

CROSSOVER YOUTH: IMPROVING ONTARIO'S RESPONSES

Nicholas Bala*, Rebecca De Filippis & Katie Hunter*****

Abstract

Adolescents in the care and under the supervision of the child welfare agencies are overrepresented in the youth criminal justice system. However, there are currently no policies in Ontario specifically intended to address the unique needs of this highly vulnerable portion of the child welfare population: "crossover youth."

The authors conducted a literature review of profiles, programs, and policies for crossover youth, and undertook qualitative interviews with key Ontario stakeholders (n=22), including judges, lawyers, probation officers and children's advocates. Based on the literature review and interviews, the authors make recommendations for better addressing the problems of these youth which are: (1) improve preventive interventions; (2) establish mentorship programs; (3) limit use of group homes; (4) involve youth more in decision-making; (5) have one lawyer for a youth for both proceedings; (6) establish better integrated court processes; (7) improve collaboration between agencies and professionals; (8) increase advocacy on the part of CAS; (9) increase the use of conferencing and case managers; and; (10) expand programs for youth aging out of care. Underlying these ten best practices recommendations is the recognition of the need for an integrated, holistic approach for dealing with the challenging issues faced by these youth.

This Report was completed with time and budget limitations. More research, study and costing will be needed before some of the recommendations are implemented in Ontario. However, this Report identifies significant problems and offers clear directions for reform. Some of the recommendations can be implemented, or at least piloted, without further study or significant expense. Dealing more effectively with these vulnerable youth is a critically important social investment that should result in long-term savings through reduced crime rates and more productive citizenry, as well as improving the life prospects for these vulnerable youth.

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INTRODUCTION

Youth living in the care or under the supervision of the child welfare system and also involved in the youth justice system due to criminal behaviour are often referred to as “crossover youth.” This group of vulnerable adolescents face unique challenges during their interactions with the youth justice system; specifically, youth in the child welfare system are more likely to be charged criminally and detained held in custody pending resolution of the charges than are youth not in care. This type of interaction with the justice system is of concern for a population that is ordinarily already, by virtue of their involvement in the welfare system, ‘considered at-risk’, as it increases the likelihood they will become further entrenched in the criminal justice system as they age.

Much of the existing research and literature on crossover youth is American. This project provides a review of this literature. Since this is primarily American, an Ontario perspective was obtained through individual interviews with key stakeholders in both the child welfare and the criminal justice systems in Ontario. The aim of the interviews was to obtain front-line observations and insights into crossover youth, as well as ‘best practice’ recommendations from those most familiar with the issues faced by this group of young people. This Report integrates and analyzes information obtained from the literature review and interviews.

The Report begins with a discussion of the concept, definition and context of crossover youth. It then details the challenges that this population faces, and possible solutions to these issues. The Report ends with a summary in the form of ten suggestions for best practices for Ontario.

Our study reveals that, consistent with the American literature, the challenges faced by crossover youth are multi-faceted and dependent on the social and familial context of individual youth. However, there is a theme that emerges and affects all youth in navigating the two different systems: that is there is a problem of fragmentation and lack of integration. It is the lack of communication, cooperation and collaboration and communication between different service providers, organizations and agencies that leave unsupported vulnerable youth who are desperately in need of support. Ultimately, underlying the best practices recommendations is the recognition of the need for an integrated, holistic approach for dealing with the unique and difficult issues faced by these youth.

Purpose of this report

The vast majority of the research and writing on crossover youth has been based on experience, conditions, programs, policies and practices in the United States. The question of the generalizability of this research to Canada remains open. Although there are many similarities between crossover youth in different countries in terms of general psychosocial causative factors that contribute to the challenges faced by these youth, and the efficacy of psychological and front-line social services interventions, the issue of generalizability is

significant, not the least because of differences between American and Canadian social service, health care and legal systems, and perhaps because of differences in populations, culture and social values. There are currently no policies in Ontario specifically intended to address the unique needs of crossover youth in this highly vulnerable population.

Recognizing the limitations of the literature and policies, the Association of Family and Conciliation Courts - Ontario Chapter (AFCC-O) decided to sponsor a project to better understand crossover youth and develop recommendations for better addressing the unique needs of this vulnerable population. The AFCC-O established a Research Committee, comprised of Justice Deborah Paulseth, Prof. Rachel Birnbaum, Ms. patti cross, Family Counsel, Office of the Chief Justice, Ontario Court of Justice, and Dr. Dan Ashbourne, Executive Director, London Family Court Clinic. The Committee circulated a Request For Proposals to undertake this project. The authors were selected by the Research Committee, which provided direction and advice for this project.

We hope that these discussion and recommendations in this Report will serve as a foundation for future dialogue, research, study, and most importantly systemic change. This Report was prepared over a few months with a limited budget, and some of its findings and recommendations should be viewed as preliminary. Implementation of some of its recommendations in Ontario will require further research and costing. However, some of the recommendations can be implemented, or at least piloted, without further study or significant expense. This Report clearly identifies that the needs of these youth are not being adequately met at present, and that there are measures that can be introduced that would significantly improve outcomes and reduce the long term social and human costs from failing to adequately address their needs.

The analysis and recommendations for best practices are specifically based on the legal and institutional context of Ontario, but they are relevant to other jurisdictions as well.

RESEARCH METHODS

Study design

This is a qualitative, exploratory study that seeks to understand the unique needs of crossover youth and the recommendations of key stakeholders about how to best address these needs. This report is based on a two-stage approach. First, a literature review was undertaken on the topic of crossover youth. Second, qualitative interviews were conducted with key Ontario stakeholders, such as judges, lawyers, probation officers, children's advocates and mental health workers to investigate potential recommendations for working with this population in the most efficient and effective way. Unfortunately, given the time and budget constraints for this project, and ethical limitations, no youth or young adults with experience were interviewed.

The information obtained from the interviews is integrated into the literature review in this Report. Drawing on the analysis and discussion, the authors conclude this Report with ten recommendations aimed at improving responses to crossover youth.

Research Methodology

The literature review was undertaken by conducting a search of social science and legal literature on crossover youth written in English. Literature from all jurisdictions was

considered, but a particular effort was made to locate and include in this Report literature from Canada. ProQuest, Google Scholar, Westlaw, Scholar’s Portal and LexisNexis were the databases relied on for this project.

An initial list of key stakeholders to interview was developed in consultation with the Research Committee, and the initial interviewees then identified further potential subjects (“snowball sampling”). The interviews were conducted by the student members of the research team, and recorded. Each subject was interviewed individually, and each subject was assured that his or her identity would not be revealed. The professions and number of interviewees were as follows:

Profession	Number of Interviewees
Judge	5
Lawyer	7
Probation officer/Young offender services	2
Children’s advocates/Youth Worker	5
Mental health professionals	3

The interviewees were asked a number of open-ended questions about crossover youth. All of the interviewees except the judges were asked the following questions:

1. What do you think are some of the primary needs of this population?
2. What are some challenges that crossover children face today in the legal system?
What challenges do crossover children face today generally?
3. Drawing on your work with children/youth in care and/or with children/youth involved in the criminal justice system, what has been your experience of the gaps (service, policy, and/or legal gaps), if any, that impede the provision of the best assistance possible to crossover children?
4. Having discussed the problems, do you think there is anything working within the current system(s)?
5. In an ideal world (e.g. resources are not an issue) what do you think would be the most effective method for best assisting crossover children?
6. Given the system as it stands today, what do you think would be the most effective method for best assisting crossover children?
7. How do you think your profession specifically can best address the unique needs of crossover children?
8. Do you think that the court process should be modified so that youth court and child welfare cases could be dealt with by the same judge? What do you think are some advantages and disadvantages of this suggested intervention?
9. Do you have any thoughts on the use of police by group home staff to deal with youth behavioural issues?
10. Could you tell us about communication/communication protocols between agencies?
11. Do you have any additional comments?

Because of sensitivity about their role, the judges were asked fewer and more open-ended questions. Judges were asked the following questions:

1. What are some of the primary needs of this population?
2. What are some issues that crossover children face today?
3. Can you recommend any best practices to meet the needs of these young people in the court process?
4. Do you have any additional comments?

The authors of this Report and the sponsors of this research are grateful to the interviewees who took time from their busy professional lives to participate in this project.

Ethical considerations

This study has passed a General Research Ethics Board review at Queen's University and is in compliance with the Tri-Council Guidelines and Queen's University Ethics Policies. The Ministry of Child and Youth Services also approved the study. Each interviewer completed the Tri-Council Ethical Conduct for Research Involving Humans Course on Research Ethics.

1. WHO ARE "CROSSOVER KIDS"?

Definitions

The terms "crossover children," "crossover youth" and the more colloquial "crossover kids," do not have single precise definitions, but rather have a number of overlapping and related definitions and usages, depending on the context and the author.

A crossover child or youth, at the broadest level, can be defined as any child or youth who has experienced maltreatment and engaged in delinquency (Casey Family Programs & Georgetown University Center for Juvenile Justice Reform, 2010). Youth who are "dually involved", a smaller subset of crossover children, are children who are receiving services from the child welfare system and the juvenile justice system at the same time (Casey Family Programs & Georgetown University Center for Juvenile Justice Reform, 2010).

"Dually-adjudicated youth," a smaller subset of dually-involved youth, are youth who are the subject of simultaneous legal proceedings under child welfare and juvenile justice legislation, and involved with both systems at the same time (Casey Family Programs & Georgetown University Center for Juvenile Justice Reform, 2010).

As defined in the *Youth Criminal Justice Act*, youth are those between 12 and 18 years at the time of commission of an offence. (In some American states, children seven and even younger may be dealt with in the juvenile justice system.) The term "crossover youth" is used in this paper to identify a population who share a significant identifying characteristic: adolescents (12 -18 years) involved in both the child welfare and criminal justice systems. Sometimes these youth may be characterized as "transitioning" from the child welfare system to the youth justice system. While all of these terms have some descriptive utility, it is important recognize the limitations of each, as they may imply that these adolescents are a monolithic group.

A number of interviewees from all groups interviewed for this project expressed some discomfort about the term "crossover youth". As adolescents who have been

involved in both child welfare and the youth justice systems, and youth who have often had difficulty in the education system and possibly been involved in the mental health system, these youth are already exposed to multiple labelling, and by association, stigmatization. A single label may obscure the fact that these are individuals with unique needs. Furthermore, as one youth worker pointed out, it is not the youth who “crosses over” but rather the systems. While it is necessary to analyze issues in terms of systemic issues and types of youth issues, the need for individualized assessments and responses should be kept in mind when considering the following research, interviews and recommendations.

Context of the problem

There are few statistics about crossover youth because the various agencies involved typically do not record (and sometimes do not even know) whether the youth whom they work with are currently involved with another agency (Herz, Ryan, & Bilchik, 2010). Although Ontario does not have records or statistics about crossover youth, a 2009 study from British Columbia entitled *Kids, Crime and Care: Health and Well-being of Children in Care: Youth justice Experiences and Outcomes* studied a cohort of more than 50,000 children born in 1986. The found that of the youth in child welfare care, one in six had been in youth custody, whereas less than one in fifty of the general population in the study had been in youth custody (British Columbia Representative for Children and Youth, 2009). As well, police recommended charges for 41 percent of youth in child welfare care, compared to a little over 6 percent of the general youth population (British Columbia Representative for Children and Youth, 2009). Given that British Columbia and Quebec have the lowest rate of custody for young offenders, it is highly likely a greater proportion of crossover youth relative to the general youth population in Ontario than in British Columbia (Burns, Pawagi, Roskies, & Wood, 2008).

Causes and correlations of crossover children

The literature clearly establishes that children in care are more likely to become involved in the youth criminal justice system than children who do not have a history of involvement in the child welfare system (Herz & Ryan, 2008; Ryan, Marshall, Herz, & Hernandez, 2008). A major question in any investigation of crossover youth is what, if any, are the potential causes and correlates of youth in care becoming involved with the youth criminal justice system.

Each youth has an individual history and unique life course that may provide an explanation or context for understanding how they came to be involved with both the child welfare and youth justice systems. However, certain patterns and commonalities are often present. The literature identifies past parental maltreatment, group homes, harsher sentencing attitudes towards youth in care, multiple moves within the child welfare system, substance use and mental health issues as being significantly correlated to becoming a crossover youth. This research was supported by the responses our interviewees.

Past parental maltreatment

Past mistreatment is a known correlational factor for youth in care engaging in criminal behaviour and entering the youth criminal justice system. The literature has theorized that there is not a direct link between a child's involvement with the child

welfare system and a subsequent involvement in the youth criminal justice system, but rather that a past history of trauma leads to involvement with the child welfare system, and this past trauma leads to behaviour that brings the child into conflict with the law and involvement in the youth justice system (Piscitelli & Follett, 2012).

Thus, rather than a direct casual connection between child welfare and youth offences, child maltreatment and disruptions and trauma in the family are associated with offending behaviour and an increased likelihood of being placed in care (Finlay, 2003; Piscitelli & Follett, 2012). For example, one study found that children who were placed in care because of physical abuse within their biological family were more likely to commit delinquent acts (Ryan et al., 2008). It is also revealing that the older the child is when first placed in care, the *more likely* that youth will end up committing an offence. This may be because that child had been exposed to parental neglect or abuse for a longer period of time, which is linked to offending behaviour (Finlay, 2003; Piscitelli & Follett, 2012). This suggests that it may not be involvement in the child welfare system *per se* that causes offending behaviour, but rather the family problems that resulted in a child coming into care that are related to the offending behaviour. Further, as discussed below, treatment in the child welfare system, in particular multiple child welfare placements and inappropriate use of the youth justice system by child welfare group homes, may contribute to offending behaviour.

Harsher sentencing for children in care

As already discussed, past maltreatment is a risk factor for delinquency (Herz & Ryan, 2008; Herz et al., 2010). So youth in care are more likely to engage in anti-social behaviour than youth not in care, which in turn increases a child's risk of becoming involved with the justice system (Piscitelli & Follett, 2012).

Research further suggests that youth in child welfare care are also subject to harsher sentencing practices in the youth justice system than youth not in care. For any given offending behaviour, youth in care are more likely to be charged with an offence than youth out of care, and are more likely to be sentenced into custody even when other factors are controlled for (Herz & Ryan, 2008; Herz et al., 2010; Piscitelli & Follett, 2012; British Columbia Representative for Children and Youth, 2009).

Although there is limited research on possible explanations for this disparate treatment, it may be that crossover youth are perceived as having a higher criminogenic risk than youth not involved in the child welfare system.

Placement in a child welfare group home rather than a foster home

Residing in a child welfare group home is a risk factor for a youth in care becoming a crossover youth, as youth in group homes are more likely to commit offences than youth with similar backgrounds who are placed in foster homes (Herz & Ryan, 2008; Lutz & Steward, 2010; Ryan et al., 2008). A report by Judy Finlay found that Ontario youth viewed group homes as "gateways to jail" (Finlay, 2003). There are a number of possible reasons for this perception. For one, children with behaviour issues are more likely to be placed in group homes, since group homes are a last resort and thus youth with more severe behaviour problems are often placed there (Piscitelli & Follett, 2012; Ryan et al., 2008). Further, staff of group homes are often ill equipped to deal with behavioural issues (Finlay, 2003). Group homes are increasingly relying on calls to the police as part of behaviour

management strategy. One study of thirty-four group homes in the Greater Toronto Area found that in a one year period, there was an average number of eighty-nine police calls from group homes (Office of Child and Family Service Advocacy, 2007).

Our interviews supported the concern that group homes are relying more on calls to the police as part of behaviour management strategy: lawyers, judges and mental health workers all agreed that group home staff are more likely to call the police in instances where a biological parent or even a foster parent would not. A number of lawyers reported that youth in group homes were often charged and ended up in detention or custody for “ridiculous reasons”. Another lawyer commented that she knew “a police officer who would go straight to a particular group home when he was on duty because he knew he would be called there anyways.”

The seriousness of the concerns about misuse of the criminal justice system are reflected in recent remarks by officials in Trent Hills, a largely rural municipality in central Ontario with a relatively large number of group homes for youth from the Toronto area. The local Ontario Provincial Police claim that only 20% of the calls from these homes were “legitimate” matters that require police involvement, and municipal officials expressed concern about the costs of unnecessary police visits (Hoult, 2012). Youth living in group homes, unlike youth under the care of their biological parents or foster care, must adhere to relatively rigid rules involving curfews and freedom. One lawyer whom we interviewed stated: “The staff are trying to exert control and one way they do this is to try and scare the youth. These youth have had traumatic upbringings and many do not know how to regulate their moods. They need more understanding.”

As youth living in group homes often have complex emotional and behavioural issues, the close monitoring and strict rules mean that they are virtually “set up for failure.” The unnecessary use of police calls in place of appropriate behavioural management is unfortunate, as the majority of our interviewees stressed the importance of avoiding unnecessary criminal charges. Further, regular use of police lends to the image of the group home as an institution, at a time in life where the youth require a safe, home-like environment. As a result, youth often do not feel comfortable within these living situations. It also diminishes the trust between the youth and the worker; this is particularly dangerous since youth in care are need of strong, positive mentors. One mental health worker noted:

“These youth have already experienced rejection and abandonment and have a negative history around attachment issues. So that needs to be highlighted and staff need to understand what that means and be able to work with youth who have that history. There needs to be trauma informed care and this is not happening.”

Youth are more likely to run away from group homes than foster homes which in turn increases calls to police (Ontario Office of Child and Family Service Advocacy, 2007, p. 46-47). One Ontario study reported that only 7 percent of youth from a sample group in foster homes had run away from a foster home, as compared to 50 percent who had run away from group homes (Ontario Office of Child and Family Service Advocacy, 2007). The research did not conclude if the higher percentage of youth running from group homes as opposed to foster homes was because of the group homes themselves (i.e. because group homes are more likely to call police) or because youth in group homes may have more difficulties that cause them to run away, or as seems most likely, some combination of these two factors.

The high rate of offending by youth in group homes is also related to the facts that these youth have likely experienced multiple placement moves, which is itself a risk factor for involvement with the youth criminal justice system (Ryan et al., 2008). Lastly, peer contagion may be a contributing factor, as group homes encourage interactions with other youth experiencing behaviour problems and separation from positive role models. (Ryan et al., 2008).

Multiple moves in the child welfare system

Multiple placements and moves within the child welfare system are also related to involvement in the youth criminal justice system (Finlay, 2003; Herz & Ryan, 2008). One study by Ryan and Testa (2005) found that males who had been placed three different times were 1.54 times more likely to have a delinquency charge than males with one placement and males with four or more placements were 2.13 times more likely to have a delinquency charge (Lutz & Steward, 2010; Ryan & Testa, 2005). Multiple moves may be associated with delinquency because multiple moves prevent youth from forming attachments and negatively impact their ability to form trusting relationships with staff and positive role models (Finlay, 2003; Herz & Ryan, 2008). This difficulty is made worse when there is a poor relationship between the child and their welfare worker (Finlay, 2003; Herz & Ryan, 2008).

Substance use

Children in care are also more likely to use illegal substances than children not in care (Chuang & Wells, 2010; Herz & Ryan, 2008). This is likely due to the fact that a history of childhood neglect and abuse is associated with substance use (United States Child Welfare Information Gateway, 2008; Wilson & Spatz Widom, 2010). Regardless of the high rates of crossover children using illegal substances, a 2010 American study¹ found that no crossover children had been provided with inpatient substance abuse counselling while youth involved in only one of those two systems had greater access to those services² (Chuang & Wells 2010).

An American study of 407 adolescents found that 79 percent of youth involved in both the child welfare and youth justice systems suffered from substance abuse problems, compared to 58 percent of youth who were solely under child welfare care and 52 percent who were only involved in the youth justice system. However, only ten percent of these crossover youth received outpatient services, while 15 and 14 percent of youth solely under child welfare or youth justice, respectively, received community services. No youth from the sample of crossover youth received inpatient mental health care (Chuang & Wells 2010).

Mental health issues

Mental health issues are also a contributory factor for children in care becoming involved with the youth criminal justice system. Lack of treatment for mental health issues

¹ This study used a sample of 4080 children from the Child Protective Services cohort of the National Survey of Child and Adolescent Well-Being.

² In comparison to the crossover children in the study, 7 percent of children in care and 25 percent of children in the justice system received inpatient substance abuse treatment.

is a significant factor leading to offending behaviour (Finlay, 2003). This is a particularly relevant issue given that 65 percent of children in care have a diagnosed mental disorder (Piscitelli & Follett, 2012; British Columbia 2006). Personal relationships are important to maintaining good mental health (Provincial Advocate for Children and Youth, 2013) and social bonds are a protective factor against youth in care becoming delinquent (Herz & Ryan, 2008). In addition, quality living situations are also important for mental health (Provincial Advocate for Children and Youth, 2013). Thus, children in care who do not reside in quality placements that encourage the formation of positive social bonds and close personal relationships are more likely to have a lack of support for their mental health issues.

What are the risks faced by crossover youth?

Crossover youth face potential risk that is reflected in their involvement in both the child welfare and the youth criminal justice systems.

Children and youth in child welfare care usually have a history of having been abused or neglected. They are also more likely than other children to have been to have had exposure to toxic substances while in utero, and as adolescents are more likely to become pregnant, have mental health and emotional difficulties and to have low academic achievement (British Columbia Representative for Children and Youth, 2009).

As a result of being in care, children have less opportunity to form a supportive and loving relationship with a parental figure, and thus are at increased risk of involvement with negative peer influences and exposure to physical, sexual and/or emotional abuse (British Columbia Representative for Children and Youth, 2009). These risk factors in turn increase the likelihood that the child in question will become involved with the criminal justice system as a child or adult (British Columbia Representative for Children and Youth, 2009).

Children who become involved in criminal activity also are at risk. For instance, a child's youth court record may negatively affect potential future employment. While the child is under the age of 18, and if the access period of their record remains open, their record may be accessed during a criminal record check if they are applying for a certain types of employment (Department of Justice, 2013). If a child with a youth record is applying for a non-government job, the criminal record check will reveal that they have a youth record, although it will not disclose details (Department of Justice, 2013). In addition, if the child commits a crime once an adult, if their youth record is still not sealed, then their youth record will be integrated with their adult record (Department of Justice, 2013). Furthermore, a youth record can prevent the child from travelling outside of Canada (Public Legal Education and Information Service of New Brunswick, 2009).

Interaction with the criminal justice system, apart from the fact of having engaged in criminal behaviour, is significantly related to future criminal behaviour, likely as a result of interaction with negative peer influences in the youth justice system (Ministry of Children and Youth Services, 2010). Crossover youth, merely by being involved with both the child welfare and youth criminal justice systems, are more likely to have more risk factors than children merely involved with one agency, which in turn increases their risk of offending (Yessine, 2011).

Further crossover youth are more likely to fall victim to accountability and service gaps by virtue of being involved in multiple systems, as the agencies generally have few, if

any, communication and cooperation protocols. When asked about communication, the majority of our interviewees from every profession said the ease and efficiency of sharing information depended largely upon informal relationships.

Current problems in working with crossover youth

Lack of timely identification

Prior or current involvement with the child protection system is not always immediately identified once a youth enters the criminal justice system.

A number of American studies have identified that a lack of timely identification is a structural difficulty (Herz et al., 2012; Siegel & Lord, 2004). Lack of timely identification creates problems because police are forced to rely on self-reported information provided by the youth (Herz et al., 2012). If police, prosecutors and judges are not able to ascertain who is a youth's legal guardian, then they might be more likely to detain the youth than they would otherwise (Herz et al., 2012). Even if the police are able to contact a youth's welfare workers, the welfare workers might not be available if the youth has been arrested outside of normal working hours (Herz et al., 2012).

Many of the lawyers and judges interviewed mentioned that this late identification creates one of the biggest problems facing crossover youth, which results in the lack of a strong adult advocate and supporter in youth court. Youth in care often appear in court without their "parent" (the CAS). While appearing in court alone is frightening for the youth, it also raises a practical concern since the youth's CAS worker could provide the court with valuable information. Furthermore, if child welfare workers do not attend bail hearings, then the youth is less likely to be released as soon as would normally be possible for a youth not in care (Herz et al., 2012).

Our interviews highlighted that this was a real problem if a youth was arrested on a Friday night or the weekend or a holiday, since few CAS workers were willing to come to Saturday bail hearing. One lawyer noted that there was a stark difference in dealing with youth in care and youth not in care: "A biological parent will call you at 3am Friday begging you to come, but there is often no way to get a youth's worker [to court]". A youth advocate agreed that "the support system that is set up to support them does not support them."

Thus, youth in care are often forced to remain in detention, as there is no adult attending to provide information about the youth's residence or the supervision and support that can be provided.

Lack of collaboration between systems

Lack of collaboration between the child welfare and the youth criminal justice systems is another problem that affects outcomes for youth (Casey Family Programs & Georgetown University Center for Juvenile Justice Reform, 2010; Chuang & Wells, 2010). Addressing this issue would require a "paradigm shift," as these systems would have to change how they currently provide services (Casey Family Programs & Georgetown University Center for Juvenile Justice Reform, 2010).

A barrier to collaboration is that limited resources and rigid funding gives the impression that collaboration will take valuable time and resources away from the primary mission of the agency. For instance a children's aid society might worry that liaising with police every time a child in care is arrested would take too much time away from a

caseworker's other duties. However, collaboration actually results in more advantageous results both in outcome and cost (Casey Family Programs & Georgetown University Center for Juvenile Justice Reform, 2010). For instance, inter-agency collaboration, the trading of resources and information between agencies, results in quicker access to mental health services which in turn leads to better mental outcomes for youth (Chuang & Wells, 2010). Collaboration should occur at all levels of the system - between the child welfare agencies and youth criminal justice system as well as collaboration with the youth's teacher, social worker and other key players (Herz et al., 2012).

Collaboration that is not formalized or consistent can create agency confusion over their individual roles and responsibilities when multiple agencies are involved (Chuang & Wells, 2010; Herz & Ryan, 2008). As well, conflict between agencies over limited sources of funding, or conflict in general, impedes collaboration efforts (Chuang & Wells, 2010; Herz & Ryan, 2008). Finally a lack of understanding across agencies about other agency's viewpoint, and a lack of guidance and support from the government are two additional factors that are identified barriers to collaboration (Chuang & Wells, 2010; Herz & Ryan, 2008).

However, research has also found several factors that assist in overcoming barriers to collaboration. Judicial leadership and the creation of processes that will improve the sharing of information, case oversight and provision of services between agencies is a key to fostering collaboration (Herz & Ryan, 2008). In addition, early notification that a child in care has become involved in the youth criminal justice system, as well as more effective initial assessments and coordination between agencies in regards to case planning and supervision would also facilitate collaboration (Herz & Ryan, 2008).

Joint training for all staff from different agencies who are engaged in work involving crossover youth is also beneficial for collaboration (Herz & Ryan, 2008).

Finally, formal written agreements that delineate each agency's role and responsibilities is also necessary for truly effective collaboration (Herz & Ryan, 2008).

Lack of effective programming

Another problem related to poor communication is a lack of effective programming for individual youth. Child services are complex and fragmented (Finlay, 2003; Ontario Office of Child and Family Service Advocacy, 2007). This creates gaps and allows different agencies to "avoid blame", in situations where there was not a reasonable level and quality of care (Ontario Office of Child and Family Service Advocacy, 2007). For crossover youth, the relationship to staff, case management, and services that the youth receives under child welfare do not follow him or her often enough to the youth justice sector (Ontario Office of Child and Family Service Advocacy, 2007).

As well, crossover youth are put at risk because of "siloining" of the various professions involved in their care (Herz et al., 2010; British Columbia Representative for Children and Youth, 2009). Siloining also occurs in the provision of mental health services to youth (Ontario Provincial Advocate for Children and Youth, 2013). As already discussed this is a major problem since a lack of treatment for mental health issues is linked to involvement with the criminal justice system (Finlay, 2003), and roughly two thirds of

children in care are diagnosed with a mental or emotional disorder ³ (Piscitelli & Follett, 2012; British Columbia, 2006).

A prominent theme of our interviews was the need for better assessment and treatment for mental health and emotional disturbance issues for youth. One lawyer went so far as to say that mental health treatment was the most significant need of crossover youth as “virtually every crossover youth has some sort of mental health problem.”

Lack of transitional programs

Youth in care, even those who are not also under the criminal justice system, experience problems one they “transition” or “age” out of care (Lutz & Steward, 2010). This is a larger problem for crossover youth who may have lost contact with their foster family and/or social worker once entering the youth justice system.

Although youth are legally an adult at the age of 18 in Ontario, they are often still lacking important life skills and emotional maturity, as well as lacking the means to support themselves. Youth not in care often receive parental and familial support far beyond the age of adulthood. In Ontario, Children’s Aid Societies can provide some support for those who were wards at the age of sixteen until they reach twenty-one years of age. However, if a youth in care becomes involved in the youth justice system, and in particular is placed in youth custody, the possibility of this support into early adulthood is often lost. Crossover youth are often left to find education, employment and housing on their own as soon as they reach the age of eighteen, and in some cases even younger. As one probation officer put it: “16-18 year olds are often left to their own devices, but they lack the life experience to really be successful.”

This puts youth and young adults at an increased risk of homelessness, unemployment, and further criminal activity (Lutz & Steward, 2010). Much of the research focuses on the need for preventative interventions. Our interviews also stressed the importance of early assessment and treatment, but stressed the importance of not “giving up” on the youth if early intervention is not possible or successful. There should not be an arbitrary cut off age in which youth are deemed a lost cause.

2. ONTARIO COURT JURISDICTION & AGENCY RESPONSIBILITY

Jurisdiction of Ontario courts

There are two trial courts in Ontario: the Superior Court of Justice and the Ontario Court of Justice (Ontario Ministry of the Attorney General, 2011). Judges are appointed to the Superior Court by the federal government, while the provincial government appoints judges to the Ontario Court of Justice.

In some localities (about 40% of the province by population), the Superior Court has Family Court branch, which has jurisdiction over all cases relating to divorce, division of property, support, custody and access of children, adoption and child protection (Ontario Ministry of the Attorney General, 2011). In these localities, for almost all cases, the Youth Court is the Ontario Court of Justice, and child welfare and youth matters are dealt with in different courts.

³ This statistic was taken from the 2006 health study from British Columbia that examined 9 080 children in care in British Columbia in October 2005.

In the rest of the province there is no unified Family Court. The Superior Court of Justice will deal with divorce, division of property, support, child related issues such as custody and access. In these localities, which include Toronto, the Ontario Court of Justice has jurisdiction over child protection and adoption, as well as concurrent jurisdiction over support and custody and access (Judges' Library, 2013b). In these localities, for almost all cases, the Ontario Court of Justice also is the Youth Court. However, in some court centres, judges in the Ontario Court of Justice tend to specialize, so that they either deal with family matters, including child welfare and adoption, or criminal matters including has jurisdiction youth court. In these places, although child welfare and youth court matters are technically dealt with by the same level of court, the Ontario Court of Justice, there is a still a practical separation between the child welfare and youth justice processes.

Ontario's child welfare system

The *Child and Family Services Act* is the provincial statute that governs child protection, adoption and the locally administered Children's Aid Societies in Ontario (Ministry of Children and Youth Services, 2011). There are forty-six Children's Aid Societies in Ontario, six of which serve an Aboriginal population, two serve a Catholic population and one serves a Jewish population. Children's Aid Societies have direct responsible for child protection, including investigating reports of abuse and neglect for children and youth under the age of 16 and, if necessary, taking children in care and supervising their placements in foster and group homes, as well possible adoption. The Ontario Ministry of Child and Youth Services financially supports and regulates the Children's Aid Societies, develops policies to assist the child welfare program and is responsible for setting standards for group and foster homes.

Ontario's youth justice system

The *Youth Criminal Justice Act* (YCJA) has been in effect since 2003; it is the law that regulates the youth criminal justice system in Canada. The vast majority of youth criminal cases take place before a judge of the Ontario Court of Justice. In limited circumstances involving the most serious cases, where there is a right to a jury trial, the case will be heard by the Superior Court of Justice, albeit sitting as a Youth Court.

The Ontario Ministry of Child and Youth Services financially supports and regulates the provision of services for young offenders. Probation and secure custody services are provided by Ministry staff, but local agencies operate some community based services and open custody group homes. The Ministry is responsible for setting standards for group homes for young offenders and for the operation of youth custody facilities (Ministry of Children and Youth Services, 2011).

The Ministry of the Attorney General is responsible for the prosecution of cases in Youth Court.

3. GUIDING PRINCIPLES

The literature and interviews have identified some guiding principles that should be followed in order to best assist the needs of crossover youth. These principles will be discussed in detail in this Report, but are identified and summarized here.

The first guiding principle is the importance of early intervention to provide appropriate services and behaviour management. Interventions should occur at key life

points in order to best address the roots of behaviour difficulties (Chuang & Wells, 2010; Finlay, 2003). In particular, once a youth is charged, the Children's Aid Society should reformulate its plan of care to address the problems that led to the offence (British Columbia Representative for Children and Youth, 2009). As well, behavioural health services should be used in order to increase the likelihood that youth will be able to be successfully reintegrated once involvement in the youth justice system is over (Chuang & Wells, 2010). This is a key principle because out of all the youth in care and/or youth involved in the criminal justice system who require behavioural health services, only a small proportion receive them (Chuang & Wells, 2010); this lack of access to behavioural health services is likely linked to the lack of coordination between the multiple agencies youth are involved with (Chuang & Wells, 2010).

The second guiding principle is that programs should focus on stability and meaningful relationships for the youth. If possible, programs should be aimed at keeping the family together (Finlay, 2003). Where it is not possible to keep the youth with his or her family, the placement for the youth should attempt to replicate the family structure (i.e. foster homes rather than group homes) and youths should have a single caseworker who provides continuous support until the child reaches adulthood, even if the child is charged under the YCJA (Finlay, 2003). It would also be helpful for the youth to have one lawyer for both the child protection and criminal justice cases, or a single dedicated worker in charge of case management; this will be further discussed in the recommendations section.

In one Ontario study, over 66 percent of children in care felt that foster homes were their preferred type of placement (Finlay, 2003). Group home care tends to be associated with a more rigid, institutionalized life, with less opportunity for involvement in the community than if there has been placement in a foster home (Ontario Office of Child and Family Service Advocacy, 2007). In foster care, there are greater opportunities for community partnerships and creating a strong school community with extra-curricular activities that can assist in creating stability and meaningful relationships (British Columbia Representative for Children and Youth, 2009).

The third guiding principle is that reliance on police and charging should be reduced for youth in the care of the child welfare system. In particular, some group homes have higher instances of use of police to deal with behavioural issues. Youth are usually placed in a group home due to some type of behavioural or emotional issues. As such, these youth often engage in angry outbursts and are resistant to authority. Unfortunately, staffs in some group homes rely too much on police for behaviour management (Office of Child and Family Service Advocacy, 2007; British Columbia Representative for Children and Youth, 2009).

The fourth principle is that coordination between agencies providing services to a youth is important: communication and co-ordination between agencies and professionals in the child protection and youth justice systems should be improved. Potential interventions need a focus on a holistic, youth-centered approach. Police and prosecutors are not responsible to the same ministry as the agencies that provide child welfare, mental and youth offenders services, so no single ministry has sole responsibility for the care of the child (Ontario Office of Child and Family Service Advocacy, 2007). As well, sharing information about young offenders and their involvement with the child welfare system is often done at an informal level, if at all. Policies and formal mechanisms for improved

communication should be put in place, such as the use of a shared electronic database between the child welfare and youth justice systems (Burns et al., 2008).

The fifth guiding principle is that children and youth should be involved in decisions regarding their lives. For example, it is known that multiple moves in the child welfare system are associated with delinquency (Lutz & Steward, 2010; Ryan & Testa, 2005). One way of addressing the problems associated with moves might be involving children more in decisions regarding moves. In an important study by the Child Advocate on the quality of care provided by three children's aid societies in Ontario, youth identified three key actions that would have assisted their transitions in care. These three actions were: having their move discussed with them prior to the actual move, being told the truth about why they were being moved in a clear and straightforward manner, and having a chance to visit their placement before being moved would be beneficial (Ontario Office of Child and Family Service Advocacy, 2007).

5. PREVENTATIVE INTERVENTION

Before discussing interventions that should be implemented once a youth in care has become an offender, it is important to discuss some preventative interventions that have been identified in the literature as effective for reducing the incidence of youth in care entering up in youth justice system. The interventions discussed in the following sections all have the common goal of preventing children and youth who are in care from becoming involved in the criminal justice system, primarily through addressing the risk factors that can lead a youth in care to become involved in offending behavior and with the criminal justice system. Ideally, early intervention would save money in the long run. One lawyer remarked that "You can spend money now or \$100,000 a year after Johnny turns 18."

As noted in the discussion, there is support in the research literature for the effectiveness of each of the programs considered. However, little of this research was conducted in Ontario, and there needs to further study before any of these programs are implemented, and in some cases expanded, in Ontario.

Kinship services and care

Kinship care is when children who are in the care of a child protection agency are removed from parental care and placed with members of their extended family rather than in a foster or group home (Ontario Association of Children's Aid Societies, 2010a; Piscitelli & Follett, 2012). Even if relatives are unable to take in the child on a full time basis, this service could help find relatives to build family connections by assisting in creating support and stability. The concept of "kin" can include those with blood ties as well as those without blood ties who are important to the child (e.g. godparents or tribe members) (Ontario Association of Children's Aid Societies, 2003).

In Ontario, kinship caregivers are required to attend the PRIDE (Parent Resources for Information, Development and Education) program, which is a twenty-four hour training program that addresses issues such as child development, effective parenting strategies, attachment and loss (Ontario Association of Children's Aid Societies, 2010a). This is a valuable program given the potential difficulty of caring for children who are no longer living with their parents, as these children are likely have a history of abuse or

neglect, and therefore may have insecure attachment patterns that make it difficult for children to form a secure bond with a new caregiver (Schofield & Beek, 2005).

There are a number of benefits to kinship care. In many locales, there are not enough foster homes in which to place children relative to the number of children who require placement (Ontario Association of Children's Aid Societies, 2003). If there are not enough foster homes in the community where a child resides, then children will be placed in group homes or foster homes far from their home community, which results in less than optimal outcomes for children (Ontario Association of Children's Aid Societies, 2003).

While kinship care initially requires a CAS to undertake a search for appropriate relatives or family friends to care for a child, kinship care generally costs less than foster care or group home placement. This is due to the fact that kinship families will generally only be assisted only with unusual expenses, unlike foster families who will be paid for the care provided (Ontario Association of Children's Aid Societies, 2003; Ministry of Children and Youth Services, 2011c).

Finally, and perhaps most importantly, outcomes for children are generally better with kinship than in other placements. Placement with kin is generally less disruptive for children, and tends to reduce the number of moves a child must undergo, is less distressing to children, and allows for permanence (Ontario Association of Children's Aid Societies, 2003). A meta-analysis was conducted of sixty-two quasi-experimental studies and, while it did not discuss offending behaviour, this review found that children in kinship care had better mental health functioning, placement stability and behavioural development than children in foster care (Winokur, Holtan, & Valentine, 2009). In addition, kinship care is often the safest and least restrictive setting for child-in-care placement (Winokur et al., 2009).

As well, kinship care is the closest substitute to the reunification of the parents, and may facilitate on-going contact with the parents and other relatives. One study, with a sample of 727 children, found that the majority of children in care wanted to live with their biological parents over any other option (Chapman et al., 2004), with 58 percent of the children remaining hopeful that they would be reunited with their biological family (Chapman et al., 2004). Unfortunately, reunification of the family of origin is not always a viable option, but children in foster care or kinship care were much more likely to like the people with whom they were living and to feel that their caregivers liked them than children living in group homes (Chapman et al., 2004).

Research suggests that adolescents in group homes and foster care were more likely to try to run away from their placement than children in kinship care (Chapman et al., 2004). Although there is a paucity of research directly linking kinship care to lower offending rates for children, generally kinship care will reduce the number of criminogenic risk factors that lead to offending behaviour such as instability, living with criminals, and so on (Marsh, 2009).

Kinship care is already being used in Ontario; the research discussed here clearly suggests that greater use of kinship care would reduce the incidence of youth who have been removed from the care of their parents becoming involved in the youth justice system. There are, however, practical and other issues related to further implementation that need to be addressed, including challenges in recruiting and supervising willing and capable kinship caregivers.

Programs for Under 12's (SNAP)

There is real value in programs and interventions directed at children under the age of twelve who are engaging in offending but are too young to be charged under the *Youth Criminal Justice Act*.

A few communities in Ontario have special programs to which police and child welfare agencies can make referrals for intervention for child offenders under age twelve. The Child Development Institute in Toronto has the largest, and most sophisticated array of programs for child offenders under twelve. The Institute's programs involve individualized assessment using a standardized instrument, and working with both parents and children. The Institute has a basic SNAP (Stop Now And Plan) program, with special programs for girls, child sexual offenders, and fire setters. Research suggests that the model of intervention developed by the Institute can significantly reduce the risk of reoffending by children (Koegel et al, 2008), In most localities in Ontario, however, there are no such programs for child offenders.

Multidimensional Treatment Foster Care (MTFC)

Multidimensional Treatment Foster Care (MTFC) is also an intervention designed to prevent children from further interactions with the criminal justice system. In MTFC the child is placed with trained foster parents, and the parents receive family therapy with the intent of having the child eventually rejoin the family (Piscitelli & Follett, 2012). This helps to create a stable environment and encourages preservation of relationships between the family (Piscitelli & Follett, 2012). Indeed, one youth advocate whom we interviewed identified MTFC as the most promising solution for crossover youth, albeit expensive, suggesting that it could do "wondrous things."

MTFC treats placement with the foster family as a form of therapeutic intervention (Chamberlain, 2003; Goodman et al., 2008). Foster parents themselves are considered members of the treatment team (Schwartz, Barican, Garland, Gray-Grant, & Nightingale, 2012). Caseworkers involved in MTFC have relatively low caseloads of about ten to twelve children per caseworker (Ontario Association of Residences Treating Youth, 2003).

MTFC was originally developed in Oregon and is being used in Canada, Sweden, the U.S. and the UK (Goodman et al., 2008). In Ontario, Algoma Family Services has started to offer MTFC (Algoma Family Services, 2013). MTFC is used for children with severe behaviour and emotional problems and/or with delinquency issues, as an alternative to group home care but has been found to be especially effective for crossover children and youth (Goodman et al., 2008; Schwartz et al., 2012).

In an Oregon State study, the MTFC treatment group spent less time incarcerated during their placements⁴ and one year after discharge the MTFC treatment group had fewer arrests, runaways and self-reported incidents of delinquency than a group home

⁴ The sample group was composed of 79 boys who were referred by the youth criminal justice system. Each boy was randomly assigned to either the intervention group (treatment with MTFC) or the control group (a regular group home in Oregon State). Boys from the intervention group spent less time in lock-up than did the control group ($p=.001$), including fewer days in detention facilities (intervention group days= 32; control group days= 70) and in state training schools (intervention group days= 21; control group days= 59). Individuals from the intervention group spent 60% fewer days incarcerated than did individuals from the control group.

control group⁵. (Chamberlain, 2003; Ontario Association of Residences Treating Youth, 2003). Two years after discharge the MTFC treatment group were more likely to have better relationships with their families, have jobs, practice safe sex and less likely to engage in substance use (Chamberlain, 2003; Ontario Association of Residences Treating Youth, 2003). MTFC has also been shown to be effective for a broad range of children, irrespective of their level of social risk prior to engaging with the intervention (Chamberlain, 2003; Ontario Association of Residences Treating Youth, 2003).

Other reviews of MTFC have found significantly better outcomes than for children in ordinary foster care (Schwartz et al., 2012). For instance, girls had increased homework completion and school attendance as compared to crossover females in group homes⁶ (Goodman et al., 2008; Leve & Chamberlain, 2007; Schwartz et al., 2012). However, the effectiveness of MTFC is reduced if the child has experienced sexual abuse or lived in a home with parents who had a history of chronic drug use or criminal activity (Goodman et al., 2008; Hahn et al., 2005; Ontario Association of Residences Treating Youth, 2003).

Ideally, foster parents engaging in MTFC will be understanding, reinforcing, structuring, and will set rules, limits and consequences (Goodman et al., 2008; Goodman et al., 2008; Ontario Association of Residences Treating Youth, 2003). While research shows the benefits of MTFC for crossover children, MTFC providers need to exhibit the above behaviours in order for the crossover children in their care to benefit from MTFC. This is a limitation of all relationship based interventions: no matter what the strength of the research behind the intervention, the replication of the intervention outcome might be compromised if providers cannot imitate the relationship building behaviours of the intervention providers from the original study.

Teaching Family Model (TFM)

The Teaching Family Model (TFM) is similar to the MTFC, but it is a group care based placement while MTFC is a foster care placement (Piscitelli & Follett, 2012). TFM group home parents are given training before they begin living in a family style group home with six to eight children (Piscitelli & Follett, 2012; Wolf, Kirigin, Fixen, Blase, & Braukmann, 1995).

TFM was first developed in 1967 at Achievement Place, a group home in Lawrence, Kansas for children who had been involved in delinquency (Fixen, Blase, Timbers, & Wolf, 2001). TFM can also be adapted to foster care and at-home based treatment (Fixen et al., 2001). Initially, there were serious difficulties in replicating the success of the original TFM model because the relationship building skills of the teaching parents is so vital to child outcomes (Wolf et al., 1995). However, this concern has apparently been addressed since the training model was changed from a academic masters degree program to a training model that focuses explicitly on explaining how to use the successful components of the original program in a group home setting, including how to develop mutually reinforcing relationships (Wolf et al., 1995). TFM is less expensive to initially implement than the MTFC (Piscitelli & Follett, 2012).

⁵ The study did not list the specific amount of reduction in self-reported delinquency.

⁶ This study examined 81 juvenile delinquent girls who were randomly assigned into either the intervention group (MTFC) or control group (regular group home care).

In the TFM, use is made of a “token economy” motivation system with the children in care: depending on the child’s behaviour points entitling a child to privileges or rewards are earned or lost (Wolf et al., 1995). A form of self-government was also used in the TFM: a peer elected “peer manager” can reward or take away fellow children’s points (Wolf et al., 1995). Additionally, children self-governed through a daily family conference where the children engaged in logical problem-solving skills (Wolf et al., 1995). Teaching parents also follow a list of interaction elements, such as praising what the child has already accomplished, when teaching skills to the children in their care (Wolf et al., 1995).

The American Psychological Association, the U.S. Office of Juvenile Justice Delinquency Prevention and the U.S. Surgeon General’s Office have all recognized TFM as evidence based practice, meaning that TFM has been recognized as effective by research studies of high quality (Closer to Home Community Services, 2013). Studies have shown that if there is a reinforcing relationship between the teaching group home parent and the child, delinquency is reduced (Wolf et al., 1995). A study by Kirigin et al. (1982) found that a lower proportion of girls in TFM placements had offences during treatment than girls in non-TFM placements (Kirigin, Braukmann, Atwater, & Wolf, 1982; McElgunn, 2012). As well, boys decreased their number of offences in TFM placements while boys in non-TFM placements increased theirs⁷ (Kirigin et al., 1982; McElgunn, 2012).

Studies have found that children in TFM placements showed a reduction in the measured level of juvenile delinquency as compared to a cohort of same-aged Canadian youth (McElgunn, 2012; Slot, Jagers, & Dangel, 1992). For instance in the Canadian study discussed in the Slot et al. article, the number of youth remaining at their pre-treatment offending level was lower for the intervention group (24%) than for the control group (48%) (McElgunn, 2012; Slot, Jagers, & Dangel, 1992). In addition, the TFP group in this same study had a higher percentage of children moving towards a less serious offending level (73% versus 20%), and a lower percentage of children moving into a more serious offending level (3% versus 24%) (McElgunn, 2012; Slot, Jagers, & Dangel, 1992).

Functional Family Therapy (FFT)

Functional Family Therapy (FFT) was one of the first evidence based interventions for juvenile offenders and now has over 270 programs internationally that treat around 17,500 children and their families per year (Henggeler & Schoenwald, 2011). FFT involves eight to thirty one hour sessions, depending on the severity of the child’s situation, generally spread over three months (DeMaranville, 2010)

Multiple studies have shown a reduction in antisocial behaviour for children who are engaged with FFT (Henggeler & Schoenwald, 2011). FFT is a behaviourally based intervention that is intended to address the presenting problem by viewing it as a symptom of the dysfunctional family system (Henggeler & Schoenwald, 2011). Thus, FFT uses behavioural (e.g. communication training) and cognitive behavioural (e.g. anger management training) interventions (Henggeler & Schoenwald, 2011). FFT is premised on

⁷ In this study by Kirigin et al., boys in the TFM placement averaged 1.3 criminal offences per year (a decrease of 54 percent from a pretreatment criminal offence average of 2.8), while the non treatment boys increased to 2.9 criminal offences per year (an increase of 81 percent) from the pretreatment average of 1.6 criminal offences per year. The sample size of this study was 140 children in the treatment group and 52 in the comparison group.

engagement with all family members as the key to the intervention's success in implementing and sustaining change within the family system (Henggeler & Schoenwald, 2011). FFT requires that the therapist undergo a rigorous training and certification process before beginning treatment (Henggeler & Schoenwald, 2011).

FFT has been shown to be an effective intervention for reducing the risk of offending behaviour in children involved with child protection agencies (Savignac, 2009; Sexton & Turner, 2010). One study showed that children who were engaged in FFT showed a statistically significant reduction in felony (35%), violent crime (30%) and misdemeanour recidivism (21%) when compared to the control group of children in a standard probation service⁸ (Sexton & Turner, 2010). As well, FFT has demonstrated that it also reduces the likelihood of a child's sibling committing offences (Savignac, 2009).

Multi-systemic Therapy (MST)

Multi-systemic Therapy (MST) was developed in the US in the 1970s (Latimer, 2013). MST is an intensive clinical intervention that works with families with children at risk of offending behaviour in their care (Piscitelli & Follett, 2012). It is intended to address the factors in a family that cause or contribute to antisocial behaviour in youth, such as chronic family violence and substance abuse. MST is an intensive intervention that is individualized to each family's unique needs and can be run from the home, school or community setting; it is based on the idea that caregivers are the essential agents of change (Piscitelli & Follett, 2012).

MST has shown some promising results in preserving family units and reducing offending in American studies, (Piscitelli & Follett, 2012) but a Canadian study did not replicate these results. (Centre for Children and Family Services in the Justice System, 2002).

The Center for the Study and Prevention of Violence identified it as a possible "Blueprint for Violence Program", as potentially being effective in reducing adolescent violent crime, delinquency, aggression and substance use (Latimer, 2013). MST has had a number of evaluations conducted regarding its effectiveness, frequently using randomized treatment and lengthy follow-up periods (Latimer, 2013). There are over one hundred articles on the MST Services website, many of which are from peer-reviewed journals (Latimer, 2013). A study by Henggeler, et al. (1998) showed that children who had engaged in MST had a 25 to 70 percent reduction in long-term rates of rearrests (Henggeler, Mihalic, Rone, Thomas, & Timmons-Mitchell, 1998; Latimer, 2013). A collection of meta-analyses found that MST was correlated with reduced recidivism compared to other types of family therapy (Latimer, 2013). MST has found to be effective regardless of the child's ethnicity and gender (Latimer, 2013).

One serious limitation with MST studies is that the majority of studies on it were done in an American environment, in some cases by those associated with the provision of the service. The sole Canadian study conducted by the Centre for Children and Family Services in the Justice System in 2002 found no significant differences in outcome between children engaged in MST and children who were not (Centre for Children and Family

⁸ The sample size of this study was 38 therapists and 917 families throughout fourteen counties in urban and rural areas in a large western American state. Youth were assigned to either the intervention (FFT) or control (treatment as usual) group in a 1 to 1 ratio.

Services in the Justice System). As well, a Swedish randomized controlled trial also found that children in MST improved only to the same extent as the control group who were receiving the standard treatment (Sundell K. et al., 2009). One hypothesis of why the effectiveness of the original MST study was not replicated in Canada and Sweden is that because Canadian and Swedish children have access to free healthcare, including mental health services, whereas American children not in the MST group had less access to those same services (Centre for Children and Family Services in the Justice System). As well, the differences between the American and Canadian study population may have confounded replication. For example, the American children had a lower socio-economic status and more serious criminal histories (Centre for Children and Family Services in the Justice System). In addition, the American MST programs were relatively well funded compared to the Canadian MST program that was studied (Centre for Children and Family Services in the Justice System).

These listed factors might explain why the American results were not replicated in the sole Canadian study. However, as Canadian studies of MST has not yet shown the same positive that American studies have, further research is required before this intervention can be fully recommended as a successful intervention for crossover youth.

5. SCREENING AND ASSESSMENT INTERVENTION

Interventions in this category are aimed at identifying crossover youth at the time of initial involvement in the youth justice system and then developing individualized intervention or treatment plans (Herz & Ryan, 2008). Some recommendations suggested by the literature and our interviewees are: early identification and assessment of crossover youth, use of standardized assessment tools and establishing a “one-stop assessment” process.

Early screening and assessment of crossover youth

It is important that all youth who come into contact with the youth criminal justice system are screened to determine if they are also involved a child welfare agency (Lutz & Steward, 2010; Siegel & Lord, 2004). Early identification as crossover youth will allow for a better assessment of needs and chance of diversion (Lutz & Steward 2010).

Currently Ontario police, prosecutors and court do not routinely screen for child welfare involvement with a youth involved in the youth justice process. One model for screening is for the youth court to take the lead in ensuring that screening for child welfare involvement occurs at the time of first appearance in youth court (Siegel & Lord, 2004), although this screening could be done an earlier stage by police or prosecutors.

Once identification occurs, there is a need for assessment of the youth’s needs and development of an intervention or treatment plan. Problems within the family should be identified so that the sole focus is not on the youth as “the problem” (Siegel & Lord, 2004). Given that factors within the family impact a child’s criminological risk, such as a sibling’s involvement in criminal activity, and a family history of violence, abuse or neglect, it is important that family issues are understood and addressed (Henggeler & Schoenwald, 2011).

One example of a program that utilizes best practice screening and assessment is the ACS Confirm program, operated by the New York child welfare agency, the

Administration of Child Services (Siegel & Lord, 2004). This program was developed in order to address the negative consequences that were resulting from a lack of collaboration between agencies. In the ACS Confirm project, as soon as a juvenile arrives at one of NYC's detention facilities, the child welfare system database is searched to see if the juvenile is involved with a child welfare agency. If a child is involved with a child welfare agency, the ASC caseworker is contacted by the detention home staff, and the police and probation officer are notified as well (Siegel & Lord, 2004). In addition, a child welfare worker must be present at the child's court appearances. Then, under the ACS Confirm mandate, a conference will be held with the child welfare caseworkers, probation officer and other relevant officials present in order to coordinate services and ensure participation from every key player (Siegel & Lord, 2004). One study of ACS Confirm found that while the percentage of foster care youth placed in juvenile detention did not change significantly, the ratio of foster care youth to non-foster care youth detained decreased (Lutz & Steward 2010).

Establish interagency intake assessment and screening centres

In a number of cities in the USA, "one stop" centers have been established, often called Children's Advocacy Centers (CACs), to allow for improved assessment and increased interagency collaboration for working with crossover youth and other child welfare cases (Siegel & Lord, 2004).

These centres allow for the collaboration of teams of professionals from different agencies (such as child protection workers, mental health professionals, prosecutors, probation and so on) to work together in one facility, which reduces many of the problems that currently arise, in particular fragmentation and a lack of collaboration (Siegel & Lord, 2004). An example of a one-stop assessment center is found in Sacramento, California. This centre does not serve crossover children exclusively, but they compose a large portion of the residential population (Herz & Ryan, 2008). This centre allows for improved collaboration and communication between agencies.

6. IMPROVING CASE MANAGEMENT IN A TWO COURT FRAMEWORK

Crossover youth are subject to two legal and administrative systems, the child welfare system and the youth criminal justice system, each with different rules, standards, and objectives. The lack of facilitated communication between the systems affects the ability of each to produce fair and timely results and instead, all too often, there is delay, duplication and/or missing information (Burns et al., 2008; Siegel & Lord, 2004).

The literature suggests that it would be desirable to improve the efficiency of case management in a way that addresses the problems caused by the separate legislation and systems in place for crossover children (Lutz & Steward, 2010; Siegel & Lord, 2004). Siegel and Lord propose improvements to case management could include joint court orders, joint pre-hearing conferences, joint case plans and combining dependency and delinquency hearings (Siegel & Lord, 2004). The common thread running through case flow management, and solutions to crossover youth in general, is the importance of cooperation between social workers, the court, probation officers and other agencies. Rather than dividing responsibilities, case management focuses on a team effort where all involved are working towards a positive outcome for the community and youth.

As discussed in the next section, one way to address these problems is to integrate the two processes into a single court. We will first discuss approaches that can be implemented through innovations to improve cases management. They are premised on a continued use of two courts for crossover youth, but are intended to ensuring timely and efficient court practices based upon adequate information (Lutz & Steward, 2010; Nash & Bilchik, 2009; Siegel & Lord, 2004).

Dedicated dockets

Under a dedicated docket procedure, youth courts will set aside a block of time that is used only to hear cases regarding crossover youth (Herz & Ryan, 2008; Lutz & Steward, 2010; Siegel & Lord, 2004). This allows for more efficient scheduling for all agencies and professionals who are involved in these cases, and may help to ensures that there will be sufficient time to discuss the relevant issues (Siegel & Lord, 2004).

The Family Court of Jefferson Country in Alabama utilizes dedicated dockets for crossover cases and has found that scheduling conflicts have been reduced, which allows for more participation by relevant parties (Siegel & Lord, 2004).

This approach, however, is only feasible if there is a significant number of crossover cases at a particular courthouse.

Special qualifications for lawyers

The issues arising in cases involving crossover children and youth are often challenging, as there is often a complex family history and the interaction can raise difficult legal and practical issues. Currently, most crossover youth are represented by one lawyer for their child welfare matter and then are represented by a second, different lawyer for their criminal matter (Herz & Ryan, 2008; Lutz & Steward, 2010; Siegel & Lord, 2004). If a crossover youth had the same experienced and specially trained lawyer for both cases, this would result in more efficiency and the lawyer would have a better understanding of all of the social and legal issues affecting the youth. It would also facilitate communication and establishing a relationship of trust between the lawyer and youth, and should ultimately result in better plans and outcomes.

Joint prehearing conferences

Joint pre-hearing conferences precede cases and representatives from the child welfare office and the probation office meet to discuss possible plans of action (Siegel & Lord, 2004). Siegel and Lord recommend that probation officers and child welfare workers be required to attend all hearings related to the child (2004). Doing so will facilitate the agencies in sharing information, collaborating and following court orders (Siegel & Lord, 2004). It also ensures that each judge will hear all relevant information (Siegel & Lord, 2004).

Judicial Conferencing

Court conferencing presided over by a single judge but with representatives of agencies from both systems is another alternative. This will usually be in youth court, since charges need to be addressed there. This is a model adopted by ACS Confirm in New York (Office of Child and Family Service Advocacy, 2007; Petro, 2010a). At ACS Confirm a project coordinator has been appointed to explain and guide the process (Office of Child

and Family Service Advocacy, 2007; Petro, 2010a). Conger and Ross found that ACS Concern helped decrease “foster care bias” in detaining children (Office of Child and Family Service Advocacy, 2007; Petro, 2010b).

Joint Judicial Conferencing

It also suggested that there can be joint hearings or case conferences with judges from both courts present to allow the courts to have access to the same information and make consistent orders that to avoid contradictions or gaps (2004). However, these strategies are likely to be expensive in both time and resources (Siegel & Lord, 2004).

7. INTEGRATED COURT PROCESS

The most efficient way to have good communication, a clear understanding of the youth’s situation and co-ordinated planning is to have youth court and child welfare cases dealt with by one judge, with representatives of both the child welfare and youth justice agencies as well as other professionals in court at the same time. (Herz & Ryan, 2008; Lutz & Steward, 2010). The possibility of having such an integrated process, however, is dependant on the legal and constitutional regime in place in a particular jurisdiction.

In our interviews, a number of judges and lawyers noted that accessing information is difficult when dealing with crossover youth as the information is spread across multiple systems. One judge stated that, “Somebody has to give me the proper background on the kid. As a judge dealing with a youth in the child protection system, I need information. I need to know why he is in care, I need to know how he has been doing in care, I need to know what his plans are, I need to know how his situation now has improved since the offence.” A number of interviewees suggested that decreasing the number of professionals involved (a single lawyer and judge instead of two, a dedicated worker) and bringing them together in a single location would make accessing information and communication easier, which in turn should produce a more efficient process and more appropriate plans.

One family/one judge models

In a one family/one judge system, a single judge hears both dependency and delinquency matters (Herz & Ryan, 2008; Lutz & Steward, 2010; Siegel & Lord, 2004). The one family/one judge intervention is recommended by the US National Council of Juvenile and Family Court Judges in its *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases* (Siegel & Lord, 2004). This model includes continuity of lawyers for both the dependency and delinquency matters (Siegel & Lord, 2004). This is a useful model because a single judge will have a fuller and more complete understanding of the youth and family than if there were multiple judges (Siegel & Lord, 2004). In addition, the one family/one judge model is a strategy recognized to increase efficiency and timeliness (Summers & Shdaimah, 2013). In a study in Baltimore, a one family/one judge intervention was found to increase case processing efficiency in regards to juvenile delinquency cases (Summers & Shdaimah, 2013).

In Canada, the possibilities for court integration are highly dependant on legal constraints related to court jurisdiction, and the ways in which courts deal with cases involving youth differ between provinces (Burns et al., 2008). In Manitoba, responsibility for youth criminal justice is given to judges who also have jurisdiction over family matters

(Burns et al., 2008). These judges have experience with family law issues (Burns et al., 2008). Quebec has also adopted this approach. In Quebec, there is a youth court (Tribunal de la jeunesse) that deals with all child welfare cases and all but the most serious youth court cases.

The Ontario Court of Justice has some experience with integrated proceedings. The Integrated Domestic Violence Court (IDVC) pilot project in Toronto is an example of a structural approach that is intended to facilitate communication and co-ordination of responses (Ontario Court of Justice, 2013). In this court, a single judge hears both criminal and the family law cases (excluding divorce, family property and child protection cases) that relate to one family where there is an underlying issue is domestic violence (Ontario Court of Justice, 2013). The IDVC deals cases that have domestic violence issues and are in both family and criminal justice process in the Ontario Court of Justice in a defined area in downtown Toronto. The goals of this court are: a more integrated and holistic approach to families experiencing domestic violence, increased accountability of the offender, increased safety for the victim, increased consistency between family and criminal court orders, and quicker resolutions of the judicial proceedings (Ontario Court of Justice, 2013).

In Ontario, integration of youth and child welfare proceedings with case management by a single judge is only possible in the parts of the province where the Ontario Court of Justice has responsibility for both child welfare and youth justice matters. This, however, is, in population terms, a majority of the province, and includes the busy Toronto courts.

It should be noted that prior to the coming into force of the *Young Offenders Act* in 1983, judges of what was then the Ontario Provincial Court (Family Division) dealt with both child welfare and juvenile cases everywhere in the province, though at that time the age jurisdiction only went to the sixteenth birthday. Even today there are places in the province, mainly outside large population centres (but also at 311 Jarvis Street in Toronto), where a single judge deals with both youth court and child welfare matters, but at different times, and significantly with different agencies in attendance.

While integration of child welfare and youth court proceedings into a single court process is supported by both the literature and interviewees, there are limitations and concerns about court integration. An article appearing in the American publication, *Juvenile and Family Justice Today*, noted that the so-called silo model currently in place is used for a reason (Adam, 2010). Since specialized judges are experts in their area of law, cases can be handled efficiently since there are narrow and refined options (Adam, 2010). While almost all of the literature on the topic recommends an integrated court, there is with a note of caution, emphasizing the need for more research and evaluation of such court responses to crossover youth (Petro, 2010b).

While most interviewees supported court integration for Ontario, when asked about the possible disadvantages of an integrated model, some of our interviewees highlighted the possibility of judicial bias in sentencing youth on the basis of child welfare needs.

These issues are discussed further in the recommendations section.

8. CASE PLANNING AND SUPERVISION

Research also points to the need for a reformed approach to case planning and supervision of youth (Lutz & Steward, 2010; Petro, 2010a; Siegel & Lord, 2004). Case

planning and supervision are related to case management in the courts, but focus on the actual interventions and services provided to crossover youth.

All agencies need to work together to plan for youth and then to supervise the implementation of that plan (Lutz & Steward, 2010; Siegel & Lord, 2004). A crossover youth by definition will be involved in multiple agencies, each responsible for some aspect of the youth's well being. These agencies generally include, but are not limited to, child welfare, youth corrections and probation, mental health services, and substances abuse services (Lutz & Steward, 2010; Siegel & Lord, 2004). Unfortunately, it is common for agencies to assess a youth independently and make recommendations without contacting or interacting the other agencies (Siegel & Lord, 2004).

Like the court systems discussed above, youth serving agencies tend to exist within a "silo" (Siegel & Lord, 2004). Unfortunately, crossover youth do not. The lives of crossover youth are complex and multifaceted. Due to diminishing resources and increasing demands, agencies and services providers tend to be "risk adverse" and "service centric" (Siegel & Lord, 2004). As a result, youth often do not receive appropriate care (Finlay, 2003). In addition, research from Ontario and elsewhere suggests that the views and insights of youth and their parents are too often not considered in developing plans (Finlay, 2003; Lutz & Steward, 2010).

A joint assessment, in which all agencies work together to create one plan, could improve case planning (Lutz & Steward, 2010; Siegel & Lord, 2004). An example of joint assessment that is frequently cited is the Multidisciplinary Team Pilot Program (MDT) in Los Angeles County (Lutz & Steward, 2010; Siegel & Lord, 2004). This MDT was comprised of a juvenile justice worker, a child welfare social worker, a mental health clinician and an educational rights lawyer. Each member separately collected information and then met as a team to discuss and make recommendations. An evaluation study that compared children referred to the MDT and those not referred to the MDT found that MDT produced positive outcomes for children (Lutz & Steward, 2010).⁹ While this study used a small sample of youth, it indicates that MDT is a possible solution that needs more research. More information was able to be collected, and more recommendations were made. MDTs were also more likely to result in informal supervision (Lutz & Steward, 2010). However, about 15 percent of the children did eventually become adjudicated delinquents.

A joint assessment should lead to a coordinated case plan (Lutz & Steward, 2010; Petro, 2010a; Siegel & Lord, 2004). This case plan should be based on the principles discussed earlier in this paper, in particular group care as a last resort and a focus on family-like environment for the child (Lutz & Steward, 2010).

There are a number of suggestions as how to facilitate such case management. Lord and Siegel recommend a specialized unit could be developed to focus purely on youth who are involved in multiple systems (2004). An example of this in the United States is the Dual Ward Pilot Program in Ohio in which specially trained probation officers deal with dually adjudicated children (Siegel & Lord, 2004). These probation officers are trained by child protective services, mental health agencies, the juvenile court and the probation office (Siegel & Lord, 2004). There is also a dually adjudicated youth unit of the child protective

⁹ This study used 50 youth referred to MDT and 44 youth who were not referred to an MDT. These youth were matched from a pool of crossover youth.

services with specially trained caseworkers. These two professionals work together (albeit informally) and hold case staffing with the child and their family (Siegel & Lord, 2004).

A slightly different model has been established in Minnesota, where a child is still assigned a probation officer and child protection case worker who have only been trained in their own field, but are co-located in order to improve case planning and service coordination (Siegel & Lord, 2004). An MDT, as mentioned above, is another alternative (Siegel & Lord, 2004). Lord and Siegel also point out that case managers involved with crossover children should be cross trained and knowledgeable about different agencies, and that caseload should be reduced whenever possible (2004).

Supervision is an integral part of preventing children from remaining in the youth criminal justice system. Without adequate supervision, case plans will prove meaningless. A coordinated case plan requires coordinated supervision (Burns et al., 2008; Lutz & Steward, 2010; Siegel & Lord, 2004). A British Columbia study found that youth in care are more often charged with offences related to the administration of justice, such as breach of the terms of bail or probation, than other youth (British Columbia Representative for Children and Youth, 2009). More stringent supervision and guidance could prevent these charges from coming to court (British Columbia Representative for Children and Youth, 2009). There are a number of different ways that supervision may be implemented; either one agency takes the lead, or the agency creates a 'dedicated unit' where the child is assigned to workers who are specially trained to deal with crossover children (Lutz & Steward, 2010).

A number of our interviewees emphasized that a case plan should be "realistic". For example, judges noted the importance of imposing "realistic" probation terms, i.e. ones that a youth was not likely to breach, in order to avoid unnecessary breaches. One judge stated that minimizing probation terms was a best practice: "Putting a kid on a million conditions to comply will ultimately result in a breach. Judges should be mindful of over processing." A lawyer agreed that probation practices had to be reviewed; "There will be horrendous conditions on early curfew which is essentially setting up the youth to breach."

A significant portion of all youth charges in Ontario are for breach of probation, and some of these may not involve threats to public safety or order. A case plan should aim to help rehabilitate the youth, not "over process" the youth.

Case management, case planning and supervision all require increased collaboration and cooperation between agencies responsible for youth. In order to ensure such cooperation, there needs to be increased amount of interagency collaboration. The literature related to this will be discussed in the following section.

9. INTERAGENCY COLLABORATION

As discussed above, responses to crossover youth discussed in the literature focus on collaboration between agencies. The literature posits that fragmentation between agencies has a negative impact on crossover youth (Finlay, 2003; Herz & Ryan, 2008; Lutz & Steward, 2010; Nash & Bilchik, 2009; Petro, 2010a; Siegel & Lord, 2004). Crossover youth are by definition involved with child protective services and the youth criminal justice system, but in reality often require support from additional services such as educational support, mental health support, and substance abuse support. The literature suggests that disputes over funding, confusion over roles and responsibilities and a

“service centric” mindset prevent crossover youth from accessing the services they require (Finlay, 2003; Herz & Ryan, 2008; Petro, 2010a).

For example, one Ontario report concluded that: “the bureaucratization of service delivery in direct response to accountability requirements perpetuates fragmentation and interferes with holistic, child centered approaches that are critical to the care and well being of young people in state care” (Ontario Office of Child and Family Service Advocacy, 2007).

Agencies often have different goals and their staff undergo different types of training (Herz & Ryan, 2008). Current collaboration is largely informal (Burns et al., 2008) and contact between probation officers and child welfare workers often depend on the initiative of either agency (Morris & Freundlich, 2004). Likewise, a judge’s knowledge of the child’s welfare status depends on informal communication, pre-sentencing reports, or that judge’s jurisdiction (Burns et al., 2008).

The lack of coordination between agencies is often detrimental to youth. A multistate American study reported that children under the care of multiple agencies negatively impacted the chance of receiving services (Chuang & Wells, 2010).¹⁰ Children whose care was co-ordinated by one agency were more likely to receive more services that they needed (Chuang & Wells, 2010). Inter-agency sharing of data increased the likelihood that youth would receive inpatient services. The study concluded that a single accountable agency may be helpful in developing a coordinated case plan, and would be more likely to follow up and ensure receipt of services (Chuang & Wells, 2010).

A number of reports have argued that a more holistic approach should be adopted for responding to the needs of children and youth. In a report on the roots of youth violence in Ontario, the Roy McMurtry (a former Chief Justice) and Alvin Curling (a former Cabinet Minister) called for increased collaboration among stakeholders in order to address systemic issues that are at the root of youth violence – this type of collaboration should be expanded to include collaboration between all stakeholders involved with crossover youth (McMurtry & Curling, 2008).

The literature points to a number of barriers to interagency collaboration. Firstly, confusion over responsibilities is prevalent. For example, when a youth who is a ward of the state is convicted, there is frequently confusion over whether the child welfare office retains responsibility or whether the child is now under the jurisdiction of the youth criminal justice system as well as confusion over which agency has primacy (Petro, 2010a; Siegel & Lord, 2004). Lack of resources further complicates these problems, as agencies may try to “drop” a youth, especially one with high (and expensive) needs, in order to preserve funds.

Without a clear understanding by professionals, the courts and parents about of the role of each agency, youth are subject to gaps in care and agencies elude accountability (Siegel & Lord, 2004). The literature suggests either formal agreements or statutory reform as an optimal way of overcoming the difficulty of knowing which agency plays what role. Legislation could provide guidance for lawyers and agencies dealing with crossover youth as a law could detail which agency is responsible for the youth and how the court

¹⁰ This study looked at three areas of collaboration; jurisdiction, shared information systems, and “overall connectivity”. The sample was made of 351 youth who were investigated for maltreatment and received some type of services. These youth came from 92 CPS agencies across the USA.

system should process that youth (Scrivner, 2002). Los Angeles County, California passed such a law that required probation officers and child welfare workers to develop a written assessment and plan of coordination, and they must then decide together which jurisdiction (dependency or delinquency) should take the lead on the case (Scrivner, 2002).

A formal document that outlines the roles of each agency, addresses and resolves issues of confidentiality and provides mechanisms to deal with conflict would be highly beneficial (Lutz & Steward, 2010; Siegel & Lord, 2004). The literature highlights the value of such formal agreements (Herz & Ryan, 2008).

Formal agreement for crossover cases are used in Kentucky where, in order to increase interagency collaboration and cooperation, (Herz & Ryan, 2008). There is an interagency framework memorandum of understanding outlining how plans for individual cases are to be negotiated when a child is involved in multiple agencies (Herz & Ryan, 2008). The framework memorandum states that all decisions are to be based on the best interests of the child involved, and that the agencies will assist the efforts of the other agencies (Herz & Ryan, 2008). The memorandum further provides that the child welfare and youth criminal justice staff will agree on a disposition for the child, pending approval by a judge, but that at no point does either agency terminate their involvement (Herz & Ryan, 2008). This type of formal written agreement provides clear roles and responsibilities and a clear process to follow when a child “crosses over” (Morris & Freundlich, 2004).

Furthermore, agencies often operate “blind” to other agencies. A number of suggestions to increase communication are found in the literature. There should be cross training for staff involved in a crossover case (Lutz & Steward, 2010). Lord and Siegel also stress the importance of “liaisons” (2004). A crossover liaison may also be used who may clarify roles, clarify who is take the lead, avoid duplication and manage the implementation of services (Herz & Ryan, 2008; Lutz & Steward, 2010; Siegel & Lord, 2004). These liaison staff are better trained and informed, and therefore are able to provide recommendations for services quicker. Judges are therefore less likely to use custody (Herz & Ryan, 2008). For example, in Texas, a child welfare agent is on site at probation offices to work with children under juvenile delinquency jurisdiction who also have a history of neglect or abuse(Siegel & Lord, 2004). This helps expedite release when no one is present to take custody of children at a detention hearing (Siegel & Lord, 2004). Caseload, however, may be a problem for liaison staff (Herz & Ryan, 2008). Collaboration should also take place in the courtroom. This requires cross training judges and lawyers, or exploring the possibility of having one lawyer represent the child in both hearings, or, as discussed above, merge the hearings into a single process.

Another serious barrier identified by the literature is that of funding (Siegel & Lord, 2004). Confusion over which agency is responsible for funding, as well categorized funding prevents crossover youth from receiving the services they need. Like other issues, funding problems are in part due to an attempt to categorize a multifaceted group, each with individual needs. The literature recommends some type of shared funding (Herz & Ryan, 2008; Lutz & Steward, 2010; Siegel & Lord, 2004). This could be done in a number of ways such as pooling funds, coordinating funds, devolving or decategorizing funds (Herz & Ryan, 2008; Siegel & Lord, 2004).

There should also improved sharing of information systems and databases between the court, Children’s Aid Societies and probation offices (Burns et al., 2008; Siegel & Lord,

2004). This would help in sharing information and would allow the court to promptly monitor cases and the status of youth. An example of a database that would facilitate sharing is the Family and Child Tracking System in Delaware (Siegel & Lord, 2004). This database shows whether a child is involved in child welfare or delinquency (Siegel & Lord, 2004). It notifies child services when a dependent child is arrested and allows child welfare and probation to share information, pending confidentiality and security concerns being addressed (Siegel & Lord, 2004).

Currently in Ontario, sharing about crossover youth happens only informally, usually through a pre-sentencing report or fact gathering by the Crown (Burns et al., 2008). There are no formal statutory provisions or policies for information sharing (Burns et al., 2008). There is currently no requirement that information be shared or that a CAS worker attend a youth court hearing, even if they are aware it is taking place (Burns et al., 2008). Shared information systems could also clarify the respective roles and responsibilities of agencies. An information system that could track youth between systems and would also provide details as to what services a youth had already received and could coordinate future service delivery, thereby increasing the chances that the children receive necessary behavioural services (Chuang & Wells, 2010).

Interagency collaboration should not only be between the child welfare and youth criminal justice systems. Crossover youth face a wide range of problems that must be addressed if stability is to be achieved. There are a number of “critical partnerships” that must be maintained to properly serve crossover youth (Lutz & Steward, 2010). One mental health worker whom we interviewed noted the importance of a strong education environment:

“Education really needs to be working closely with child welfare and with the justice system as well. Especially when youth transition into high school and there is a lack of monitoring, these youth, who have learning problems, this lack of monitoring does them a greater disservice than other youth. Often this is the beginning of a downward spiral where they start to skip and hang out with peers who are also not going to school and begin to engage in problematic behaviour because they are not in school and not being supervised.”

As a start, measures must be taken to achieve educational stability for crossover youth. Ideally, youth should not change schools frequently and workers should collaborate to create a positive school environment (Gallegos & White, 2013). School representatives should be informed of the child’s home life. Lawyers should also be represented within the planning process and ideally, the lawyer should be informed about the youth’s history in the child welfare system. Further, given the prevalence of mental health issues and substance abuse issues in crossover youth, workers from these agencies should be involved in case planning (Lutz & Steward, 2010).

Examples of Interagency Collaboration

Milwaukee has implemented a comprehensive system of collaborative care, combining mental health, child welfare, youth criminal justice and educational services in the Wraparound Milwaukee program (Morris & Freundlich, 2004). Under this system, each family is given a care coordinator, and this coordinator conducts assessments and

recommends services based on the needs of the child (Morris & Freundlich, 2004). As well, children are served through a comprehensive benefit plan (Morris & Freundlich, 2004). This program has produced generally positive results as Milwaukee has seen a reduced recidivism rate and a reduced use of residential treatment (Morris & Freundlich, 2004).

Hennepin County in Minnesota also has established a program to improve interagency collaboration. In this program, one lawyer represents the child in both the child protection and youth criminal justice system, and the court may also appoint a guardian *ad litem*. As well, the judge dealing with a youth court detention or sentencing decision has access to the family file, which allows for a comprehensive understanding of the child's situation. In addition, the child has a combined team of a child welfare social worker and a probation officer who work together and delineate one agency as lead (Morris & Freundlich, 2004).

The Kidsafe program in Missouri also provides an example of interagency collaboration. In the Kidsafe program one court hears both the dependency and delinquency cases, and the same judge is assigned to both cases (Morris & Freundlich, 2004). In addition, there is a single lawyer and a guardian *ad litem* appointed for the child (Morris & Freundlich, 2004). The judge makes a single disposition and specifies a lead agency, although the judge has the flexibility of appointing joint agency. Furthermore, a computer system holds a comprehensive "social file" on each child involved in either dependency or delinquency hearings, which may be obtained by either agency (Morris & Freundlich, 2004).

10. RECOMMENDATIONS FOR BEST PRACTICES

This Report has discussed the needs of crossover youth, along with promising ideas identified by interviewees and published research. The following is a summary of ten of the most promising ideas for improving how Ontario responds to crossover youth. These recommendations are presented roughly in the order in which they are likely to be applicable to a child welfare youth who is a potential or actual offender. The first few recommendations address the problems of children and youth involved in the child welfare system with behavioural problems but who have not yet been charged. The later recommendations address concerns for child welfare youth who also in the youth justice system.

1. **Early intervention:** This Report focuses on the youth who have already "crossed over" into the youth criminal justice system and most thus of these recommendations focus on youth who have already offended. However, it is important to note the importance of early intervention. As a youth gets older and a record of offending grows, it becomes harder to extract the youth from the criminal justice system and prevent further recidivism. Without early intervention, youth enter a dangerous cycle. One lawyer interviewed for this Report commented:

"Kids move in a sequence- start in foster care and move to more intrusive kinds of care and finally the last piece of the trajectory is secure custody so it is like they are already predisposed through the kinds of care they receive to enter the system. Instead of developing adequate services early on (as a

parent would), the system just keeps moving them around. The child needs at the point of entry in the child welfare system a thorough assessment and treatment plan that will unfold throughout the child's life."

Another lawyer made a similar observation: "By the time the youth is twelve, it is too late to help." While this may be hyperbolic, as there are positive interventions for youth over the age of twelve, there is no doubt about the value of early intervention.

As discussed in this Report, the SNAP (Stop Now And Plan) program of Toronto's Child Development Institute is intended for child offenders under the age of twelve. Interviewees who discussed this program highlighted it as an example of a program that connects children to positive role models within their communities, including friendly visits to a police station.

Once serious behavioural problems become apparent, children and youth should be assessed for risk using a standardized assessment model. Following assessment, an intervention plan should be developed and implemented, to provide the youth with services intended to address criminal behaviour. Mental health issues should not be ignored. One youth advocate interviewed for this report stated:

"[Youth] come in at a great disadvantage. If they are not treated or serviced in a way that helps them through the trauma and loss, then they are going to continue to be debilitated and continue to fail at placements, or the placements will continue to fail them, and at the end of the day, before they get into the youth justice system, they are going to have very serious mental health issues. We are looking at this wrong. It is not a youth justice issue, it is not a child welfare issue, it is a child's mental health issue."

As discussed in this Report, these interventions should be undertaken at an early age, teach children how to control anger, form healthy relationships and solve problems in a positive manner.

- 2. Establish Mentorship Programs for Youth:** As discussed in this Report, the lives of crossover youth are characterized by fragmentation. Unlike youth not in care, children in the child welfare system do not have parents to guide and support them. This is often made worse due to continually changing homes, social workers and lawyers. These youth, therefore, are left alone and only interact with these adults on a professional basis. One lawyer who was interviewed for this Report stated that she had a youth client whom she believed purposefully got in trouble, just so he could see his lawyer, who was the only stable presence in his life. These youth should have access to someone who they can talk to, ask questions or simply have a chat over coffee.

Our interviews and the published research reveal that most crossover youth suffer from a lack of a positive, stable adult presence in their lives. Without a stable adult relationship, these youth are left to navigate the legal system and independence on their own. This often leads youth to find the "wrong" type of mentor, either negative peers or adults involved in criminal or gang activities. One probation officer interviewed noted the danger of youth without mentors:

“The youth does not know who they are supposed to be looking up to, who their mentor is supposed to be, so it becomes the guy down the street who they are buying drugs from. They keep getting in deeper because their only support system is other youth, or gangs.”

Every person interviewed for this Report mentioned that mentorship programs should be developed. Determining what exact form these mentorship programs should take requires further research and evaluation of existing programs. However, some themes from the interviews suggest key characteristics that should be included in any potential mentorship program; these programs should be one-on-one mentorships, and efforts should be made to match youth with mentors of similar culture and religion. These programs should involve skill building or other like-minded initiatives to raise self-esteem. Many interviewees noted that spending government money at the right time on these types of programs could prevent increased spending later.

These mentorship programs should also encourage respect and cooperation within the legal system. Crossover youth, especially those within group homes, have likely only encountered the police and legal system in a negative and antagonistic manner. As a result, many youth are unwilling to cooperate within the legal system.

- 3. Limit use of group homes for child welfare cases:** There is research that suggests that placement of child welfare youth in group homes results in them living in an environment that group homes increase the risk of criminal involvement. Every person interviewed for this Report noted that some group homes problematically rely on police and charging in youth court for behaviour management issues that do not involve significant violations of the law. Interviewees indicated that youth living in group homes would be charged in circumstances where youth under the care of biological parents, or even foster parents, would not be charged (i.e., running away or breaking curfew). This leads to an unnecessary build up of a criminal record. A reoccurring theme throughout the interviews was the need to avoid “unnecessary criminality.”

Many interviewees observed that once a youth is in the youth criminal justice system, his or her chance of success greatly diminishes. One interviewee likened a criminal record to a “chain around the neck of the youth which grows tighter and tighter as the youth grows older” while another called it a “vicious circle”. Constant police presence at group homes encourages the perception of youth as “bad seeds.” Group homes are problematic as the staff, are often undertrained and inexperienced and thus rely on the police when youth act out. Many are young and recent graduates with no knowledge of how to deal with the complex mental health and behavioural needs of the youth in care. One mental health worker interviewed noted: “Youth workers come straight out of school and go into a group home... what does that teach you about mental health or addiction or behavioural needs? They just do not have great training.”

While there will inevitably be some use of group homes for child welfare cases in Ontario, there is scope for increased use of kinship care and therapeutic

foster homes, which have the potential to reduce the incidence of offending by children in the care and under the supervision of the child welfare system. A mental health worker interviewed for this Report described the value of therapeutic group homes:

“[It is] a place where there are staff who are highly trained mental health professionals who are trained to work with children who are experiencing emotional difficulties and can manage them in a therapeutic way, rather than a punitive way. They would know how to manage their behaviour without involving the criminal justice system.”

At minimum, there should be more training within group home staff as to how to deescalate situations and clear protocols on when it is appropriate to call the police.

4. **Increase youth involvement in decision-making:** The views and experiences of youth should be taken into account at both the individual case and at the systemic level. Youth should be involved in their own case management and case planning. Many of the interviewees observed that youth are more likely to succeed and follow court orders when they are active participants in the formulation of plans. The youth may know why the current system is failing. As one lawyer said: “We live in a paternalistic society where everything comes from the top down and we aren’t doing so well.” The majority of interviewees noted that the most successful plans come when youth are involved. Not only will youth have unique perspectives on what their own needs are, having youth involved in this work has the potential to increase their own sense of agency which in turn might lead to positive outcomes.

Future research on crossover youth should incorporate interviews with crossover youth and young adults who have been in care. Programs should be developed where crossover youth can share their experiences and recommendations. An example of this approach is the Regional Multicultural Youth Council in Thunder Bay and other remote communities in Northwestern Ontario. Members of this Council are youth who are engaged in helping to plan and deliver services to improve the well being of other youth and bettering their communities (McMurtry & Curling, 2008).

5. **One lawyer for both proceedings:** The legal issues regarding crossover youth are often socially and legally complex. Currently in Ontario, most crossover youth are represented by one lawyer for their child welfare matter, and another lawyer for their youth court matter.

Research from other jurisdictions suggests that if a youth has same lawyer for both cases, this results in more efficient service delivery. The lawyer can have a better understanding of all of the legal issues affecting the youth, as well as the individual youth’s specific circumstances, which in turn would likely result in better outcomes for children. These lawyers, like those lawyers presented on the panel of the Office of the Children’s Lawyer, require special training, support and supervision. The Law Society can have an important role in increasing professional education opportunities in this area.

Like some of other recommendations, this proposal is intended to decrease the fragmentation in the lives of crossover youth. On a practical level, these lawyers would be better informed as to the circumstances of the youth, and could relate that information to the court. This should result in more appropriate, individualized sentences and better child welfare decisions.

Implementation of this recommendation will require the support and involvement of the Office of the Children's Lawyer and Legal Aid Ontario (which often funds counsel for youth in youth court proceedings.) However, at least a start towards implementation by that Office can be made without much further study or expense. While establishing an integrated court model (discussed below) would facilitate implementation of this recommendation, this is not a necessary development for implementing a "one lawyer" approach to representation of crossover youth.

- 6. Integrated court process:** A consistent theme throughout the literature and interviews was that the complexity and multi-faceted nature of the problems of crossover youth creates difficulties for the court system and agencies that work with these youth. As a result, these youth often "fall through the cracks" and do not receive necessary services.

An integrated court model allowing child welfare and youth matters to be dealt with together already exists in Manitoba and Quebec, our two neighbouring provinces. For issues of sentencing and bail, this court model allows the judge better access to all relevant information, and facilitates interagency communication and co-ordination, and ultimately more appropriate decisions.

Many lawyers whom we interviewed noted that specialized and integrated courts for vulnerable populations are already in use in Ontario, such as the *Gladue* courts for Aboriginal offenders, drug treatment courts, mental health courts and domestic violence courts. These specialized courts are designed to remove certain cases from the regular court process into a forum that allows unique needs to be identified and more effectively addressed.

Like the populations of these other specialized courts, crossover youth have unique needs that may be lost in the "regular" courts. As such, these youth could benefit from a holistic, integrated court that recognizes the unique circumstances and background of youth from child welfare. Every judge interviewed noted that the most pressing need of the court was more information. For example, a youth court judge may not even know that a youth has child welfare involvement or is a ward. Without the proper information, a judge cannot render a proper, individualized decision. Further, these youth have sensitive needs, which may be lost if dealt with a regular criminal youth court. Having the same judge for both proceedings will allow a more consistent and comprehensive case plan, and give the judge a broader range of legal options.

A number of our interviewees highlighted that the Ontario Court of Justice at 311 Jarvis in Toronto has features that would make it uniquely well placed for a pilot integrated court project. The judges there have a large youth and child welfare caseload, and as a result often have a more sensitive and knowledgeable

approach for dealing with your court cases involving crossover cases. These judges may be more inclined to issue reprimands and discharges for cases involving minor offences in group homes, and less inclined to impose unnecessary probation conditions that are likely to be breached. One lawyer described the difference between courthouses:

“[The youth court at] 311 Jarvis uses reprimand quite a bit for non-violent, non-serious offences. Other courts, which are dealing with primarily adults, don’t even know the word reprimand; they go to probation right away. And these are kids who don’t know rules and so breach probation, and eventually end up in custody. So it becomes a vicious circle that needs to be cut”.

However, the youth court at 311 Jarvis St. in Toronto is not an integrated court and communication between agencies often breaks down. We heard that in some cases a judge in youth court only realizes that a crossover youth is involved because the youth recognizes the name of the youth as a result of having dealt with the same youth in a child welfare matter.

An integrated court can have the perspective, information and sensitivity needed to provide appropriate bail terms and sentences. A number of lawyers whom we interviewed pointed out that child protection court and criminal justice court often impose inconsistent conditions, because “each hand is unaware of what the other hand is doing”. As one judge pointed out, a single court could provide consistent orders. The judge would also have a better idea as to what kind of bail conditions are realistic. Thus, a specialized, integrated court could provide a holistic approach aimed at increased information, consistency and collaboration between agencies.

Establishing an integrated court as a pilot project at 311 Jarvis St. should not involve major institutional dislocation, and would allow for crossover youth to be dealt with more effectively, not only by the courts, but also by youth serving agencies. This pilot project should be monitored and evaluated, and if successful extended elsewhere.

At minimum, efforts should be made to have the same judge for both child protection hearings and youth court hearings for a crossover youth. One lawyer pointed out that simply by virtue of being in front of the same judge, a certain amount of coordination would occur.

An integrated court model must of course be carefully established with rules to protect due process and prevent abuse of rights. A number of interviewees noted that, if not handled properly, integration could weaken the procedural safeguards built into the YCJA.

If an integrated court is established, it will still be important that the judge not impose a more severe sentence or detain a youth based on the needs of the youth rather than criminal behaviour, as the YCJA forbids this and youth should not feel that they are being punished because of their needs. As one lawyer whom we interviewed stated: “the youth court judge needs to decide the case on the facts, not the needs of the child.” However, as long as judges have appropriate training and knowledge, or are reminded of this by appropriately trained counsel, this should not occur. Further, an integrated court will, in appropriate cases, allow a judge to make orders under child welfare legislation

that better meet the needs of a youth. Significantly if an order is made under child welfare legislation that imposes conditions on a youth, for example regarding counseling or residence with kin, its main effect is to require services to be provided, and the youth does not face criminal sanction for non-compliance.

- 7. Improve collaboration between agencies involved with the youth:** Improved communication and increased collaboration refers to multiple, separate agencies (i.e. the children's aid society involved in the youth's care, the youth's school and the youth's probation officer) allows these agencies to develop a single, coordinated plan that most effectively and efficiently meets the needs of the youth.

Research and interviews suggest that one of the most effective ways of encouraging interagency cooperation is through the use of a single lawyer for both proceedings, an integrated court model, and a dedicated court worker in charge of case management.

Communication can be improved by the use of a shared database, formal written protocols that delineate the responsibilities of each person involved in a child's care, and the use of a liaison staff between agencies who serves as a form of team leader. Policy should be clarified to avoid gaps in accountability

- 8. Increased advocacy by the CAS:** A major theme of the interviews was that crossover youth too often do not have a person who would advocate for their needs and rights. Although mentorship programs can provide some level of advocacy, mentors cannot take the place of a parent. When a youth is placed in care, the state becomes their legal guardian. Unfortunately, all too often, crossover youth are left "parentless". For example, when a youth not in care is arrested, their parents will often immediately bail them out, provide the court with information and argue for diversion. Unfortunately, it is common for a child's caseworker to not show up to court. One judge whom we interviewed noted that this could create awkward situations: "In the criminal court, the people who come to court is the staff from the group home, so the person who is charging them with the offence is the one who brings them to court." Furthermore, when a youth is arrested on a Friday night, social workers will often not come to Saturday bail, forcing the youth to spend his weekend in jail. Almost every interviewee stated that youth needed someone in their life who was dedicated to them and supported them in the same way that a parent would. As one lawyer stated:

"There is a stigma with being in care. A lot of kids feel like they don't have a parent so they feel like they have two black marks being involved in both systems. The society is supposed to be their parent but the societies don't always act like a natural born parent would."

While some interviewees mentioned that laws should be put in place to require child protection staff to attend youth court with a CAS ward, a more realistic strategy would be to implement the position of a dedicated case manager (detailed below).

9. **Conferencing and Case Managers:** Crossover youth require an integrated, wraparound approach in which all key players come together to create a coordinated case plan. While there are varied opinions as to the feasibility and effect of establishing an integrated court, almost all respondents agreed that the use of youth court conferencing should be increased. Section 19 of the YCJA allows for conferencing “for the purpose of making a decision required under this Act”. These conferences may consider extrajudicial measures, conditions for release, sentences, review of sentences and reintegration plans. One mental health worker noted that lack of communication is often a result of physical separation: having all key players in a room, discussing the problems and possible solutions, is helpful. The creative use of conferencing can mimic some of the advantages of the integrated court model by placing relevant child welfare and other information before the criminal court judge. While one judge mentioned that he frequently uses conferencing, the majority of judges and lawyers interviewed maintained that the practice was underused. However, all maintained that when it was used it was extremely helpful.

Many interviewees noted that such a specialized case manager would be helpful. This case manager could act as an advocate who could locate necessary and co-ordinate services. This case manager would be aware of the youth’s background, organize services, build a plan and present this to the judge. These case managers should be trained in mental health issues since almost all of these youths have mental health problems. This case manager would be in charge of coordination. Some of the important benefits of an integrated court model (such as increased information for the courts and improved interagency co-operation) can be achieved without establishing such a court if there is a dedicated case manager. This would address many issues raised by the literature and interviewees, such as; a need for advocacy, a need for stability, a need for information. It would also address the problem caused by CAS workers who are unavailable to come to court. A case manager should be aware of all the relevant information could make proper recommendations to the court.

10. **Better programs for youth aging out of care:** A youth is legally an adult at age 18. Practically, 18 year olds are still emotionally under developed, and often under educated and under trained. While young adults not in care often continue to rely on their parents for emotional support, guidance and material assistance far past the age of legal adulthood, crossover youth are often left without guidance. One mental health worker interviewed for this Report said: “You are lucky to stay with CAS until your 21 and a lot of the youth [she] works with can’t even function at 21 because they are still learning how to live and become a young adult.” This is known as “aging out of care.” These youth often fall through the cracks and left to fend for themselves, often resulting in resort to criminal activity or social assistance.

There should be continued support throughout post-secondary education. A common theme throughout the interviews was that as youth get older, they receive less and less help. In Ontario, for example, a youth must attend school until the age of 18, but cannot be in the care of CAS unless they came into care

under the age of 16. Social assistance generally cannot be collected until the age of 18, but a youth may withdraw from parental control at the age of 16. One lawyer described policy regarding youth as “almost schizophrenic”. This process produces upsetting results. One American study that 49 percent of youth experience homelessness upon leaving foster care, 43 percent of youth aging out of the juvenile justice system drop out of high school, and the most common employment for youth leaving foster care was the fast food industry (40 percent) (Lutz & Steward, 2010).

Many interviewees identified that a major gap in policy is that in Ontario even for youth who have been wards, the CAS only provides help until the youth is 21. While a youth may be an “adult” under the law at the point, they likely do not have the emotional maturity of an adult. One probation officer noted that workers devote more time to younger kids, so as youth reach the older ages of 15 and 16, less time and resources are devoted to them. These “transitionally aged” youth are “left to their own devices” yet do not have any real life skills. The result is that crossover youth are forced to become adults much quicker than other kids. In order for this population to succeed, resources should be put into “transitional” services.

One problem for crossover youth is that upon leaving care, they often have no community connections or supportive adult relationships. Ideally, mentorship programs could provide such a relationship. Furthermore, a move away from large group homes to kinship relationships, therapeutic foster care and so on could provide youth with supportive connections. Whether or not a youth has supportive relationships, they should be provided with independent living services (Lutz & Steward, 2010). This could involve a variety of services but should include employment support, training, financial budgeting, and educational support (Lutz & Steward, 2010). Both lawyers and probation officers also recommended an expansion of policy so that youth are supported up to the age of 24.

CONCLUSION

*“It is easier to build strong children than to repair broken men”
- Frederick Douglass¹¹*

As discussed in this Report, crossover youth are a uniquely vulnerable portion of children and youth in the care of child protection agencies, with multiple and complex needs. Too often crossover youth are subjected to stigmatization and labelling as “bad kids” who are “beyond help.” One lawyer interviewed for this Report spoke to this perception:

“These kids don’t vote. They are the throwaway kids. No one expends financial, emotional or physical energy on them. If they had been given even a little bit of encouragement, they could do a lot- these are good kids who have had horrific upbringings. They don’t expect a lot from themselves and the way they are treated shows that no one else expects a lot from them.”

¹¹ St. Peter, Anthony (2010). *The Greatest Quotations of All Time*. United States of America: Xlibris Corporation.

Crossover youth too rarely get the services and support that they require, and too often they become troubled, and often criminal, adults and a long-term burden to society.

This Report makes ten recommendations aimed at improving Ontario's responses to crossover youth. This Report was written with a limited budget and in a short period of time, and accordingly some of its recommendations must be viewed preliminary. Further research, study and costing must be undertaken before all of these recommendations are implemented in Ontario. However, this Report identifies significant problems and offers clear directions for reform. Some of the recommendations have strong support in the literature and interviews, and can be implemented or at least piloted without further study or very significant expense. Dealing more effectively with these vulnerable youth is a socially important investment that should result in long-term social savings through reduced crime rates and more productive citizenry, as well as improving the life prospects for these vulnerable youth.

While some of these issues and recommendations require further research, it is clear that the current system is not working effectively, with negative consequences for many youth and long-term social costs.

Crossover youth require, and deserve, a dedicated and coordinated team who are committed to the youth's success. Every person interviewed recognized that, above all, these youth require people in their lives who will not give up on them and who are committed to obtaining and providing the right services. It is our hope that this report helps to produce change, so that every youth, regardless of their circumstances, has a chance to succeed in life.

Dealing more effectively with crossover youth will result in long term social savings through reduced crime rates and more productive citizenry, as well as improving the life prospects for these vulnerable youth.

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