disparities.

Similar to agency staff, legal professionals and advocates should be aware of the overrepresentation of children of color in both the child welfare and juvenile justice system as well as in the dual status population. These professionals and volunteers should understand the disparate impact policies and practices can have on communities of color and should examine implicit biases that factor into these policies and practices. The approach should be informed by state and local data as well as the voices of individuals with lived experience in either or both systems. Any dual status initiative should utilize an equity lens to ensure each intervention is necessary and is tailored based on that youth's individual circumstances.

- L2. All professionals and advocates serving dual status youth should recognize the impact of trauma on youth.

Another foundational principle for legal representation and advocacy is that professionals and advocates should be conversant in the concept of trauma and adolescent brain development and aim to provide a trauma-responsive approach to serving dual status youth. A common example of the paradigm shift is to move away from asking "What is

wrong with you?” and instead consider “What happened to you?” This shift brings an acknowledgement that children and youth in foster care have often experienced traumatic events and that their behavior may be a reflection of their reaction to those experiences. Similarly, youth in the juvenile justice system may also be likely to have experienced traumatic experiences during childhood. The youth’s actions are a manifestation of many factors at play in their life, including these traumatic experiences and their impact on the youth’s development, their ability to trust peers and adults, their sense of personal safety, and/or their response to a perceived threat. Nevertheless, dual status youth are resilient, and their strengths should be identified and built upon.

- L3. For regions with Community Based Care, legal professionals and advocates should develop relationships with the SSCCs.

As Community Based Care rolls out throughout Texas, it signifies a substantial change for child welfare practice that directly impacts the legal system. Judges, attorneys, and advocates should know whether their jurisdiction falls into a catchment area with Community Based Care. It is important that these groups engage in readiness efforts for areas that do not yet have a contract with the state. Since SSCCs will be responsible for case management and planning with youth and families, legal professionals and advocates should become familiar with SSCC staff who serve dual status youth.

- L4. Legal representation and advocacy should strive to prevent a youth from becoming involved in both systems.

Involvement in the child welfare and juvenile justice system can greatly impact a youth’s short-term and long-term outcomes with implications for the community at large. Both systems aim to prevent harm and mitigate systems involvement to the extent possible. Attorneys and advocates are charged with zealously representing each youth’s expressed wishes and best interests, a duty which should reflect the ethos that youth in need of support should receive it through the least intrusive means. Accordingly, legal professionals and advocates should identify youth at risk of dual system involvement and aim to minimize crossover and system penetration.

Guardian ad Litem & Court Appointed Special Advocates

The Legal Representation & Advocacy Workgroup included a smaller group that focused on potential statutory recommendations. The workgroup discussed that the role of the guardian ad litem is more defined and broader in the child welfare case than it is in the juvenile case. To better refine and clarify the role of a guardian ad litem in dual status cases, the workgroup recommended changes to Texas Family Code Sections 51.11, 54.01, 54.02,

54.04, 54.05, 54.11, 107.011, 107.022, and 107.006. The recommendations below primarily focus on the role of the guardian ad litem in the child welfare case.

87th Legislative Session Updates

During the 87th Regular Legislative Session, several guardian ad litem changes were adopted into statute under Senate Bill 2049. Relevant provisions are included below.

Texas Family Code Section 51.11 | Guardian ad Litem

(d) The juvenile court may appoint the guardian ad litem appointed under Texas Family Code Chapter 107 for a child in a suit affecting the parent-child relationship filed by the DFPS to serve as the guardian ad litem for the child in a proceeding held under this Texas Family Code Title 3.

(e) A non-attorney guardian ad litem in a case involving a dual-system child may not:

- (1) investigate any charges involving a dual-status child that are pending with the juvenile court; or
- (2) offer testimony concerning the guilt or innocence of a dual-status child.

Texas Family Code Sections

54.01(c) | Detention Hearing

54.02(e) | Waiver of Jurisdiction & Discretionary Transfer to Criminal Court

54.04(B) | Disposition Hearing

54.05(e) | Hearing To Modify Disposition

54.11(d) | Release Or Transfer Hearing

At the respective hearings, the court may consider written reports from guardians ad litem appointed under Section 51.11(d) in addition to the testimony of other witnesses.

Texas Family Code Section 107.011 | Mandatory Appointment of Guardian ad Litem

(e) The court may appoint the person appointed as guardian ad litem for the child under Texas Family Code Section 51.11 to also serve as the guardian ad litem for the child under this section if the person is qualified under this chapter to serve as guardian ad litem.

- L5. Advocates for dual system and dual status youth must understand and clearly explain to the youth the importance of confidentiality and what information can and cannot be shared with others.

The role of an advocate for a dual status youth will vary based on how the advocate is appointed by the court and what restrictions may be placed on their involvement in either the child welfare or juvenile justice case. This includes clarity around whether the advocate is appointed to serve as a guardian ad litem for the youth. Advocates should be fluent in the statutory requirements and the terms of the appointment. Advocates should also be familiar with the various confidentiality laws. After becoming acquainted with these issues, advocates should clearly explain to the youth what the advocate can and cannot share so that the advocate can establish trust and rapport with the youth that will not be diminished if the advocate later has a duty to share information.

- L6. Every dual status youth should have an attorney and guardian ad litem (either a volunteer guardian or an attorney serving as a guardian), regardless of how long the youth has been in foster care.

Given the complexity of dual status cases and the need for increased coordination and collaboration, every youth with a concurrent child welfare and juvenile justice case should have both an attorney and a guardian to advocate on their behalf. For youth in PMC, having continuity in legal representation and advocacy is just as critical as it is for youth in the temporary managing conservatorship (TMC) of the state. Having an attorney ad litem and a guardian ad litem appointed will ensure the youth's wishes and best interests are represented in court. The guardian ad litem can either be an attorney or a volunteer, depending on the preference of the judge and the availability of volunteer advocates in the jurisdiction.

- L7. If a youth has dual status involvement and CASA is appointed, CASA should be appointed as a Guardian ad Litem rather than as a Friend of the Court.

Court practice is varied around the appointment of a CASA. Some courts appoint CASA as a guardian ad litem and others as a Friend of the Court. Statutory duties for guardians ad litem are laid out in Texas Family Code Chapter 107 whereas Chapter 202 outlines responsibilities for Friends of the Court. The framework around guardian ad litem appointments provides greater access to information in Chapter 107 and also provides legal immunity for volunteers acting in this capacity,³⁹ which is a positive factor in the recruitment and retention of volunteers. It is likely that the issues in a dual status case will be complex and as a result the guardian ad litem appointment will maximize flexibility for CASA to advocate on the youth's behalf.

- L8. Advocates should be trained on the child welfare and juvenile justice systems and how they intersect before accepting dual system appointments.

Anyone advocating on behalf of a youth with dual status involvement should be familiar with both the child welfare and juvenile justice systems, including the agencies that serve youth, the legal structure and process of both cases, and the available services and supports to encourage positive outcomes. If the advocate is a CASA, the state or local CASA organization can provide training and resources about the child welfare system and dual status issues. If the advocate is not a CASA, there needs to be consideration for who would do the training, such as a joint training with DFPS and TJJD or Probation staff.

In order to develop expertise in serving dual status youth, attorney and volunteer advocates should have access to training, tools, and resources to inform them about the best practices for identifying and serving dual status youth. This expertise should be developed before the advocate accepts an appointment on behalf of youth with dual status involvement. If the attorney or volunteer already advocates on the youth's behalf in the child welfare case then the youth is referred to the juvenile justice system, training and information should be available to quickly educate the advocate on the related considerations.

- L9. Volunteer advocates with an interest in serving dual status youth should be actively targeted and recruited.

Advocacy can look different depending on the age, development, maturity, strengths, and challenges of a child or youth. For example, advocating on behalf of an infant is very different than advocating for a teenager with a pending assault charge. Youth with dual status involvement may have very specialized needs that require specific expertise and a more intensive approach. Volunteer advocates will be most effective if they are interested in working with older youth and youth with juvenile justice involvement without judgement or fear. Through active recruitment, CASA programs can build up a cadre of interested volunteers who are comfortable and effective in advocating for dual status youth.

- L10. For dual system and dual status youth, it is a best practice that the attorney ad litem on the child welfare case does not also serve as the guardian ad litem for the youth; instead, a guardian ad litem should be appointed to represent the youth's best interests.

The main distinction between an attorney ad litem and a guardian ad litem is that the attorney represents the child's wishes and the guardian represents the child's best interests. In some jurisdictions, an attorney may serve in a dual role in the child welfare case, fulfilling the role of attorney ad litem and guardian ad litem.⁴⁰ There are several reasons why an

attorney may be appointed in a dual role including the preference of the judge and limited resources in the area to provide an attorney or volunteer guardian ad litem. Due to the complex needs of dual system and dual status youth and the potential for a conflict of interest, it is ideal that there be different individuals serving as attorney ad litem and guardian ad litem as opposed to one individual serving in a dual role. This can prevent the very difficult situation where a youth has expressed the desire for an outcome which may not be in their best interest.

- L11. For sibling groups in the child welfare case, it is best practice to appoint more than one guardian ad litem if there is a conflict of interest due to a pending juvenile case.

Typically, it is preferred to have one guardian ad litem to advocate on behalf of a sibling group so that one individual is familiar with the family and can maintain a consistent presence for the children. However, in some circumstances, the needs of one or more children may diverge from their siblings. For example, if there is an allegation that a youth perpetrated a sexual offense against a sibling, having multiple guardians ad litem would be critical to ensure the best interests of each child remains paramount. The pending juvenile case should trigger a second guardian ad litem appointment if there is only one guardian ad litem appointed for all siblings in the child welfare case.

- L12. Advocates should be trained on the importance of record sealing and record sealing requirements for multi-county records for dual status youth before accepting dual system appointments.

Advocates are often a trusted adult in a youth's life and someone they can turn to for information and advice. The importance of records sealing and the implications for education, employment, military service, etc. should be thoroughly explored with dual status youth. This information can be very detailed and overwhelming so it may need to be communicated by various stakeholders. Advocates can play a central role in ensuring records are sealed when appropriate, so they should become conversant in what the process looks like at the local level and how to respond if the juvenile records exist outside the jurisdiction.

- L13. Guardians ad litem should encourage best practices for serving youth that include family engagement, collaboration, and communication, including the use of Collaborative Family Engagement.

The CASA network has access to cutting edge research and trends on how to improve child welfare practice. There is increased emphasis on youth and family voice, youth engagement, cross-system collaboration, and innovative strategies to locate family. One such strategy is the Collaborative Family Engagement process that assists with locating family and kin who can serve as placement resources or as familial supports. Guardians ad litem should tap into these resources to employ best practices when a youth in foster care becomes juvenile justice involved.



Defense Counsel/Attorney ad Litem for Child

- L14. Local jurisdictions should aim to increase the number of attorneys interested in and with the level of expertise needed to represent youth on both child welfare and juvenile justice cases.

Child welfare and juvenile justice are very specialized areas of law. Not only do these practice areas require expertise in a variety of legal issues but both also demand patience, empathy, and an ability to interview and build rapport with child and youth clients. These areas of legal practice come with high emotional stakes and attorneys often find themselves at the intersection of law and social work. Attorneys should not be appointed in these cases merely because they are available but rather there should be a robust list of attorneys with expertise who are available to take appointments and provide high-quality legal representation in child welfare and juvenile justice cases. It will take a concerted effort to make training available and to recruit law students and other practitioners to these areas of law that can be incredibly fulfilling albeit challenging.

- L15. Attorneys should encourage stability and continuity in their relationships with youth clients as appropriate.

Attorneys should establish and maintain rapport with youth clients. Trust in their attorney may be built over time as youth may be reluctant to invest in the relationship when other adults have not proven reliable in the past. It may not always be possible or appropriate for an attorney to stay in communication with a youth when the attorney is no longer appointed to represent that youth. On the other hand, there may be instances where having the same attorney appointed on multiple cases could be beneficial because the attorney will be more familiar with the youth and family's history. Based on each youth's individual circumstances, having a consistent relationship with an attorney can also offer some stability and predictability for youth.

- L16. Although meeting in person is a best practice, if approved by the court, attorneys should be allowed to meet with the youth via phone or video, including when the youth is placed outside the county.

Per the Texas Family Code, attorneys have a duty to regularly meet with their clients and stay adequately informed about the youth's expressed interests. There is much information to be gained from meeting a client in person, including non-verbal information such as the youth's comfort level in their living environment, the youth's appearance and demeanor, and other observations that may be difficult to ascertain by phone or over a computer. However, some youth prefer to meet in a virtual format and meeting by phone or video can reduce travel demands and perhaps be more convenient, so the youth's school day or other appointments are not interrupted. This is especially relevant when the youth is placed outside the area. Technology offers additional opportunities to connect with youth clients, but it should be used as a supplement, not a replacement for in-person meetings.

- L17. Attorneys should coordinate with county leaders to explore the use of Title IV-E reimbursement and other federal, state, and county funding sources for dual status representation.

In general, the judge with jurisdiction appoints attorneys for children and youth in child welfare and juvenile justice cases. The funding for these appointments typically comes from county funds. Recent federal policy permits the use of federal Title IV-E funds to pay costs of legal representation for attorneys representing children and parents in child welfare cases with some limitations. There may be other federal, state, and county funding sources available to compensate for representation in dual status cases. All potential funding sources should be explored so that attorneys can be adequately compensated for multi-system work.

- L18. Attorneys should be trained in representing youth in dual status cases and in sealing juvenile records (including sealing records of multi-county offenses) before accepting appointments.

It is evident that attorneys practicing in this area should be competent and well-versed in both child welfare and juvenile justice law and how these systems overlap. Another key component for attorney training is the statutory framework and local practice around sealing records. This training should be required before attorneys can accept appointments in dual status cases.

- L19. If one attorney serves on both the juvenile and child welfare cases, the attorney should be aware of potential conflicts.

It can be effective to have one attorney representing a youth on both the child welfare and juvenile justice cases. First, one attorney has access to all relevant information and no additional agreements will be necessary to cover information sharing between attorneys. The youth can also have a centralized point of contact to ask legal questions and benefit from having an attorney who is conversant in both areas of law. However, representing a youth on both cases requires expertise in both areas as well as a keen awareness of potential conflicts of interest. For example, placement with a parent may be the best strategy when a youth is placed on probation but if the youth does not wish to reunify with the parent there could be a conflict in the child welfare case. These conflicts can arise at any stage of dual status representation so it should be a continuing consideration for the attorney.

- L20. If a youth has separate attorneys on the child welfare and juvenile cases, it is critical for the attorneys to communicate with one another on a regular basis.

Although there are instances where one attorney can provide representation on both cases it is far more likely that youth will have one attorney for the child welfare case and another for the juvenile justice case. If there are two attorneys, they both need to be aware that the youth is involved in both systems as a threshold matter. Once they are aware of one another, the two attorneys should regularly communicate to remain abreast of developments in each case to best represent the youth.

- L21. Attorneys for dual system and dual status youth must clearly explain to the youth the importance of confidentiality and the consequences of self-incrimination with regards to a juvenile proceeding.

Pre-adjudication, youth must exercise great caution when revealing facts and circumstances about the alleged juvenile offenses to avoid self-incrimination. There are constitutional protections in place to avoid self-incrimination and attorneys representing youth should underscore the importance of confidentiality at the earliest opportunity. An attorney on the juvenile case should clearly articulate that the discussions about the allegations in the case should be limited to conversations with defense counsel. The appointed attorney on the child welfare case, if it is not the same juvenile justice attorney, should reiterate the importance of confidentiality and refrain from discussions about the allegations when the juvenile case is pre-adjudication.

L22. Attorneys representing the youth in the juvenile case should notify the legal and child welfare stakeholders in writing (physical or electronic) that the youth is represented, and the youth should not be interviewed regarding the juvenile case without counsel present.

In addition to explaining the roles and confidentiality considerations to the youth client, attorneys representing youth on the juvenile case should take formal steps to notify other legal and child welfare stakeholders about the appointment and request for the youth to not be interviewed about the allegations without their juvenile justice attorney present. This notice could occur in writing but if time is of the essence, an electronic communication could also suffice. It is important to note that the DFPS caseworker may continue to communicate with the youth and the youth's family in order to assess and address the needs of the youth to determine the most appropriate services, case plan, and placement.

L23. Attorneys representing the same dual status youth should use a Memorandum of Understanding or other agreement as a mechanism to capture expectations.

A formalized agreement such as an MOU between the two attorneys can provide clarity in representing a mutual client. Since there is overlap in the issues presented in the child welfare and juvenile cases, the agreement should clarify each attorney's roles, expectations, and obligations for the duration of each case.

L24. For dual system and dual status youth, it is a best practice that the attorney ad litem on the child welfare case does not also serve as the guardian ad litem; instead, a guardian ad litem should be appointed to represent the youth's best interests when possible.

For reasons articulated above, it is not ideal for an attorney to serve in a dual role in dual status cases. There are serious potential conflicts of interests for attorneys to serve in a dual role in these cases. The attorney on the child welfare case may not be fully acquainted with the implications of a juvenile adjudication and disposition, and as such serving in a dual role could have unintended negative consequences for the youth.

L25. For sibling groups in the child welfare case, attorneys must evaluate potential conflicts of interest if one sibling becomes involved in the juvenile justice system.

Similar to the potential conflicts presented for guardians ad litem, attorneys should remain mindful in representing sibling groups that the attorney must zealously advocate for each child or youth's wishes and maintain a duty of loyalty to each sibling. If this no longer becomes feasible, the attorney should request separate attorney appointment(s) for one or more siblings in the group.

L26. Law schools should utilize clinics to provide short-term, supplemental support for dual status cases including record sealing.

Law students are a significant resource to supplement legal representation and advocacy while they are also preparing and training as the next generation of attorneys to specialize in child welfare and juvenile justice practice after graduation. Law school clinics offer a cost-effective alternative to provide additional support to attorneys handling dual status cases. Law students may have more time and attention to accomplish detail-oriented tasks such as sealing records. The University of Houston Juvenile and Children's Advocacy Project (JCAP)⁴¹ provides this support on dual status cases. Other law school clinics such as the clinics at St. Mary's School of Law⁴² or The University of Texas at Austin Law School⁴³ focus squarely on either child welfare or juvenile justice. One limitation of clinical programs is that it may be difficult to establish trust with a youth client in the short time period before the law student ends the semester or graduates law school so the scope of the student's role should be clear from the outset.

L27. Attorneys for dual system and dual status youth must clearly explain the potential collateral consequences of having a juvenile record and of the importance of sealing juvenile records with the youth.

At the front end of attorney representation, youth should be aware of self-incrimination but concerns about collateral consequences are equally important. Attorneys should explain to their clients what an adjudication means and whether their case will be eligible for records sealing and under what circumstances. These are complex considerations and

should be explained in an age and developmentally appropriate manner. This information should also be shared with the caseworker or caregiver for any dual status youth.

Prosecutor

L28. It is a best practice for prosecutors to have training on the impact of trauma on youth and to consider the trauma that a dual system youth has experienced when making prosecutorial decisions.

Although understanding of the impact of trauma should be an overarching principle for any legal representation or advocacy for dual status youth, it is critical that prosecutors have this knowledge and background as a best practice. Prosecutors may have wide discretion when determining whether to prosecute a case and if so, what charges will be included in the petition. Also, plea negotiations often hinge on prosecutorial discretion. As a result, it is a best practice for prosecutors to see dual status cases through a trauma-informed lens, looking beyond just the alleged juvenile offense to what may be driving the youth's behavior and utilizing all the available tools to encourage rehabilitation for the youth as well as safety and protection of the community. Any trauma training should be free or low cost and readily available for prosecutors.

L29. Prosecutors are encouraged to consider juvenile diversion programs as an important strategy to address juvenile justice involvement for youth with a child welfare case.

Juvenile prosecutors should be aware when a youth has current or historical contact with the child welfare system. Prompt identification that a youth has dual status involvement will give the prosecutor more information to assess the youth's background. If appropriate, dual status cases should be screened for juvenile diversion programs. If a youth already receives services through DFPS, diversion programs can help youth understand the consequences of their actions, appreciate the consequences if diversion is unsuccessful, and minimize their penetration into the juvenile justice system. Diversion programs can help youth address the underlying concerns that brought them into contact with the juvenile justice system, help to keep communities safe, and reduce costs by providing support without a more restrictive intervention such as detention.

L30. It is best practice for prosecutors to have specialized knowledge or training on dual status involvement, when possible.

Each jurisdiction will determine which entity will prosecute child welfare and juvenile justice cases. Regardless of how the prosecution is set up locally, any prosecutors who may handle a dual status case should be familiar with the complexities involved. Designated prosecutors with specialized knowledge, where feasible given available resources, could support a more unified approach to prosecuting dual status cases in both the child welfare and juvenile justice systems. Additional funding may be needed to provide dual status training.

L31. If the prosecutors on the child welfare and juvenile justice cases are different individuals or operate out of separate offices, those prosecutors should coordinate to promote the best and most efficient outcome in both cases.

If there is one prosecutor on the child welfare case and a different prosecutor for the juvenile justice case, even if the prosecutors are in the same office (i.e., District Attorney's Office), there should be communication and collaboration. Depending on the status of each case, critical information may be shared to support the most efficient use of court time and encourage positive outcomes for children and families. Delays and duplication of effort can be frustrating for all involved, so it is critical to establish this communication early on and to continue the collaboration throughout the duration of each case.

L32. If one prosecutor serves on both cases, prosecutors should be aware of potential conflicts.

In some areas, there is only one prosecutor to handle all matters, including both a child welfare and a juvenile justice case. For example, in a rural jurisdiction, a County Attorney may be responsible for handling both matters. There is no inherent conflict of interest in this approach but there is potential for a conflict to arise and prosecutors in these scenarios should consider an alternative plan for the prosecution should a conflict of interest arise.

L33. Prosecutors should address practical challenges in communication between the civil and criminal divisions of prosecutor's offices.

Child welfare cases are typically handled in a civil division whereas juvenile cases may be handled under either the criminal division or the civil division of a prosecutor's office. There are often different organizational structures and perhaps different training and considerations in these separate divisions. Leadership in prosecutor's offices should consider how it handles dual status cases and how different divisions communicate with one another for these cases.

- L34. If a youth has a child welfare case in one county and a juvenile case in another county, prosecutors should communicate to support positive outcomes.

Due to the mobility of youth in the child welfare and juvenile justice systems, it is not uncommon to have cases in different counties. Many jurisdictions in Texas have good communication and collaboration when all the stakeholders are in the county. One major goal of the Task Force was to identify challenges that occur across jurisdictions. Communication between prosecutors in different counties is one strategy to help achieve that goal so that both cases can benefit from access to relevant information and streamline the efficient administration of justice by preventing unnecessary delays.



Training

There are training elements in many of the recommendations listed above. The Training Workgroup identified early on that multiple audiences need access to high-quality training relevant to serving dual status youth. Some of these audiences include judges, prosecutors, attorneys for children, CASAs, guardian ad litem, DFPS staff, SSCC staff and providers, TJJD staff, Probation staff, community organizations, caregivers, parents, and youth.

Rather than focusing on identifying specific training recommendations, the Training Workgroup developed a universal dual status PowerPoint presentation. The concept is for the presentation to function like an accordion, with several layers of information that can be tailored to meet the needs of each audience. It is anticipated that the PowerPoint will need to be updated over time. The outline for the PowerPoint is as follows:

- WHO – Who are dual status youth?
- WHY – Why do dual status youth need a different approach than other youth?
- HOW – How do we set up a cross-system collaboration in our jurisdiction?
- WHAT – What are the necessary components to a cross-system collaboration?

This universal presentation was built upon existing information from jurisdictions throughout Texas that have implemented a crossover or dual status initiative. The presentation slides are included in Appendix B. The training should be submitted for inclusion in existing training events, including but not limited to trainings provided by the Texas Center for the Judiciary, the Texas Municipal Courts Education Center, the State Bar of Texas, the Texas Department of Family & Protective Services, Texas District and County Attorney Association, local and regional Probation departments, and Texas CASA.

The training should be available both in person and through a virtual format. Ideally, the training can be broken down into a series of videos that can be accessed for free or at a low cost and readily available to jurisdictions throughout Texas. To accomplish this goal, it will be important to identify a group of qualified trainers and perhaps develop a “train the trainer” component to the training over time. The first time the presentation was offered is at the Child Protection Court Dual Status Pilot Training on April 15-16, 2021.

Child Protection Court Dual Status Pilot Training Agenda

Day One

- Welcome Remarks **0.25 hour**
- WHO are dual status youth? **0.25 hour**
- Keynote Address **0.5 hour**
- WHY do dual status youth need a different approach? **1.0 hour**
- Juvenile Justice 101 **1.0 hour**
- CPI/CPS 101 **1.0 hour**
- Examples of Local Collaboration **1.0 hour**
- Breakout by Affinity **0.5 hour**
- Wrap Up and Closing **0.25 hour**

Day Two

- Welcome Remarks **0.25 hour**
- Beyond the Bench - Examining Different Roles through a Case Analysis **1.0 hour**
- HOW do we set up a cross-system collaboration in our jurisdiction? **1.0 hour**
- Breakouts by Region – Part I **1.0 hour**
- Breakouts by Region – Part II **1.0 hour**
- Evaluation Considerations **1.0 hour**
- Bringing it All Together **0.25 hour**

VI. Conclusion

The Dual Status Task Force and the Agency Coordination, Data, Definitions, Legal Representation & Advocacy, Judicial Practices, and Training Workgroups met over the course of an eighteen-month period from July 2019 to December 2020. Approximately 80 stakeholders representing multiple disciplines and perspectives contributed to this effort. The Task Force agreed upon definitions for dual system and dual status and studied what is currently known about these populations of youth in Texas. This report captures recommendations from the Task Force about what data, training, tools, resources, and practices may be necessary to better understand and improve outcomes for youth involved in both the child welfare and juvenile justice systems.

It is important to note that studying and making recommendations is the first step in building a comprehensive, statewide approach to serving dual system and dual status youth. Additional funding may be necessary to fulfill some of these recommendations. Many recommendations in this report are aimed at dual status involvement because there is more urgency when the cases are concurrent. In the long-term, efforts should also be extended to dual system youth who also typically face similar challenges to youth with concurrent involvement in both systems. In closing, an ongoing statewide structure will be necessary to maintain momentum on the issues identified in this report. The Children's Commission can continue to serve in the capacity of a backbone organization in collaboration and partnership with the many experts throughout the state.

VII. Endnotes

- 1 Case Family Programs. (2108). Issue brief: Is there an effective practice model for serving crossover youth? Available online at https://casefamilypro-wpengine.netdna-ssl.com/media/SComm_Crossover-youth-practice-model.pdf.
- 2 Ryan, J. P., & Testa, M. F. (2005). Child maltreatment and juvenile delinquency: Investigating the role of placement and placement instability. *Children and Youth Services Review*, 27(3), 227–249.
- 3 Haight, W., Bidwell, L., Choi, W.S., & Cho, M. (2016). An evaluation of the Crossover Youth Practice Model (CYPM): Recidivism outcomes for maltreated youth involved in the juvenile justice system. *Children and Youth Services Review*, 6, 578–85.
- 4 Huang, H., Ryan, J. P., & Herz, D. (2012). The journey of dually-involved youth: The description and prediction of rereporting and recidivism. *Children and Youth Services Review*, 34(1), 254–260.
- 5 Herz, D., & Dierkhising, C. (2019). OJJDP Dual System Youth Design Study: Summary of Findings and Recommendations for Pursuing a National Estimate of Dual System Youth.
- 6 Caietti, C.M., Gaines, K., & Heldman, J. (2017). “Improving outcomes for dual status youth,” presented at the Beyond the Bench Conference, December 19, 2017. Available online at <http://www.courts.ca.gov/documents/BTB24-2G-00PPT.pdf>.
- 7 For more information about Community Based Care, please see the DFPS webpage at https://www.dfps.state.tx.us/Child_Protection/Foster_Care/Community-Based_Care/default.asp.
- 8 For more information about the Child Protection Courts, please see the Office of Court Administration (OCA) webpage at <https://www.txcourts.gov/about-texas-courts/childrens-courts/>.
- 9 Texas Judicial Council Juvenile Justice Committee report. Available online at <https://www.txcourts.gov/media/1441880/juvenile-justice-committee-report.pdf>.
- 10 Center for Juvenile Justice Reform Crossover Youth Practice Model website. Available online at <https://cjjr.georgetown.edu/our-work/crossover-youth-practice-model/>.
- 11 See Herz, D., & Dierkhising, C. (2019) OJJDP Dual System Youth Design Study: Summary of Findings and Recommendations for Pursuing a National Estimate of Dual System Youth.
- 12 For more information about Family Based Safety Services, please see https://www.dfps.state.tx.us/child_protection/Family_Support/fbss.asp.
- 13 For more information about Alternative Response, please see https://www.dfps.state.tx.us/Investigations/alternative_response.asp.
- 14 For more information about the Adverse Childhood Experiences (ACEs), please visit the Child Welfare Information Gateway ACEs webpage available online at <https://www.childwelfare.gov/topics/preventing/overview/framework/aces/>.
- 15 Tex. Fam. Code §51.02(2).
- 16 See Colman, R., Kim, D.H., Mitchell-Herzfeld, S., & Shady, T. (2009). Long-Term Consequences of Delinquency: Child Maltreatment and Crime in Early Adulthood.
- 17 See Child Protective Services Policy 6241.3 and 6252 available online at <https://www.dfps.state.tx.us/handbooks/CPS/default.asp>.
- 18 Child Protective Services Policy 1121, 1121.23, 6241.3 and 6252.
- 19 Child Protective Services Policy 4114.5.

-
- 20 For more information about Collaborative Family Engagement, please see <https://texascasa.org/what-we-do/collaborative-family-engagement/>.
- 21 Child Protective Services Policy 6241.3 and 6252.
- 22 Child Protective Services Policy 6822.
- 23 See Child Protective Services Policy 6232, 6822, 6822.42. See also DFPS Juvenile Justice Resource Guide, Coordinated Service Planning available online at http://www.dfps.state.tx.us/handbooks/CPS/Resource_Guides/Juvenile_Justice_Resource_Guide.pdf.
- 24 For more information on the RFK Children's Action Corps Dual Status Youth Reform, please see <https://rfknrcjj.org/resources/dual-status-youth/>.
- 25 Casey Family Programs, *supra* note 1.
- 26 For more information, please see https://www.dfps.state.tx.us/Child_Protection/Disproportionality/initiatives.asp.
- 27 For more information about Community Resource Coordination Groups, please see <https://crcg.hhs.texas.gov/>.
- 28 For more information about Texas System of Care, please see <https://txsystemofcare.org/>.
- 29 For more information, please see Child Protective Services Policy 6823.33 and DFPS Juvenile Justice Resource Guide, Sharing Records.
- 30 For more information, please see DFPS Juvenile Justice Resource Guide.
- 31 For contact information for the DFPS Regional liaisons to TJJD, please see https://www.dfps.state.tx.us/child_protection/state_care/juvenile_justice.asp.
- 32 For more information about the structure of Texas courts and JP and municipal court jurisdiction, please see <https://www.txcourts.gov/media/994672/Court-Overview.pdf>.
- 33 Tex. Code. Crim. Proc. § 45.056.
- 34 *Id.*
- 35 Child Protective Services Policy 6411.2 and 6411.22.
- 36 For more information about JCMS, please visit <https://www.tjtd.texas.gov/index.php/jcms>.
- 37 Juvenile Information Sharing System. Please see <https://jisapp.harriscountytexas.gov/>.
- 38 See Tex. Fam. Code §§ 51.04, 51.0414, 201.204.
- 39 See Tex. Fam. Code § 107.009.
- 40 Texas Family Code § 107.0125.
- 41 For more information about the Juvenile and Children's Advocacy Project at the University of Houston, please see <https://www.law.uh.edu/tin/jcap.asp>.
- 42 For more information about clinics at St. Mary's School of Law, please see <https://law.stmarytx.edu/academics/special-programs/clinics/>.
- 43 For more information about clinics at The University of Texas at Austin School of Law, please see <https://law.utexas.edu/clinics/>.

Appendix A | Membership Lists

The Children's Commission is profoundly grateful to members of the Dual Status Task Force and the Agency Coordination, Data, Definitions, Legal Representation & Advocacy, Judicial Practices, and Training Workgroups for lending their expertise and insights to developing the recommendations included in this report.

Please note that the following membership lists reflect participants' organization affiliation and role as of the time of their participation, from July 2019 to December 2020.

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Appendix B | Dual Status Presentation Slides

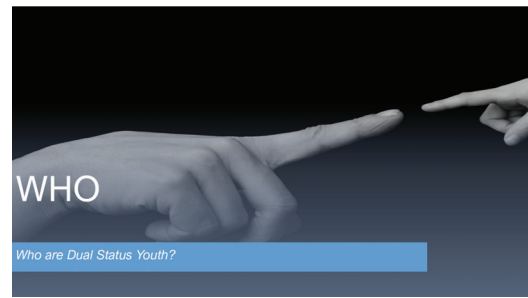
The presentation slides were developed from July 2019-December 2020 by the members of the Dual Status Task Force Training Workgroup to assist with training stakeholders throughout Texas. To access the PowerPoint version of the presentation, please contact children@txcourts.gov.



SERVING DUAL STATUS YOUTH
AN INTRODUCTION

Presentation Overview

- Goal**
 - To raise awareness about dual status youth, what their needs are and how to form a collaborative dual status approach in your community.
- Format**
 - WHO – Who are dual status youth?
 - WHY – Why do dual status youth need a different approach than other youth?
 - HOW – How do we set up a cross-system collaboration in our jurisdiction?
 - WHAT – What are the necessary components to a cross-system collaboration?



WHO

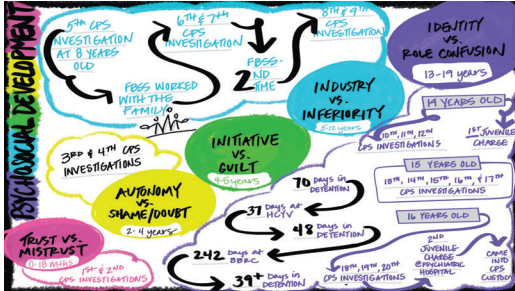
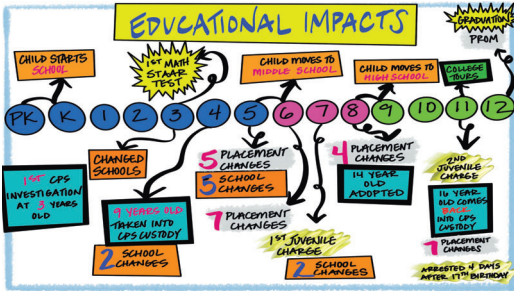
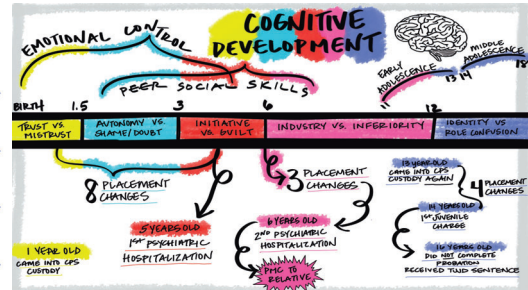
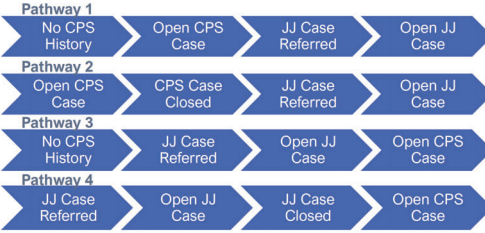
Who are Dual Status Youth?



Texas Definitions

- A DUAL SYSTEM youth is a youth who is or was referred to the juvenile justice system; and
- is or was in the temporary or permanent managing conservatorship of the Texas Department of Family & Protective Services (DFPS);
 - is or was the subject of a family-based safety services case with DFPS;
 - is an alleged victim of abuse or neglect in an open Child Protective Investigations case; or
 - is a victim in a case in which a DFPS investigation concluded that there was a reason to believe that abuse or neglect occurred.
- A DUAL STATUS youth is a dual system youth who has or had concurrent involvement in both the child welfare and juvenile justice systems.

Dual System Pathways



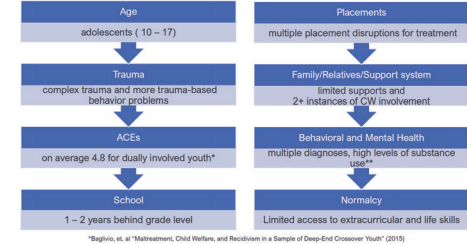
WHY

Why do dual status youth need a different approach?



Data

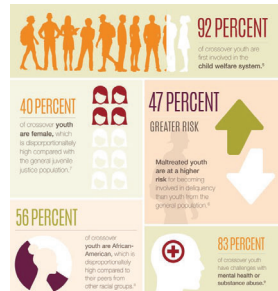
What do we know about these youth?



A Look at the Data

Casey Family Programs (2018)
Is there an effective practice model for foster crossover youth?

<https://www.casey.org/crossover-youth-resource-list/>

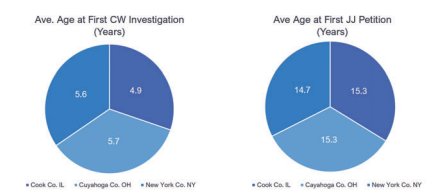


Dual Status Research Findings

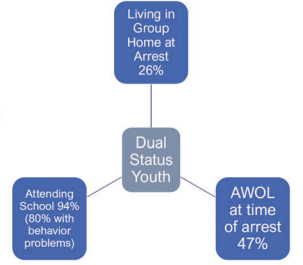
- Prevalence ranges from 45 - 70%
- The most likely type of contact is non-concurrent contact
- More common pathway: Child Welfare → Juvenile Justice
- Longer child welfare involvement
- Higher rates of detention and recidivism

Herz, D., Denklings, C., Rathel, J. et al. (2019). Dual System Youth and their Pathways: A Comparison of Incidence, Characteristics and System Experiences using Linked Administrative Data. *Journal of Youth and Adolescence*.

OJJDP Dual System Youth Design Study



Characteristics of Youth: National Crossover Youth Practice Model*



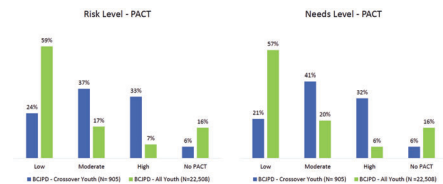
Georgetown Center for Juvenile Justice Reform

A Local Example: Williamson County Juvenile Post-Adjudication Residents FY 2019 (n=52 Youth)

83%	Referred to CPS at least once for Maltreatment
56%	Substantiated Report of Maltreatment
56%	Case Opened for Services by CPS
28%	Removed From their Home Due to Abuse or Neglect



A Local Example: Bexar County



* Risk levels to reoffend and needs levels for individuals were based on the first PACT administered.



Dual-Status Youth: Gender & Race

Dual-Status Youth: Gender & Race

Overrepresentation of African-American dual-status youth.
 Existing overrepresentation of African-American youth in Child Welfare and Juvenile Justice systems, respectively.
 Overrepresentation for African-American youth when dual-status is nearly 10% higher, than when involved in only one system.
 Hispanic youth were more likely to remain in Child Welfare system and never become justice involved.
 White youth more likely to have Child Welfare case closing and never become justice involved.

Herz, D. C., Dienhart, C. B., California State University, Los Angeles, Dept of Criminal Justice, & United States of America. (2018). OJDP Dual System Youth Design Study: Summary of Findings and Recommendations for Pursuing a National Consensus of Dual System Youth. Final Technical Report. California State University, Los Angeles, School of Criminal Justice & Criminology.
 Herz, D. C., Dienhart, C. B., California State University, Los Angeles, Dept of Criminal Justice, & United States of America. (2018). OJDP Dual System Youth Design Study: Summary of Findings and Recommendations for Pursuing a National Consensus of Dual System Youth. Final Technical Report. California State University, Los Angeles, School of Criminal Justice & Criminology.
 Summerfelt, F. C., Jordan, N., Griffith, G., Holst, C., Goldsmith, G., & Martens, Z. (2015). An examination of youth protective factors and caregiver parenting skills at entry into the child welfare system and their association with justice system involvement. Children and Youth Services Review, 52, 23-35.

Dual-Status Youth: Gender & Race

Dual status youth more likely to be male.
 Females represented at higher rate in dual system youth than in the juvenile justice system only.
 Dual-status girls spend more time in detention compared to juvenile-only girls.
 Dual-status girls experience more maltreatment in detention and foster care environments.
 Dual-status girls experience increased incidents of probation and harsher sentences than justice-only counterparts.

Flores, J., Hayes, J., Westbrook, A., & Henderson, C. (2018). Cross-race youth and gender: What are the challenges of girls involved in both the foster care and juvenile justice systems? Children and Youth Services Review, 91, 149-155.
 Herz, D. C., Dienhart, C. B., California State University, Los Angeles, Dept of Criminal Justice, & United States of America. (2018). OJDP Dual System Youth Design Study: Summary of Findings and Recommendations for Pursuing a National Consensus of Dual System Youth. Final Technical Report. California State University, Los Angeles, School of Criminal Justice & Criminology.

Dual-Status Youth: LGBT/GNCT

Many LGBQ/GNCT population are youth of color.
 Family rejection of youth sexuality and gender identity leads to CW involvement, homelessness, survival crimes, and juvenile justice involvement.
 Feelings of isolation, exclusion, and lack of friends/peers in out-of-home placements.
 LGBQ/GNCT runaway from out-of-home placements to escape negative treatment (physical abuse, sexual abuse, emotional abuse).
 Few studies on CW experiences of LGBQ or GNCT youth in the juvenile justice system compared with non-LGBT/GNCT youth.
 Data on sexual orientation, gender identity, and gender expression rarely collected by CW and JJ systems.

Irvine, Ph. D. A., & Carls, M. P. P. (2016). The overrepresentation of lesbian, gay, bisexual, questioning, gender nonconforming and transgender youth within the child welfare to juvenile justice crossover population. American University Journal of Gender, Social Policy & Law, 28(2), 2.

Risk Factors



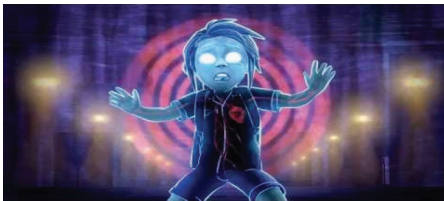
Risk Factors



Trauma



Video on Trauma



<https://www.youtube.com/watch?v=Z4CD6jyWw2A>



<https://vimeo.com/13998006>

ABUSE	NEGLECT	HOUSEHOLD DYSFUNCTION	
Physical	Physical	Mental Illness	Incarcerated Relative
Emotional	Emotional	Mother treated differently	Substance Abuse

Adverse Childhood Experiences (ACEs)

Source: Centers for Disease Control and Prevention

Trauma Can Impact Developmental Age

Chronological Age Developmental Age Street Smarts

RESILIENT WILCO

Trauma & Brain Development

Typical Development: Cognition, Social/Emotional Regulation, Survival

Developmental Trauma: Cognition, Social/Emotional Regulation, Survival

Adapted from Holt & Jordan, Ohio Dept. of Education

A New Lens

Willful Disobedience Survival Behavior

RESILIENT WILCO

Human Trafficking



What is Labor Trafficking?

Labor Trafficking is the recruitment, harboring, transportation, provision or obtaining a person for labor or services through the use of force, fraud or coercion in order to subject that person to involuntary servitude, peonage, debt bondage or slavery.

This includes obtaining the child for personal use OR providing the child to others. It involves the exchange of monetary or nonmonetary benefits, including the child's services. Labor or services involving sexual conduct is sex trafficking.

What is Sex Trafficking?

Labor or services involving sexual conduct is sex trafficking.

Sex trafficking is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of either:

- An adult induced by force, fraud, or coercion to perform a commercial sex act; or
- A minor who has not yet attained the age of 18 induced to perform a commercial sex act.

This includes obtaining the child for personal use OR providing the child to others. It involves the exchange of monetary or nonmonetary benefits, including the child's services. Sex trafficking occurs even if the child seems complicit or does not believe he or she is a victim. Prostitution is a form of sex trafficking.

Note: There is no such thing as a child or youth prostitute.

Relevant Law

- Relevant Laws
- Trafficking Victims Protection Act of 2000, P.L. 106-386
 - Preventing Sex Trafficking and Strengthening Families Act of 2014, Public Law 113-183
 - Justice for Victims of Trafficking Act of 2015, P.L. 144-22.
 - Texas Penal Code §20A.02
 - Texas Family Code §261.001

Labor Trafficking Red Flags

- Third party control of social interaction
- Evidence of violence
- Working excessively long hours
- Living where the individual works
- Living in areas not zoned for residential use
- Transportation provided by the employer
- Housing, food and hygiene products supplied by the employer
- Not being paid on a regular schedule
- Recruited through false promises of citizenship or working conditions
- Inability to speak English
- Identification documents or money being held by a third party
- Malnutrition, dehydration, exhaustion
- Untreated disease or dental and/or vision problems
- Chronic pain – e.g. back pain, muscle strains, respiratory issues, etc.

Sex Trafficking Red Flags

- Changes in school attendance, habits, friend groups, vocabulary, demeanor and attitude
- Sudden appearance of luxury items – e.g., manicures, designer clothes, purses
- Truancy (absence) from school
- Sexually provocative clothing
- Tattoos or branding
- Refillable gift cards
- Multiple phones or social media accounts
- Lying about the existence of social media accounts
- Provocative pictures posted online or stored on the phone
- Unexplained injuries
- Social interaction and schedule being strictly controlled by someone else
- Isolation from family, friends, and community

DFPS Human Trafficking Overview

The Human Trafficking and Child Exploitation Division supports the DFPS mission to promote safe and healthy families and protect children and vulnerable adults from abuse, neglect, and exploitation, through the development of policy, practices and identification services that are:

- Survivor-informed
- Trauma-responsive
- Victim-centered and
- Evidenced-based, where possible.

For the children and youth who are under DFPS' jurisdiction, the HTCE Division strives to:

- Strengthen continued compliance with all federal and state human trafficking mandates,
- Develop best practices in the prevention of trafficking, and
- Improve DFPS capacity to identify, report, recover, and support victims of trafficking.

DFPS Human Trafficking Investigative Jurisdiction

In accordance with Texas Family Code §261.301, DFPS investigates allegations of child abuse or neglect when abuse or neglect, including sex and labor trafficking, is allegedly committed by a person responsible for a child's care, custody, or welfare, such as a family member or an adult living in the home of an alleged minor victim.

Specifically for human trafficking, DFPS investigates if a person traditionally responsible for the children's care, custody, and welfare does either of the following:

- Knowingly causes, permits, encourages, engages in, or allows a child to be trafficked, or
- Fails to make a reasonable effort to prevent a child from being trafficked.

DFPS Jurisdiction

There are various forms of sex and labor trafficking that do not involve an allegation against a traditional caregiver. In many cases where a child or youth has been trafficked, it may be by organized crime, a gang, a stranger, a boyfriend, or a pimp. In these circumstances, DFPS would not investigate.

This jurisdictional distinction is critical. DFPS' involvement is inappropriate when a child or youth has protective parents who can and will intervene for their child.

DFPS Statewide Intake

The Statewide Intake (SWI) division is the "front door to the front line" for all DFPS programs. Statewide Intake assesses all reports of abuse, neglect, (including sex and/or labor trafficking) or exploitation, and routes them to the appropriate local office when allegations meet DFPS' jurisdictional authority.

SWI will ensure that a report of child trafficking not under DFPS investigative jurisdiction is processed as an Information & Referral (I&R) and sent to law enforcement (LE).

All trafficking allegations are sent to local law enforcement, the Department of Public Safety Joint Crimes Information Center (JCIC), and the local Child Advocacy Center (CAC).

DFPS Protocols

The Human Trafficking and Child Exploitation Division (HTCE) has developed two protocols that outline the agency's expected and coordinated response when working with children and youth who are at risk of trafficking or are victims.

Both protocols:

- Support DFPS's continued adherence to the Preventing Sex Trafficking and Strengthening Families Act 2014 reporting requirements for missing children and suspected victims of sex and labor trafficking.
- Allows for the identification of youth who are at risk of or victims of human trafficking.
- Allows for service planning for identified youth who are at risk of or victims of human trafficking.
- Outlines DFPS's collaboration with anti-trafficking organizations.

Human Trafficking Response Protocol

Applies to only Bexar, Dallas, Harris, Tarrant, and Travis Counties

On March 1, 2019, the DFPS Human Trafficking Response Protocol (HT Response Protocol) was rolled out in Bexar, Dallas, Harris, Tarrant, and Travis counties. The protocol addresses:

- Victim identification through the use of the Commercial Sexual Exploitation-Identification Tool (CSE-IT), a validated screening tool to aid in accurately detecting sexual exploitation.
- Service planning for youth at risk and identified victims of sex trafficking, and
- How DFPS collaborates with other anti-trafficking partners in identification and recovery of victims and subsequent service provision.

Human Trafficking Protocol for Care Coordination

All Counties except Bexar, Dallas, Harris, Tarrant, and Travis Counties

On February 11, 2020, the DFPS Protocol for Care Coordination (CCT) was launched and outlines the agency's expected and coordinated response when working with active Texas Care Coordination Teams.

Specifically, the protocol addresses how DFPS collaborates with other anti-trafficking partners in identification and recovery of victims and subsequent service provision through the use of the following:

- Care Coordination Teams
- Advocate Agencies for Human Trafficking and Commercially Sexually Exploited Youth

Human Trafficking Care Coordination Teams

The Office of the Texas Governor – Child Sex Trafficking Team (CSTT), Children's Advocacy Centers of Texas, Inc. (CACTX), the Department of Family and Protective Services (DFPS) and local communities are establishing Care Coordination Teams (CCT) across the state to provide youth victims of sex trafficking with a continuum of care. The CCT is made up of professional organizations in the community who provide services for trafficking victims, or who investigate and prosecute trafficking cases.

In most communities across Texas, Children's Advocacy Centers are leading the CCT development process and serving as the local Care Coordinator.

Commercially Sexually Exploited Youth (CSEY) or Human Trafficking Advocate Agencies

The Office of the Texas Governor – Child Sex Trafficking Team (CSTT) provided funding to nonprofits in Texas to establish Commercially Sexually Exploited Youth (CSEY) Advocate services. CSEY Advocate Agencies agree to abide by a set of common minimum standards and best practices developed by CSTT in coordination with Praesidium.

CSEY Advocate Agencies provide individualized 24/7 crisis response and ongoing trust-based relational support to child, youth, and young adult survivors (up to age 22). CSEY Advocates may also provide robust case management that is flexible to support and not duplicate, replace or interfere with efforts of other case managers and advocates.

HT Advocate Agencies provide similar services but may not abide by the CSEY minimum standards.

Commercial Sexual Exploitation Identification Tool (CSE-IT)

Developed by West Coast Children's Clinic (WCCC) – pronounced "see it" – is a screening tool that helps promote early identification of commercially sexually exploited youth (CSEY).

- It is not an interview guide but designed for professionals to complete based on the information known about the child or youth.
- It should only be administered for children 10 years of age and older.
- It is not a diagnostic and cannot confirm victimization.
- It allows for the effective triage of youth who have relevantly high scores of indicators and risk factors and are in need of further assessment and services.
- It controls and accounts for the important factor that the child or youth may not understand, or openly acknowledge their own victimization.
- Scoring results: No Concern, Possible Concern and Clear Concern

Commercial Sexual Exploitation Identification Tool (CSE-IT)

CSE-IT is currently used in Texas and across multiple sectors, including juvenile justice, education, advocate agencies, runaway/homeless youth agencies and limited areas of child protection.

As TJJD has recommended that all Texas Juvenile Probation Services departments implement the tool, Juvenile Probation Officers, Lawyers and judges should obtain the CSE-IT for all suspected victims involved with TJJD.

Systemic Challenges

Barriers for Dual Status Youth

- continuity and coordination
- Information sharing and record keeping
- duplication of services

Barriers to Normalcy for Dual-Status Youth

Your Role with Dual-Status Youth & Normalcy

Judges	From the bench, ask youth their desires, what activities they are involved in, goals, etc. Direct those involved with youth to ensure they engage youth in desired or needed activities.
Attorneys	Regularly visit or engage youth. Inform them of their rights and ensure they are given the option to be present at meetings, hearing, etc.
Guardian ad Litem/CASA	Advocate for youth in court through court reports, youth ability to engage in activities. Articulate youth desires with caregivers, particularly for those in congregate settings.

Benefits

Importance of Supporting DS Youth

What we gain <ul style="list-style-type: none"> Efficiency and efficacy of services Services and supports that work for everyone Stronger family bonds Youth that participate and engage in our community 	What we lose <ul style="list-style-type: none"> Talents, skills and gifts of young people Investments in education Opportunities for community restoration Family connections within our communities
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Youth need to be an active participant in their child welfare and juvenile court cases.

Dual Status Youth in Congregate Settings

Congregate settings can impose on opportunities for youth normalcy.

Restrictions in congregate settings are broad.

Congregate settings are required to designate one staff member responsible for making parental decisions.

Processes in congregate settings can delay permissions for youth to engage in normal adolescent activities.

Staff need to involve youth in choosing and planning activities.

Provide frequent, experiential, real-life training to young people such as cooking, laundry, mowing lawns, and money management.



COURTS AND JUDGES



Examples of Judicial Practices

One Family, One Judge

- Child welfare, dual status docket
- Juvenile, dual status docket
- General Jurisdiction
- Child Protection Court

Informal appearance

Staffing outside court

Crossover Court Benefits

- One Court – One Judge
- One Child – One Team
- Better information to decision makers
- Easier process for kids and families
- Avoid duplication of services
- Joint CPS/Juvenile Probation supervision
- Continuity of services
- Resource sharing
- Increased knowledge and understanding of each others agency practice and policy
- Dedicated staff provide continuity, expertise, and familiarity with serving dual status youth

Court Considerations

Develop a process to determine which cases will come onto the dual status docket

Considerations:

- Siblings
- Seriousness of juvenile case – No Determinate Sentence cases

Out of county cases

- Can be accepted into Crossover Court.
- Juvenile case will typically be adjudicated and then transferred to CPS home county.
- I See You worker will be present for out of region cases.

Determine frequency of hearings

If accepted, transfer and consolidate juvenile and CPS cases on one docket

Determine whether case will stay in dual status docket after one case closes

Dual Status Docket

What happens?

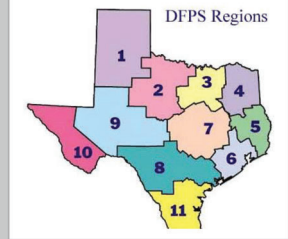
- Considerations from both Juvenile and Child Welfare Systems -- -- Protection of Public; Safety of child; Rehabilitation of child; Permanency.
- Juvenile and CPS options to be considered.
- Juvenile - Deferred Prosecution, Probation, Residential Placement (secure/non secure)
- CPS - Kinship placement, emergency placement foster care, or long term non-secure placement

CHILD WELFARE 101



The Basics

- The Texas Department of Family and Protective Services (DFPS) protects children and vulnerable adults from abuse, neglect, and exploitation.
- Adult Protective Services
- Child Protective Services
- Investigations
- Prevention and Early Intervention
- Statewide Intake



CPS Stages of Service

Intake

Investigation

Family Based Safety Services

Substitute Care

Family Reunification

Adoption/Post Adoption

PAL (Preparation for Adult Living)

Intake

By phone 1-800-252-5400 or Online: www.texasabusehotline.org

In Texas, anyone who suspects that a child is being abused or neglected has a legal obligation to report it. Professional reporters are required to report suspicion of abuse or neglect within 48 hours.

A Professional Reporter is anyone licensed or certified by the state or works for an agency or facility licensed or certified by the state and has contact with children as a result of their normal duties. By law, professionals may not delegate their duty to report to another person such as a coworker or family member.

Professional reporters include, but are not limited to:

- Teachers
- Nurses
- Doctors
- Daycare employees
- Employees of a clinic or health care facility that provides reproductive services
- Juvenile probation, detention or correctional officers

It is the responsibility of professionals to report and the responsibility of the Texas Department of Family and Protective Services to investigate allegations or suspicions of abuse or neglect.

What is Child Abuse and Neglect?

ABUSE:

- Emotional Abuse
- Sexual Abuse
- Physical Abuse

NEGLECT:

- Physical Neglect
- Medical Neglect
- Neglectful Supervision
- Abandonment
- Refusal to Accept Parental Responsibility



How abuse reports are categorized

Priority 1- Contact made within 24 hours

- These cases concern children who appear to face an **immediate risk** of abuse or neglect that could result in death or serious harm.

Priority 2- Contact made within 72 hours

- These are reports of abuse or neglect that don't appear to involve immediate threat of serious harm or death.

Reports not assigned for investigation are:

- PN (No Priority) reports- Does not meet criteria for abuse/neglect or no locating information on family is known

DFPS Rule 40 TAC §7005.0502

Investigations

The disposition of CPS investigations include:

- **Ruled to believe:** Abuse or neglect occurred based on a preponderance of the evidence. This means when all evidence is weighed, it is more likely than not that abuse or neglect occurred.
- **Ruled out:** Staff determines that it is reasonable to conclude that the abuse or neglect has not occurred based on the information that is available.
- **Unable to complete:** The investigation cannot be concluded. This is usually because the family could not be located to begin the investigation or the family was contacted but later moved and could not be located to complete the investigation or the family refused to cooperate with the investigation. CPS policy outlines several actions that the caseworker must complete to make this disposition.
- **Unable to determine:** CPS concludes that none of the dispositions above is appropriate.
- **Administrative closure:** Child Protective Services intervention is unwarranted based on information that case to light after the case is assigned for investigation.

Alternative Response

Alternative Response (AR) represents a philosophical shift in how Child Protective Investigations (CPI) responds to certain cases of alleged abuse and neglect based on factors such as the type and severity of the alleged maltreatment, number and sources of previous reports, and family willingness to participate in services.

Alternative Response lets CPI handle less serious allegations of abuse or neglect in a more flexible way – engaging families while still focusing on the safety of the children. CPI provides services and support to help families resolve safety issues and reduce future involvement with CPI.

Alternative Response

Alternative Response:

- Allows workers to engage and include families and other community supports to ensure child safety. Serious cases of abuse or neglect will follow the traditional investigation track.
- Does not have a final case disposition or designation of a perpetrator of abuse/neglect because the family is immediately linked to community supports or services.
- No one will be added to the Central Registry as a result of the intervention.
- Promotes family engagement in a less adversarial, more collaborative approach.

Alternative Response is structured to work within the existing Statewide Intake processes and is considered an investigatory response.

Parental Child Safety Plans

The worker and family develop a mutually agreeable safety plan when:

- The children are conditionally safe in a home and a safety plan is needed to ensure their continued safety and prevent a removal; and
- At least one parent or primary caregiver is willing and able to participate in developing and implementing the plan.

Time-Limited with time frames not extending beyond the investigation unless transferring to Family Based Safety Services

All tasks relate directly to the child's immediate safety.

Voluntary agreement with family, not legally binding.

Must not contradict existing court orders but worker can ask a parent to voluntarily forgo or limit visitation rights while safety is assessed.

Parents or caretakers sign the safety plan to indicate willingness to abide by the plan.

Safety plan clearly indicates the consequences for not following the signed plan.

Family Based Safety Services (FBSS)

When child safety can be reasonably assured, CPS provides in-home services to help stabilize the family and reduce risk of future abuse.

Most children continue to live in their own home or with relatives.

Parental Child Safety Placement (PCSP)

- Used when child is not safe from abuse/neglect in his home and involves the parents "voluntarily" placing the child outside the home.
- CPS can request parents place child out of home as an alternative to petitioning the court for court-ordered removal of child.
- Parents are willing and able to follow the safety plan.
- Placement selected is safe for the child.
- Parents are willing to give caregiver information needed to care for the child and give caregiver permission to give information to CPS about the safety of the child.
- Parents agree to leave the child in placement for time period of safety plan/notify CPS before resuming possession.

Family Group Conferences

Family Team Meetings offered to family prior to removal in non-emergency situations.
Family Group Decision Making offered to families in on-going court cases.

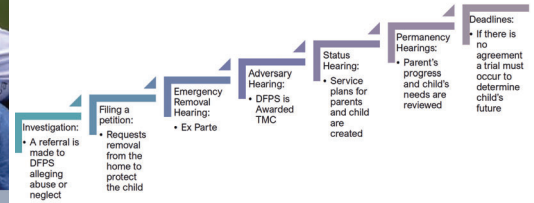


Service Planning

More in-depth assessment of family functioning/strengths.
Actions to be taken by family to reduce risk to child(ren).
Specific tasks (observable, achievable)
Voluntary and not legally binding however Court Ordered Services may be in place.
Re-integration of child(ren) if out of home voluntary placement.



Legal Stages of a CPS Cases



Substitute/Foster Care

When it is not safe for children to live with their own families, CPS petitions the court to remove the children from their home.
Requests Temporary Managing Conservatorship (TMC)
Children may be placed with relatives, a foster family, an emergency shelter or a facility depending on the needs of the child.
Attorney ad litem appointed for the child.
Families have up to 1 year to remedy the issues that caused the abuse/neglect of their child.

Permanency For Children

Reunification
Adoption by Relative
Adoption by Non-Relative (Foster Parent)
Permanent Managing Conservatorship without Termination of Parental Rights

- To Relative
- To State

 Another Planned Permanent Living Arrangement (APPLA) (Used only as a last resort)

PAL (Preparation for Adult Living)

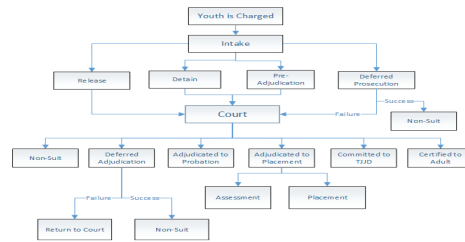
The PAL program assists older youth in foster care prepare for their departure and transition to a successful adulthood. Support services and benefits are for eligible young adults up to age 21 to assist each youth in becoming self-sufficient and productive.
PAL services include:

- Life Skills assessment
- Life Skills training (ages 16 to 18)
- Supportive Services (based on need and funding availability)
- A transitional living allowance of up to \$1,000 distributed in increments up to \$500 per month, for young adults up to age 21 who participated in PAL training
- Aftercare room and board assistance (ages 18-21)
- Case management

Juvenile Justice 101



Juvenile Intake and Placement Process



AGE LIMITATIONS

10	• Minimum Age for Juvenile Court Jurisdiction
14	• Minimum Age for Certification as Adult – Certain Offenses • Capital, 1st Degree, Aggravated Controlled Substance Felony Exception: Age 10 for capital felony or murder if post-18 certification
15	• Minimum Age for Certification – All Other Felonies
17	• Age at Which Criminal Court Jurisdiction Begins • Exceptions: First Only and Local Ordinances – age 15 (rebuttable presumption incapable of committing between 10 and 14); Plejury; No limit if understands nature and obligation of oath
18	• Maximum Age for Juvenile Court Jurisdiction • Exceptions: TFC §§51.041; 51.0411; 51.0412; 54.02; 54.051 (Appeal, Transfer/Release Hearing, Incomplete Proceedings, Post-18 Certification)
19	• Maximum Age for TJJD Jurisdiction • Maximum Age for Juvenile Court Jurisdiction (Det. Sentence Probation) • TFC §§54.04; 54.0451; HRC §245.151

Systems Comparison

Adult	Juvenile
Criminal	Civil
Public	Confidential
Punishment-Based	Rehabilitation-Based
Right to Counsel	Right to Counsel
Grand Jury	No Grand Jury
Beyond a Reasonable Doubt	Beyond a Reasonable Doubt
Miranda applies	Miranda + additional protections

Juvenile Probation Departments

Locally run and overseen by county juvenile boards

- 166 probation departments

 Departments are the point of case/child referral and intake from local law enforcement and operate the pre and post adjudication supervision (very few exceptions)

- 48 secure detention facilities
- 35 post-adjudication correctional facilities
- 6 non-secure facilities

Texas Juvenile Justice Department

Operates 5 Secure Facilities & 7 Halfway Houses
To serve the most challenging children in the system who cannot be served in their community
Provides Funding to Juvenile Probation Departments
Adopts Standards for Probation Departments and Facilities
Monitors and Inspects Probation Departments and Facilities
Certifies Juvenile Probation, Supervision, and Community Activities Officers

Types of Conduct

Delinquent Conduct
Conduct Indicating a Need For Supervision (CINS)
Status Offenses

Juvenile Detention

Must release unless intake finds:

- Child is likely to abscond or be removed from jurisdiction of court
- Suitable supervision not being provided
- No parent/guardian/other person able to return child to court when required
- Child may be dangerous to self or public if released
- Prior finding of delinquent conduct (MB or higher) and child likely to commit offense if released

 Judge must make probable cause finding within 48 hours of detention
Hearing – child is entitled to attorney

- No later than 2nd business day after detention (except Friday detention, hearing due Monday)
- Supreme Court rule says next business day (acknowledges exception)
- subsequent hearings every 10 days (or 15 in certain circumstances)

Non-Court Disposition

Supervisory Caution (Counsel and Release)

- Can include referral for services

 Deferred Prosecution

- Includes supervision and services
- If successful, case dismissed
- Contract between the youth & Probation
- Up to 6 months in duration

Certification and Transfer

Transfer case to adult criminal court for prosecution
Eligibility based on age of child and offense
Prosecutor has full discretion on which cases to seek transfer
Judge has full discretion on transfer decision
Very small percentage of juvenile cases reserved for extremely serious offenses

Adjudication Hearing

Jury Trial or Bench Trial
Find Allegations True or Not True

Disposition Hearing

Judge makes decision in all regular juvenile dispositions
Jury only for allowed for determinate sentence
No disposition unless child is in need of rehabilitation or protection of the public or child requires that disposition be made
Court must consider social history and risk and needs assessment
Disposition Options

- Probation (regular or determinate sentence)
- TJJD Commitment (determinate or indeterminate)
- Restitution
- Drivers License Suspension (certain offenses)

Probation

Regular Probation

- Judge may order child to live at home or in a placement
- Set period of time (for example 6, 9, 12 or 18 months)
- Conditions (reasonable and lawful)
- Term may be extended by Judge through Motion to Modify
- Prosecutor must prove violations of probation in Motion to Modify hearing
- Must end by age 18

Determinate Sentence Probation

- For sentences 10 years or less
- Can be for any period up to 10 years
- Discharged or transferred to adult probation at 19
 - Hearing required to transfer
 - Can discharge at hearing
 - If no hearing, automatic discharge at 19

Commitments to TJJD

Indeterminate Sentence

- Can only be made by the Juvenile Court (not a jury)
- Limited to felony offense adjudications
- Judge must make a Special Commitment Finding pursuant to the Family Code
- TJJD has control over length of stay and release
- All youth are discharged by age 19 if not earlier

Determinate Sentence

- For specific serious felony offenses
- Judge or jury may assess the term of years
- Child is committed to TJJD for a specific length of stay subject to a Minimum Period of Confinement (MPOC)
- Depending on progress, child may finish sentence in Juvenile system or be subject to transfer to the Adult system to include commitment to TDCJ

TJJD Parole and Discharge

Parole: re-entry and reintegration

Re-entry planning begins when a youth arrives at TJJD

During a youth's stay, a home evaluation is conducted by a parole officer

Positive contacts with parents, family members, and other significant persons enhance a youth's successful re-entry into the community

Parole Supervision:

- Parole officers verify a youth's location, daily schedule, and required activities
- Youth on parole have regularly scheduled office appointments with their parole officer plus unscheduled visits by staff at school, work, and home using the Effective Practices in Community Supervision Model (EPICS)
- Failure to comply with conditions of parole, including committing new offenses, can result in parole revocation

Systems Comparison

Dual Status Youth

Child Welfare Involvement

- Probation will contact CPS worker/liaison
- Worker will appear for juvenile hearings
- Joint staffing will be helpful
- Keep up with release date/placement requests are made
- Communicate with probation officer

Juvenile involvement

- Probation or court may contact CPS liaison/make a referral to CPS
- Investigators work to find alternatives to CPS taking custody
- Case is staffed with supervisor/legal
- If no other option, CPS will take custody when youth is released from probation.

Child Welfare and Juvenile Justice

- There are similarities and differences that impact the work of each the ability and motivation for both entities to collaborate.
- Historically both systems overlapped and over time the entities have become compartmentalized.

Child Welfare and Juvenile Justice

- Provide similar services
 - In home & community based services
 - Counseling
 - Relative placements
 - Out of home placements
- Similar goals
 - Keep children in the home and community
 - Provide services to strengthen the family
 - Ensure safety

Child Welfare and Juvenile Justice

- Similar duties
 - Conduct interviews to assess family and living situations
 - Write reports detailing a child's background and current circumstances
 - Make recommendations to the Court
 - Create case plans or service plans
 - Assess needs and make referrals
 - Monitor progress
- Similar Roles
 - Case Manager
 - Investigator
 - Counselor/Rehabilitator
 - Community Monitor
 - Enforcer of Court Conditions
 - Broker of Services/Community Resources

Child Welfare and Juvenile Justice

Differences

- Referrals
 - offense versus neglect/abuse
- Age Jurisdiction
 - Juvenile – 10 to 17
 - CPS – birth to 18
- Supervision
- Conservatorship
- Court system

Challenges Working with Multiple Systems

- Issues with communication between agencies
- Difficulty finding placement
- Licensing restrictions
- Lack of services/providers
- Often history of multiple placements
- If offense is against caregiver, trust can be broken
- Tend to be older youths with complex needs
- Mental health issues
- Educational delays
- Often extensive CPS history/trauma history

Attorneys & Advocates

Attorney Roles

Prosecutor

- Assigned to dual status on juvenile case
- Assigned to dual status on CPS case

Defense Attorney for juvenile case

Attorney Ad Litem on CPS case

Guardian Ad Litem on CPS case

Cross training

Juvenile Statements

Children in custody cannot provide an admissible confession to law enforcement without first receiving Miranda warnings from a neutral magistrate.

Children who are in CPS custody are considered "in custody."

Parents, CPS, nor defense counsel can permit a child to waive their right to have a neutral magistrate provide Miranda warnings before the child provides a statement to law enforcement that is admissible in court.

Even statements that are not admissible often serve to harm the child; therefore decisions to speak with law enforcement should involve the advice of counsel.

Records Sealing

Juvenile record is created from the moment youth is fingerprinted, even if no charges are filed.

Regardless of whether the child's conduct was adjudicated, the child has a juvenile record with the Department of Public Safety (DPS) and the Federal Bureau of Investigation (FBI), and the child's juvenile record is a permanent record unless the record is sealed.

Records may be accessed by a police officer, sheriff, prosecutor, probation officer, correctional officer, or other criminal or juvenile justice official unless the record is sealed. Thus, future interactions with law enforcement and future court proceedings are impacted by having a juvenile record.

Certain employers, governmental agencies, colleges and universities and the military are also obtaining access to these records and individuals are being negatively impacted by having unsealed records.

For youth aging out of foster care, juvenile records can negatively impact housing, transitional living programs and vocational programs.

Records Sealing

Texas statute provides for sealing without application ("automatic sealing") at age of 19, but felonies are ineligible. Automatic sealing process is complicated and difficult. Many counties are not in compliance or have large backlogs of cases to be sealed.

Youth can seal their records via application at age 17 or after one year has elapsed since the close of their case, whichever comes first.

Effect of sealing: Once a person's record is sealed, he or she is not required to state in any proceeding or in any application for employment, licensing, admission, housing, or other public or private benefit that the person has been the subject of a juvenile matter.

Once sealed, the information in the records, the fact that the records once existed, or the person's denial of offense or records may not be used against the person in any manner, including in:

- (1) a perjury prosecution or criminal proceeding;
- (2) a civil proceeding;
- (3) an application process for licensing or certification; or
- (4) an admission, employment, or housing decision.

Records Sealing

Records are completely sealed across all agencies and any entity receiving an order to seal records that later receives an inquiry about the person or the matter contained in the records, the entity must respond that no records relating to the person or the matter exist.¹

Clinics/Organizations providing record-sealing free of charge

- Harris County/Fort Bend County:
 - JCAP Texas - UH Law Center (all offenses): www.jcaptx.org; 713-743-1011
 - HBA Sealing program (misdemeanors only): 713-759-1133
- Tarrant County/Dallas County:
 - SMU Dedman School of Law, W.W. Caruth, Jr. Child Advocacy Clinic: (214) 768-1093
- Bexar County:
 - St. Mary's University School of Law: sstevens@stmarys.edu; (210) 431-5710
- Statewide:
 - Texas Foster Youth Justice Project: <http://texasfosteryouth.org>; (877) 313-3688

CASA

Role of CASA in Dual Status Cases

Bring a trauma-informed lens to the courtroom.

- While maintaining confidentiality, build awareness of the youth's story and circumstances that led to juvenile involvement.
- Ensure that short-term recommendations are based on long-term permanency goals.
- Act as a catalyst for involving the youth's community.
- If appropriate, encourage supportive adults to attend court hearings.
- Work to strengthen the network of supportive connections around the youth.

Whenever possible, advocate for safe alternatives to detaining the youth.

- Advocate for the least restrictive placement that would safely meet the youth's needs.

Role of CASA in Dual Status Cases

- Advocate for therapeutic interventions and community-based rehabilitative services.
 - Advocate for trauma-informed therapeutic services to address underlying causes of juvenile involvement.
- Involve the youth.
 - Talk with the youth about what their unmet needs are and how they would like to move forward.
- Protect the youth by letting them know not to share potentially incriminating information with you.
 - Keep in mind that CASA is not protected by attorney-client privilege.

Role of CASA in Dual Status Cases

- Facilitate strong communication between the juvenile justice and CPS team members.
 - Follow up diligently to ensure the youth is on track and that all parties are on the same page.
 - Should not investigate any offenses charged against the child.
- Advocate for the youth to be processed through the juvenile system.
 - If you are advocating for a 17-year-old who is arrested, advocate for them to be held separately from adults and to be transferred to the juvenile justice system.
- As appropriate, advocate for the charges to be dismissed and for the youth's record to be sealed.
 - Reach out to Texas Rio Grande Legal Aid for more information.

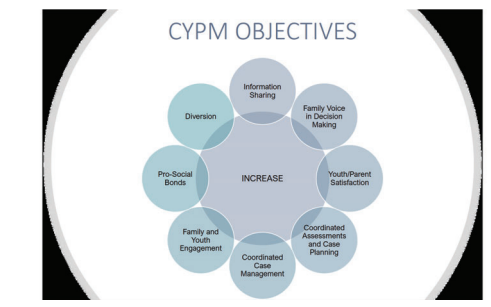


Crossover Youth Practice Model (CYPM)

Goals

- Improve permanency outcomes
- Reduce duplication of services
- Improve communication & collaboration
- Reduce involvement in juvenile justice system
 - Divert children who are at low risk of reoffending to community resources
 - Focus resources on children at moderate or high risk of reoffending
- Minimize detentions of children in foster care

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CYPM Elements

- Early identification of Crossover youth
 - Weekly data match report - automated
 - List of TMC & P/MC cases from TDFPS
 - Matched with Juvenile database
 - Match List sent to Probation & CPS supervisors, CASA, DAs
 - Manual matches (cases the automated system missed)
- Share information
 - MOU between the agencies authorizes information sharing and coordination
 - Coordinate work of caseworker and probation officer

CYPM Elements

Identify target population services

- Avoid duplication
- Coordinate on service provision

Coordination of information and plans

- Indicate in affidavit for custody if any child in case involved with Juvenile Probation
- Notify supervisor that child in case involved with Juvenile Probation

Attend each step:

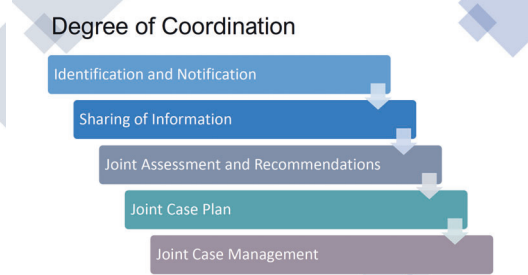
- Reviewings
- Case planning meetings
- Conferences with family

Joint recommendations to courts

RFK Children's Action Corps

RFK National Resource Center for Juvenile Justice www.rfknrcj.org
 RFK National Resource Center Training Institute <https://rfknrcj.org/training-institute/>

- Dual Status Youth: Improving Outcomes for Youth Involved in Child Welfare and Juvenile Justice (Guidebook, 3rd edition and Workbook)
- Dual Status Youth: Implementing and Sustaining Reforms (2 days; curriculum)
- Probation System Review Training (Guidebook, 2nd edition)
- Multi-System Information & Data Sharing Training (Information Sharing Tool Kit, 2nd Edition)
- Advancing Best Practices in Youth Justice Seminar
- (Developmental Reform in Juvenile Justice: Translating the Science of Adolescent Development to Sustainable Brief)



Recommended Practices for Handling Dual Status Youth

- Routine identification of dual status youth
- Individualized outcomes
- Validated screening and assessment instruments
- Alternatives to formal processing at earliest opportunity and key decision points
- Engagement of families
- Joint assessment process across systems (includes families)
- Coordinated:
 - case planning
 - court processes
 - case management
- Focus on family stability, placement stability, and community connections



Background on Youth Engagement

Youth engagement in the foster care system empowers young people to have a significant voice in decisions that affect their lives, as well as develop key skills and relationships. Improving organizational capacity to support youth engagement practices means putting in place resources and infrastructure that lead to meaningful youth engagement and creating a culture and climate that promote youth engagement at all levels of an organization.

Capacity Building: Center for States - Children's Bureau

To access the Youth Engagement Blueprint Series visit: <https://capacity.childwelfare.gov/states/focus-areas/youth-development/blueprint-series/>

What Is Youth Engagement?

Youth engagement is the intentional, authentic, and sustained involvement of young people in a decision-making activity (Gaughen et al., 2009).

Effectively integrating youth voice into a State's efforts requires consistency, patience, and a commitment to a positive youth development framework.

A successful youth engagement plan includes a blueprint for recruitment, youth and adult training and support, and evaluating and enhancing approaches to youth engagement.

Youth Engagement: Blueprint for Improving Organizational Capacity

Viewing Young People as Organizational Assets

- Organizations should prioritize opportunities to include youth and young adults in decision-making, program improvement, policy development, and other important areas.

Using Science and Technology Effectively

- Organizations should build capacity to translate that knowledge into practice using current technologies, such as social media.

Investing in Youth and Young Adults

- Organizations should build a shared commitment to working with and developing youth and young adults as a daily practice at all levels of an organization

Implementing Flexible and Innovative Programs and Practices

- Organizations should take a risk-tolerant, creative approach to organizational decision-making, program development, funding, and daily practice.

Avoid Tokenizing

- Include more than one youth voice, actively seek diverse perspectives and invite youth and young adults for their ideas and creativity rather than their story and trauma. They are experts in their experience which is an important tool for developing programs that work.

Youth Collaboration - Levels of Engagement and Practice*

Tokenizing	Inviting	Including	Collaborating
<ul style="list-style-type: none"> Asked only about experiences as a youth Asked to share experience but not make decision Being the only or one of a few Told what to say and do 	<ul style="list-style-type: none"> Creating a space physically, not an environment Giving limited information on their purpose Expecting to "fit" Questioning expertise 	<ul style="list-style-type: none"> Asking to help build an idea Creating a welcoming and affirming environment Supporting learning and development 	<ul style="list-style-type: none"> Sharing power in decision making Providing opportunities Compensating fairly Honoring experience as expertise Investing in growth

*Adapted from Harris County Youth Collective



Developing a Vision for Change

- Developing a common goal
- Begin a process of: "Letting go of the old"
- Caseworks, Supervisors and Administrators involved in the process
- Problem solving/collaboration
- Develop shared protocols
- Buy-In and Credibility among leadership from both agencies

Developing a Vision for Change

- Create shared leadership
- Identify shared goals and measures
- Include youth and family with experience in design
- Commit to compromise
- Focus on strengths and contributions over challenges and shortcomings

Information Sharing

Early identification is critical

Methods:

- Automatic data match between DFPS and Probation
- Manual match to determine which youth are dual status
- Phone call between DFPS and Probation – designate point of contact within each system
- Follow up by email to flag dual status youth
- Create general/system email so communication is not tied to individuals

Juvenile Probation & CPS

Collaboration between CPS and Juvenile Probation

Juvenile Probation

- Assign dual status cases to one unit or officer
- Dedicated Probation Officers who are understand child protective system

CPS

- Designate staff in both TMC and PMC to serve as primary or back up for serving dual status youth

Crossover staffing

- CPS, Juvenile Probation, CASA, Guardian Ad Litem, and family members involved in child's life are present
- Purpose: To discuss child's history with CPS/Juvenile Probation & explore diversion options

Goals of Model

- ↓ Reduce recidivism
- ↓ Reduce involvement of foster children in juvenile system
- ↓ Reduce use of detention pre-adjudication
- ↓ Reduce use of out of home placements
- ↑ Increase child/parent satisfaction in the process
- ↑ Increase interagency information sharing
- ↑ Increase in use of joint assessment
- ↑ Increase inclusion of family voice in decision-making

Challenges

Ensuring staff that don't regularly interact with both systems understand what is going on

New protocols and changes in both agencies

Staff turnover and educating new staff on the Crossover Model

Youth want to be with family and as a team we search to find solutions to safely reunite youth with long term connections

Early intervention so family does not give up on the youth

Finding local placements so family can visit on a regular basis and maintain a connection

Lack of services/providers

Placing sexually aggressive youth back with family



Lessons Learned

Lessons Learned

Communication and cross-training are key.

- Transparency is imperative.
- Provide training for any new staff

Stay family and youth focused

- Leave egos and emotions at the door.

Having established Business rules helps us all know our role and how to handle situations.

- Each role is crucial to positive outcomes and the Crossover Model.
- Referring to the business rules when necessary reminds us what our goal is and helps keep "egos" out of the way.
- Revisit rules/protocols annually to update processes
- Develop MOUs to clarify information sharing

WHAT

What are the necessary components to a cross-system collaboration?

Confidentiality for advocates

Unique Legal Aspects of Dual Status Cases

Competing interests of two systems

Responsibilities of defense attorneys versus the attorney ad litem

Attorney ad litem's advocacy for placement

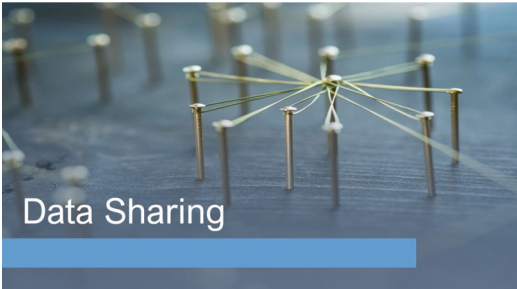
Placement options for dual status youth

Disclosures – when a youth informs the advocate

Key Exceptions to Confidentiality

Exceptions to Confidentiality

- Statutory Authorization in Texas Family Code or other laws
- Interagency Sharing Tex. Fam. Code §§ 58.0051 and 58.0052
- Permission of Juvenile Court Tex. Fam. Code §§ 58.005 and 58.007
- Dissemination to CJ and Non-CJ Tex. Gov't Code § 411
- School Communication Tex. Code Crim. Pro. Art. 15.27
- Sex Offender Registration TCCP Art. 82



Agency Information Sharing

Information Sharing between DFPS & JJ

- Tex. Fam. Code §§ 58.0051 & 58.0052
- MOU between agencies authorized
- Purpose: "to acknowledge the commitment of both agencies to work together to coordinate services to prevent duplication and improve the designing of services for youth."

Data Sharing Between TJJD & DFPS

Data sharing agreement covers two populations:

- Youth in DFPS conservatorship and
- TJJD custody or under TJJD's jurisdiction

Once a data match is confirmed between both agencies, information is exchanged that includes the following:

- TJJD location of the youth;
- Youth's TJJD case manager;
- DFPS caseworker and supervisor;
- Attorney ad litem, guardian, or CASA advocate; and
- Medical consentor.

Upon request, DFPS and TJJD will share additional information to ensure the coordination of the youth's services, as provided by Tex. Fam. Code §58.0052.

Data Sharing Between TJJD & DFPS

The Crossover Youth Practice Model

- a project of Georgetown University's Center for Juvenile Justice Reform to improve coordination of services and outcomes for children served by county Juvenile Probation Departments (JPD) and local CPS offices.
- The project involved Travis, Bexar, Dallas, Tarrant, McLennan, and El Paso counties.
- Data sharing MOUs were established with each individual county.
- Under the model, each county formed its own "committees" of representatives of the judiciary, juvenile justice representatives, and the local CPS office that meets met regularly to identify populations to be served and actions to be performed to improve coordination of services.
- Practice Model ended January 2014, the local CPS and juvenile probation departments have continued regular meetings and coordination of services.
- Similar model was developed in Harris County with a data sharing agreement.

Data Sharing Between TJJD & DFPS

TJJD and JPD Access to DFPS Case Record

State law allows DFPS to release confidential records to Juvenile Service Providers (JSPs), including Juvenile Justice Agencies (JJAs) for the purpose of:

- Sharing confidential information that is necessary to improve and maintain community safety.
- Assisting the agency in the continuation of services for or providing services to a multi-system youth.

Request DFPS records at: https://www.dfps.state.tx.us/policies/Case_Records/professional_duties.asp

Dual Status – Key Data Characteristics

- Race and Ethnicity
- Gender
- Age of First JJ Referral
- Age of First CPS Investigation
- Average Number of referrals
- Recidivism rates
- Average Number of Contacts with CPS
- Type of contacts with CPS (FBSS, AR, INV, CVS)
- Average Days in Detention
- Placement in a home-like setting



THANK YOU TO THE CONTRIBUTORS