REPORT OF THE SUBCOMMITTEE ON DUAL-STATUS YOUTH

July 2017

Addressing the needs of some of the Commonwealth's most vulnerable citizens

Rep. Carolyn C. Dykema, Subcommittee Chair
Rep. Michelle Dubois, Rep. Kimberly Ferguson,
Rep. Danielle Gregoire, Rep. Jonathan Hecht,
Sen. John Keenan

Acknowledgments

The sub-committee members wish to thank Rep. Kay Khan and Sen. Jennifer Flanagan, co-chairs of the Joint Committee on Children, Families and Persons with Disabilities, along with the following organizations, state agencies, and individuals whose contributions were invaluable to the research and writing of this report.

- Commissioner Linda Spears, and the Dept. of Children and Families
- Commissioner Peter Forbes, and the Dept. of Youth Services
- Commissioner Joan Mikula, and the Dept. of Mental Health
- Commissioner Ed Dolan, and the Massachusetts Dept. of Probation
- Chief Justice Amy Nechtem, and the Juvenile Court
- Office of the Attorney General, Child & Youth Protection Unit
- Bristol County Juvenile Court Clinicians
- Hampden County Dual Status Youth Initiative
- Executive Office of Health and Human Services, Office of Children, Youth, and Family Programs
- Committee for Public Counsel Services
- Juvenile Detention Alternatives Initiative
- Juvenile Justice Advisory Committee
- Children's Behavioral Health Initiative
- Behavioral Health Network
- Citizens for Juvenile Justice
- Robert F. Kennedy Children's Action Corps
- Cambridge Safety Net Collaborative
- Children's League of Massachusetts
- The Key Program
- Trauma and Learning Policy Institute
- Benjamin Thomas, Office of Rep. Jim Cantwell
- Andrea Pessolano, Office of Sen. John Keenan
- Elizabeth Walk, Office of Rep. Carolyn Dykema
- David Melly, Office of Rep. Carolyn Dykema
- Amber Ahronian, Intern with the Office of Rep. Carolyn Dykema

Contents

Introduction 5
Who are dual-status youth? 10
Prevalence of trauma histories 11
Prevalence of educational challenges 12
Lack of stable, trusting relationships with adults 12
Disproportionate impacts of the juvenile justice system 12
Why focus on dual-status youth? 6
Most vulnerable citizens 6
Disproportionate share of youth in detention 7
Improved outcomes and cost savings 7
Recognizing potential 9
How do we increase the likelihood of positive outcomes? 10
Reducing placement disruptions 13
Mental health and behavioral health services 15
Prevention through schools 15
Positive Youth Development 18
Low-risk offenders 19
Disparities in the system 21
Improve technology 23
How do we pay for these efforts? 25
State funding 25
Federal funding 26
Policy Recommendations 29
Minimize placement disruptions 29
Expand mental health supports 30
Coordinate with schools 31
Integrate Positive Youth Development 31
Implement juvenile justice reforms 32
Address disproportionate representation 33
Conclusion 34
Appendix A: Key players 35

Appendix B: State funding 45
Appendix C: Hampden County pilot 46
Appendix D: Savings calculation 47
Appendix E: Community-Based Justice 48
Appendix F: Safe and Supportive Schools 48
Appendix G: Juvenile Court Sentencing 49
Appendix H: Adolescent Domestic Battery Typology 50
Endnotes 51

REPORT OF THE SUBCOMMITTEE ON DUAL-STATUS YOUTH

ADDRESSING THE NEEDS OF SOME OF THE COMMONWEALTH'S MOST VULNERABLE CITIZENS

Introduction

In Massachusetts, as in many other states, most youth involved with the juvenile justice system have had prior or concurrent involvement with the child welfare system due to childhood abuse or neglect. In fact, a growing body of research indicates a causal relationship between juvenile justice involvement and the neglect and abuse suffered as children. Behaviors like risk-taking, substance use, and running away from home are all highly correlated to both childhood trauma and delinquency.

Although dual-status youth are, by definition, offenders, they are also victims of childhood maltreatment and trauma. If Massachusetts is to both protect the safety of the public and serve these youth, the systems that serve them must acknowledge and address the root causes of their delinquent behavior, including childhood trauma. Child welfare services, schools, and the justice system must hold youth accountable, while also providing the evidence-based, therapeutic supports that increase their likelihood of success as adults. Because dual-status youth are involved with the state child welfare system, often from a very young age, the Commonwealth has a unique opportunity to positively intervene at critical junctures in a meaningful way. This report seeks to understand how the Commonwealth can best focus resources on the most crucial aspects of the system to ensure that it is as youth-centered, holistic, and coordinated as possible.

In recent years, Massachusetts has already made great strides in this regard. The Department of Youth Services, the Department of Probation, and the juvenile courts have all been shifting away from "zero-tolerance,"[i] punitive models toward a positive youth development model that is primarily strength-based. In 2006, Massachusetts became involved with the Juvenile Detention Alternatives Initiative (JDAI) which recognizes behavioral health needs and places "the right youth, in the right place, for the right reasons."[ii]

In some cases, the courts and law enforcement have also been experimenting with youth justice alternatives, including the use of diversion programs that keep youth in a supportive community rather than deepening their involvement with the justice system. This research- and evidence-based shift toward a more child-centered and developmentally appropriate response is resulting in better outcomes for these youth and the communities in which they live.

This report seeks to build on this positive work while also better engaging the legislature in support of continued progress. Specifically, it works to describe the common characteristics of these youth, outline the continuum of services that support them, and provide recommendations for improvements that consider both the safety of the public and the future potential of these young people.

The sub-committee held hearings with numerous agency stakeholders.

Why focus on dual-status youth?

They are some of our most vulnerable citizens

Dual-status youth are delinquent offenders, but they are also overwhelmingly victims of adverse childhood experiences including abuse and neglect. Most have faced incredible hardships from young ages that started them on a trajectory toward early engagement with the juvenile justice system. Despite the state's attempts to intervene on their behalf, often from a very young age, these youth end up with early contact with the juvenile justice system which further exacerbates their impaired social-emotional development. When these children grow into adults, they struggle to stay out of the adult criminal justice system, have difficulty remaining

employed, and are higher lifetime users of state services.[iii] An increasing body of research shows that further traumatization of these youth through harsh penalties does not improve public safety, especially for lower-level offenses.[iv] This population is deserving of our compassionate support and direction, combined with positive accountability measures whenever possible. Peer-reviewed evidence suggests that being compassionate and therapeutic with these youth is not just the right thing to do, but also has a range of other positive benefits to the community at large.

They represent a disproportionately large share of youth in detention

According a 2015 report by Citizens for Juvenile Justice, 72% of youth in criminal detention with the Department of Youth Services (DYS) have either concurrent or previous involvement with the child welfare system through the Department of Children and Families (DCF).[v] This telling statistic underscores the fact that a closer look at the systems serving these youth is warranted and necessary to determine whether justice is being implemented fairly and whether the state can intervene earlier and/or more effectively to prevent justice involvement or to limit the extent and negative consequences of such involvement.

Opportunities exist for both improved outcomes and cost savings

The dual-status youth population in Massachusetts is not large, totaling approximately 1,000 youth statewide.[vi] However, upon exiting the juvenile justice system, these youth face more challenges and require more state services than either non-involved youth or youth involved in only one system.

A comprehensive study conducted in 2011 by the University of Pennsylvania followed a cohort of dual-status youth in Los Angeles over four years following their release from detention and found that, over that time, 27% of dual-status youth visited the emergency department of a hospital, a rate double that of youth in either the child welfare-only or juvenile justice-only cohorts. Further, dual-status youth demonstrated greater mental health needs, with 45% of dual-status youth receiving outpatient mental health treatment within 4 years of release, compared with only 10% of the probation cohort and 17% of the child welfare cohort who required these services.[vii] Overall, 90% of the dual-involved youth cohort utilized at least one public service over the course of four years.

According to the study, the four-year public service cost resulting from each dual-involved youth in the cohort was $35,171, far higher than that of

child welfare- or probation-only cohorts – $12,532 and $15,985, respectively.

Relative to employment, only 10% of dual-status youth cohort were consistently employed, compared to 25% of the child welfare-only cohort. Dual-status youth were also 91% less likely to have high educational attainment, compared to the probation-only cohort.[viii]

This longitudinal study in California has not yet been replicated in Massachusetts, but there is no evidence to suggest that the results in the Commonwealth would be markedly different.

COMMUNITY PLACEMENTS COST LESS THAN DETENTION IN ANY FACILITY

DYS Detention Program	Annual cost
High Security	
Secure Detention	$109,500
Medium Security	
Shelter (Staff Secure)	$95,338
Low Security	
Foster Care with Community Supervision	$31,504
Therapeutic Foster Care with Community Supervision	$57,054

*Welcome Center costs were unavailable and would normally be included in the cost of Low Security options

Source: JDAI written testimony

Dual-status youth also have a higher recidivism rate than their delinquent peers, meaning they are more likely to reoffend once released, with studies showing that dual-status youth are twice as likely to reoffend as other delinquent youth.[ix] Several studies of recidivism among dual-status youth populations across the country have found that dual-status youth are between 38% and 62% more likely to reoffend than their non-dual-status justice-involved peers.[x] Juvenile incarceration has also been shown to increase the likelihood of adult incarceration by 22%.[xi] The cost savings that could result from decreasing the re-offense rate would be substantial.

> Given the cost savings of diversion and the disproportionate incarceration of low-risk dual-status offenders, the Commonwealth could save over **$23 million** annually by diverting half of low-risk offenders to alternative programs.

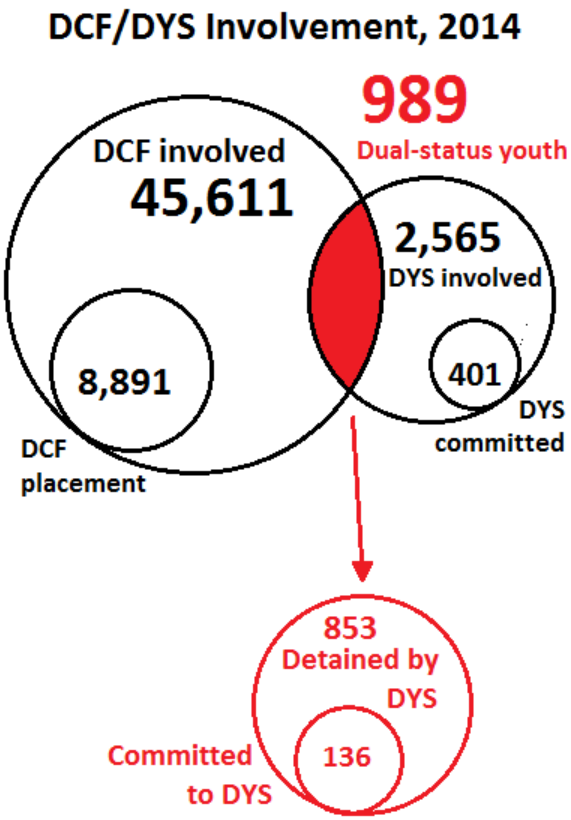
If just half of the detained, low-level offenders were diverted to appropriate supervised programs within the community, the state could save

an estimated $23 million annually.[xii] These numbers would be higher if lifetime costs, including reductions in recidivism, are considered.

The Commonwealth will benefit from realizing the potential of these youth

The world is full of examples of people who were able to succeed despite difficult beginnings. In fact, the difficult lessons learned during childhood and young adulthood, if channeled properly, can contribute significantly to this success.

Abraham Zaleznik, a psychoanalyst at the Harvard Business School has been quoted as saying that "To understand the entrepreneur, you first have to understand the psychology of the juvenile delinquent. The hallmark of the entrepreneur is a drive for autonomy, for a freedom from restraints that bespeaks an inner rebelliousness and a fearlessness in the face of risk."[xiii]



Each of these youth has experienced unique challenges that most of their peers have not. By channeling the innate strengths and perspectives of these youths in productive ways, the potential for our communities and our economy is increased.

Because these youth are already receiving services from the state, the Commonwealth has a unique opportunity to positively intervene with them during critical developmental stages when there is great opportunity to change the trajectory of their futures. The state's role in the care and custody of these vulnerable youth provides us with an avenue to be part of success stories of the future.

Who are dual-status youth?

The definition of a dual-status youth is a juvenile under the age of 18 who is or was receiving services through the child welfare system and becomes involved with the juvenile justice system. For the purposes of this report, the dual-status population includes children for whom the state Department of Children and Families (DCF) is a guardian, as well as those whose families have a history of DCF involvement.

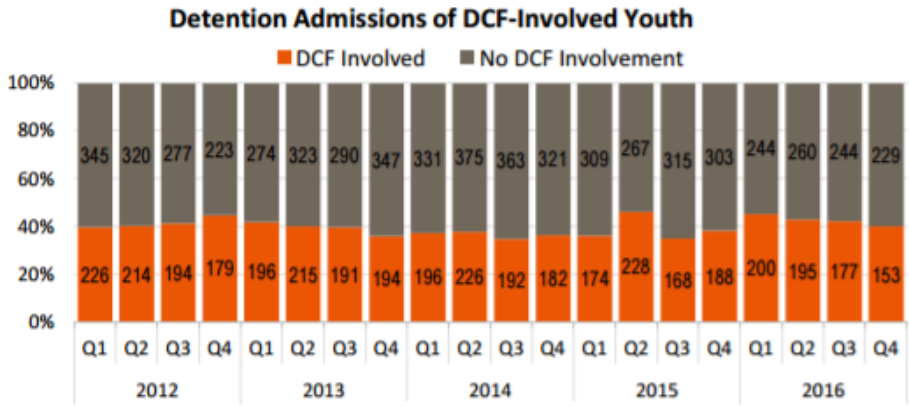
In 2015, there were over 700 admissions to the state Department of Youth Services (DYS), the youth corrections agency in Massachusetts, who are or were DCF-involved.[xiv]

Youth who come into contact with DYS fall under two broad categories: detained youth and committed youth.[xv] Detained youth are under the custody of DYS but have not been committed to a term of incarceration by the courts. Of those who are detained, approximately 39% are involved with DCF at the time of detention. An additional 33% had prior interaction with child welfare services.

In total, 72% of DYS youth in DYS detention are either currently or were previously involved with DCF.[xvi]

The dual-status population has remained relatively stable as a percentage of the overall incarcerated youth population, but has shrunk at a rate less than the overall decline in the population of detained youth. From 2012 to 2016, detention admissions of DCF-involved youth fell 10.8%, compared with a 14.0% drop in the total detained population.[xvii] This represents a relatively stable population share, but if this trend continues, dual-status youth representation would slowly grow.

Many dual-status youth share similar characteristics, including a high incidence of childhood trauma, frequent educational challenges, lack of essential stable relationships with adults,



Source: JDAI data dashboards

and a likelihood of bearing disproportionately serious consequences for low-risk crimes.

Prevalence of trauma histories

Most dual-status youth have significant histories of abuse or neglect. This is consistent with studies concluding that maltreated children are 59% more likely to be arrested.[xviii] In Massachusetts, an analysis by Citizens for Juvenile Justice[xix] found that 61% of dual-status youth reported being abused or neglected on multiple occasions. This is a significantly higher rate than the general youth population, in which 26% have experienced one or more instances of maltreatment, including neglect, in their lifetime.[xx]

In addition to the likelihood of having experienced at least one traumatic event, dual-status youth also report having a higher intensity of traumatic events creating "complex trauma" which may have wide-ranging impacts, including depression and aggression as well as difficulties self-regulating stress and forming attachments with adults.[xxi] Dual-status youth are also more likely than the general youth population to have experienced frequent and pervasive trauma.[xxii] National data confirms that the majority of dual-status youth have been exposed to at least one traumatic event.[xxiii]

A young person's response to trauma, abuse, and neglect can manifest as behavioral or psychological difficulties that are often risk factors for delinquency.[xxiv] Running away from home, presenting symptoms of psychopathy, substance use, and having "deviant" friends are all considered consequences of maltreatment and risk factors for delinquency.[xxv]

Source: mass.gov

Prevalence of educational challenges

Dual-status youth are also more likely to have educational difficulties than youth in the general population. Dual-status youth enter school an average of six months behind their classmates and often suffer from learning disabilities, with 28 to 43% of detained or incarcerated youth having a learning disability as compared to 9% in the general population.[xxvi]

Older adolescents can be as many as four grade levels behind their peers and more frequently repeat a grade or drop out.[xxvii] Maltreated youth are also more likely to skip school and earn poor grades and those who drop out are at a heightened risk for delinquency.[xxviii]

Lack of stable, trusting relationships with adults

In conversations with advocates, agency officials, and those with families impacted by DCF or DYS involvement, a theme that emerged was the importance of strong relationships between vulnerable youth and involved adults. These essential relationships are compromised by trauma and further by the necessary disruption that comes with DCF involvement and home removal. This essential connection between youth and adults is well-documented in developmental psychology. Conversely, the negative impacts of disrupted relationships or a failure to form a bond with a parent or strong adult figure are dramatic and enduring.[xxix] Because youth who end up in the DCF system overwhelmingly have a history of troubled attachments and disrupted relationships, it is critical to their development that mentors and caregivers who enter the child's life have the opportunity and tools to form lasting, positive attachments.[xxx] The systems that serve these youth need to recognize and support these relationships whenever possible.

Disproportionate impacts of the juvenile justice system

Data indicates that in Massachusetts and across the country, welfare-involved youth are disproportionately charged with less serious crimes. Research has shown that having child welfare involvement when entering the juvenile justice system increases the chance of detention relative to the non-DCF population, suggesting that at least some juvenile justice decisions may be influenced by the juvenile's system involvement, not just the offense itself.[xxxi]

These analyses also suggest that child-welfare involved youth are more likely to be removed from the community and detained for less serious

crimes. According to data released by the Massachusetts Juvenile Detention Alternatives Initiative, 82% of dual-status youth held in detention are held on a lower-level offense compared to 60% of the overall detained youth population.[xxxii]

The reasons for these disproportionate impacts merit more study. However, given the significant and often lifelong negative consequences of arrest and detention, alternatives to detention such as restorative justice, diversion and supervised community programs for these youth, especially when public safety is not compromised, is especially meaningful and likely to result in more positive outcomes for youth.[xxxiii]

How do we increase the likelihood of positive outcomes for dual-status youth?

The subcommittee identified several areas of focus that will likely result in better outcomes for dual-status youth.

Reduce placement disruptions

Statistics show that there is a strong correlation between the number of DCF placement disruptions and the likelihood of youth involvement in the juvenile justice system. The exact nature of the causal relationship is unclear and likely multi-faceted; however, there is a strong relationship between stable placements and the endurance of resulting relationships with adults. These relationships are naturally disrupted when placements change. Decreasing the number of placements that at-risk and dual-status youth experience is likely to result in decreased delinquent behavior and less interaction with the juvenile justice system. It should be an objective of the system at large to have policies and supports to maintain placements whenever possible.

A 2015 study[xxxiv] of over 1,000 Massachusetts children with open cases in both DCF and DYS in the same year found that 57% of boys and 59 percent of girls originally became involved with DCF by the age of five. For dual-status youth, 40% had some contact before the age of 4, and 58% experienced at least one home removal at some point in their childhood. Although home removal

Source: mass.gov

by DCF may be necessary to protect the child from abuse or neglect, it also has traumatic consequences of its own. Removals interfere with any stabilizing, strong and positive relationships between the child and his or her family and community. Even in the case of abused children, home removal is a very traumatic event in and of itself, affecting relationships between a child and an essential caregiver as well as any positive relationships that may exist for a child.[xxxv] This is particularly concerning if placement changes lead to removal from the home community or school district where the young person may have established ties to teachers, coaches, or other mentors. On average, dual-status youth were more significantly impacted by placement changes, being placed in six different foster circumstances prior to age 18, which is double the mean number of placements for all children in DCF care.[xxxvi]

In assessing how to minimize placement disruptions, it is important to recognize that DCF is tasked with the difficult and weighty challenge of balancing the health and safety of a child in an abusive living situation with the potential for long-term impacts that home and placement removals can have. When a child is put in an out-of-home placement, DCF regulation 110 CMR 7.101 specifies that kinship care must be considered first, which is consistent with research about the importance of maintaining family connections.[xxxvii] The least desirable option for placement is community residential care, which is also consistent with research showing this to result in fewer positive outcomes for youth.[xxxviii]

Dual-status youth are more frequently placed outside kinship care than the DCF population at large, meaning that they come from families with the most challenging family dynamics. Dual-status youth are in kinship-care only 10% of the time as compared to 28% for the DCF-involved population at large.[xxxix] This suggests that additional family supports for the families of at-risk children, especially in the earlier years, may help keep some of these youth with their families whenever possible and appropriate, which may help improve outcomes.

In addition to the type of placement, the number of placements appears to be a significant factor in whether a youth ends up in contact with the juvenile justice system. This is consistent with data showing that dual-status youth typically experience a higher number of placements than other child welfare peers. National studies have shown that even a youth's perception of placement instability can be connected with an increased likelihood of delinquency. [xl] As with kinship care, providing adequate support for foster families is essential to preserving foster placements and minimizing disruptions.

Displacement appears highly correlated to higher rates of delinquency for these youth. Any efforts to increase placement stability and the resulting lasting relationships between youth and their caregivers and communities are likely to result in improved outcomes for these youth and should be supported by system-wide policy.

Increase availability of mental health and behavioral health services

The need to address mental health concerns is becoming increasingly apparent across all segments of society, and this need is particularly pronounced in the dual-status youth population. Given that their underlying trauma and mental health needs often greatly contribute to their interaction with the juvenile justice system, providing clinical supports is essential to their rehabilitation.

Adolescent mental health services are often difficult to access in Massachusetts and across the nation. There are fewer adolescent psychiatrists than needed, and in some areas, language barriers make access to services even more limited.[xli] In addition, an increasing number of mental health clinicians for children and adolescents do not accept many types of insurance, including MassHealth, due to poor payment structure, the administrative costs of keeping up with paperwork, and the need to chase down payments.[xlii] As a result, there are significant unmet mental health needs in the Commonwealth overall, and even more so for dual-status youth.[xliii]

The goal of maximizing positive outcomes for these youth and the communities they live in cannot be met without adequate services to meet their significant mental health needs. Expanding these services for the dual-status and child welfare-involved populations should be a priority.

Increase focus on prevention through schools

The need for orderly school environments is essential to the learning of all students. School is also the place where youth spend a significant portion of their day, making it a crucial intervention point for youth who may be at risk for delinquency. For children with difficult home environments, school can be a source of stability and support with professionally trained staff that can respond to behaviors in developmentally appropriate ways. This opportunity for achievement within a vulnerable population is best leveraged by schools which view discipline as an opportunity for growth and learning.

Safe and Supportive Schools Framework

The manifestation of trauma histories, mental health needs, and educational challenges can often bring dual-status youth into contact with school discipline officials.

In 2014, a law titled The Safe and Supportive Schools Framework (MGL Ch. 69 §1P) was enacted to begin to integrate behavioral supports and approaches that benefit all students, but especially the at-risk population. In FY2017, the state provided 18 school districts with grants to assist in implementation of the trauma-sensitive youth framework.

Governor Patrick and Speaker DeLeo at the signing of Safe and Supportive Schools legislation.

There is currently a Safe and Supportive Schools Commission in the Department of Elementary and Secondary Education, under the Commissioner of Education, that continues to evaluate and advocate for this initiative in schools. The 2016 annual report of the Commission includes six recommendations, two of which relate to funding needs (Appendix E). The report first highlights the need for additional grant funding to schools through the state budget, and recommends pursuing federal grant funding. Both of these funding sources are important to performing school assessments relative to trauma-sensitive programming and the implementation of action plans. Given resource constraints at both the state and federal level, any funding available could most greatly benefit dual-status youth if the grants prioritize districts with large DCF-involved youth populations.

While the subcommittee did not include a review of disciplinary approaches in chapter 766 schools which educate students with disabilities, these schools should also be considered when recommending and advancing developmentally appropriate discipline policies.

School Resource Officers

A fairly recent phenomenon in school discipline is the placement of permanent police officers, known as School Resource Officers (SROs), in the

schools. SROs are intended to fill three primary roles: educators, informal counselors, and law enforcers.[xliv] With appropriate training, officer selection, and memoranda of understanding between the schools and police, SROs can be part of a community-based policing approach to supporting youth and their families and creating a positive school environment. Approaches toward training and appointment of SROs differ significantly across the state with no framework for training standards or requirements. If SROs do not have a clear understanding of their role, do not have adequate training in adolescent development, and/or embrace a zero-tolerance, enforcement-only approach to the role, their presence can contribute to the "school to prison pipeline."[xlv] Proper SRO selection and training across all school districts, in particular those with high populations of DCF-involved youth, would help ensure that school accountability provides a long-term growth opportunity for the child, and minimizes the number of youth that are diverted into the juvenile justice system as a result of behaviors in school.[xlvi]

One example of a successful in-school officer program is the Cambridge Safety Net Collaborative. This initiative is results from a cooperative effort among the Cambridge Schools, Police Department, and Cambridge Health Alliance. The results of this program have been promising thus far, with only one arrest in Cambridge Schools between 2013 and 2015 as well as a 70% reduction in juvenile court involvement.[xlvii] A key aspect of the program is its use of positive youth development approaches, emphasis on communication, and coordination across all stakeholders, including parents, supported with adequate resources. There are other successful models and cautionary tales from across the state and the country.

Dual-status youth, and all youth, would benefit from implementation of a consistent, PYD-based model for SROs across the Commonwealth.

Community-Based Justice Statute

One concerning aspect of school disciplinary practice in Massachusetts is the requirement under M.G.L. Ch. 12 §32 that District Attorneys operate community-based juvenile justice programs in their counties in close collaboration with school districts. According to current law, DAs must compile and maintain a "priority prosecution list" of youth determined to be the highest threat to their community. The DA must also hold monthly working sessions to discuss these youth with school administrators, SROs, and other stakeholders (Appendix D).

While it can be helpful to bring stakeholders together in the interest of youth, the language of the statute should be carefully reviewed and adapted to be more in line with the positive youth development model and

current best practices. There should be a broader discussion by the legislature about the original objective of this statute and the unintended consequences of such close integration between prosecutors and the schools. Restorative justice models may present an alternate and more constructive model for addressing disciplinary concerns, the vast majority of which are unlikely to compromise school safety and may provide better opportunities for rehabilitation and growth for the youth. In reviewing the statute, there should also be strong consideration given to requiring notification of parents and guardians when a minor is the subject of discussions by schools, law enforcement, and prosecutors at these meetings. If the objective is to support a child and prevent delinquent activity, evidence shows that family involvement is essential whenever possible.[xlviii]

Continue to integrate Positive Youth Development approaches

Through the leadership of many thoughtful individuals, Massachusetts agencies and many of its schools have been making steady progress away from zero-tolerance youth disciplinary models toward positive youth development approaches that seek to identify and fortify a youth's strengths as a way to address delinquent behavior.

The annual DYS Youth Showcase highlights the talents and potential of all youth, but in particular the power of the experiences that these young people have, especially those who are engaging in programs successfully, to share with the world.

PYD stands in contrast to zero-tolerance policies that became prevalent as a result of the federal Gun-Free Schools Act of 1994. Specifically, PYD focuses on "5 C's" of competence, confidence, character, connection, and caring. The theory of PYD states that "if young people have mutually beneficial relations with the people and institutions of their social world, they will be on the way to a hopeful future marked by positive contributions to self, family, community, and civil society."[xlix]

Increasing the use of Positive Youth Development is consistent with the findings of the American Psychological Association Zero Tolerance Task Force, which in 2008 found the following:

> *There is evidence that the introduction of zero tolerance policies has affected the delicate balance between the educational and juvenile justice systems. Zero tolerance policies appear to have increased the use and reliance in schools on strategies such as security technology, security personnel, and profiling. Although there have been increased calls for the use of school security technology and school resource officers in the wake of publicized incidents of school homicide in the late 1990s, there is as yet virtually no empirical data examining the extent to which such programs result in safer schools or more satisfactory school climate.*[l]

Movement away from zero tolerance toward PYD is also consistent with findings of the National Association of State Boards of Education.[li]

In order to implement a PYD model, agencies and organizations must invest in highly qualified staff and a service continuum that engages youth, families and communities.[lii]

Reduce detention for low-risk offenders

DYS has implemented a youth assessment tool called the "Detention Placement Instrument" (DPI) which is used on all youth held on bail to help determine a youth's placement security level. Considered in the tool is the type of offense, history of delinquency and defaults, and probation compliance. DYS also screens committed youth based on the severity of offense using a classification grid of offenses. Offense levels range from 1 to 6, with Grid 6 representing the most severe offenses.[liii] Grid levels 1 and 2 including lower-level offenses such as shoplifting and disorderly conduct.[liv]

Source: mass.gov

82% of all detained dual-status youth are held on a lower-level offense, and are detained for these offenses at a significantly higher rate than the total population rate of 60%. This raises questions about whether detention decisions are being made appropriately for dual-status youth in such instances.

Additionally, there is evidence to suggest that detaining these youth

can actually increase, rather than decrease, their subsequent risk of offending and further justice involvement. Some studies have shown that minors with lowest risk offenses actually raised their subsequent levels of offending by a small but statistically significant amount following stays in institutions.[lv]

In addition to having very different consequences for youth, the costs of these different approaches to youth accountability vary considerably--from $110,000 per youth per year for secure detention to $31,000 for foster care with community supervision. When the DPI indicates that placing a youth in the community is appropriate and does not result in a safety or flight risk, it is in the interest of both the youth and the state to utilize the secure foster care or diversion options. Not only does this placement keep the youth from being exposed to the negative impacts of detention, it also provides the most cost-effective option for the state with little risk of compromising public safety. Cost-benefit analyses of diversion also find that it returns between $10 and $25 to the community per dollar spent.[lvi]

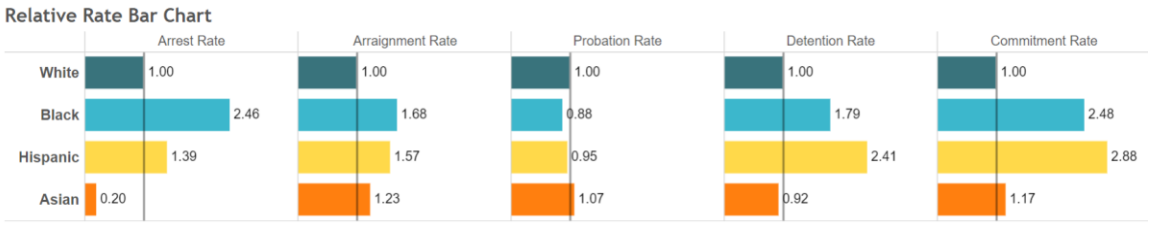
In the juvenile courts, Massachusetts has recently implemented sentencing guidelines (Appendix G) that will increase the likelihood that low-level offenders will be placed in the community and help ensure that treatment of low-level-offending youth is more consistent across the state. In an attempt to minimize the number of low-risk youth held in detention, DYS has also created programming that allows youth awaiting arraignment to be placed in foster care settings and out of secure detention. There should be increased focus on efforts to reduce detention for low-level offenses.

These lower-risk offenders would also benefit from implementation of juvenile expungement policies, which would eliminate their criminal record after a post-detention period without a new offense. Since these children pose little risk to public safety, the relative benefits of eliminating potential barriers to employment or education, which decrease the likelihood of re-offense are significant.[lvii] Whereas detention of juveniles has been shown to increase the rate of re-offense, studies have shown that states with expungement policies experience lower rates of recidivism among the juvenile offender population and positive outcomes on beneficial metrics like college attendance.[lviii] Expungement of records can be an effective tool in cases where incarceration is not appropriate or productive, and helps accomplish the broader goal of reducing adult recidivism.

Further evaluate and address disparities in the system

Racial Considerations

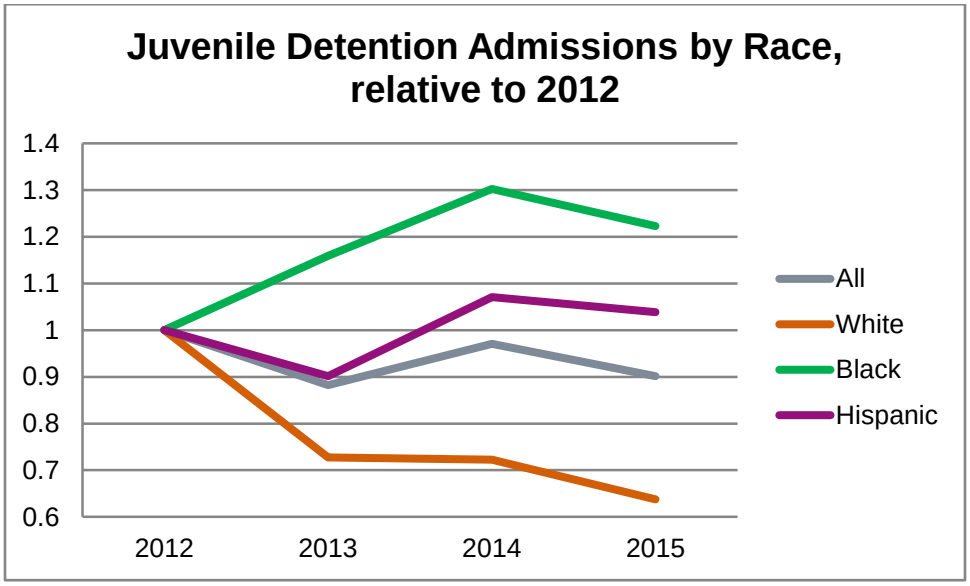
Based on data analyzed by the Massachusetts Juvenile Detention Alternatives Initiative, as well as extensive national data, youth of color appear to face a disproportionate share of the impacts across the juvenile justice system as shown in the chart below.



Source: Massachusetts JDAI: Decision-Specific Relative Rate Index Dashboard.
Most recent available 2015

Approximately 60% of dual-status youth in the Commonwealth are black or Latino, even though they make up only 39% of the state child welfare population.[lix]

The racial disparity in the overall detained population has grown as the share of Caucasian youth admissions has decreased from 43% of the population in 2012 to 30%, in 2015.[lx] Over that same period the total number of Black admissions actually grew (from 314/year to 384/year), as did Hispanic admissions. The chart below shows the trend since JDAI began tracking and reporting annual admissions.



Source: JDAI Decision-Specific Relative Rate Index Dashboard

The disproportionate representation of minorities in justice-involved youth was addressed by the federal government in the Juvenile Justice and Delinquency Prevention Act of 1974, later reauthorized in 2002. Incorporated into the law are federal grants to improve facilities and procedures used by juvenile offenders. State eligibility for these grants requires efforts to address "disproportionate minority contact."

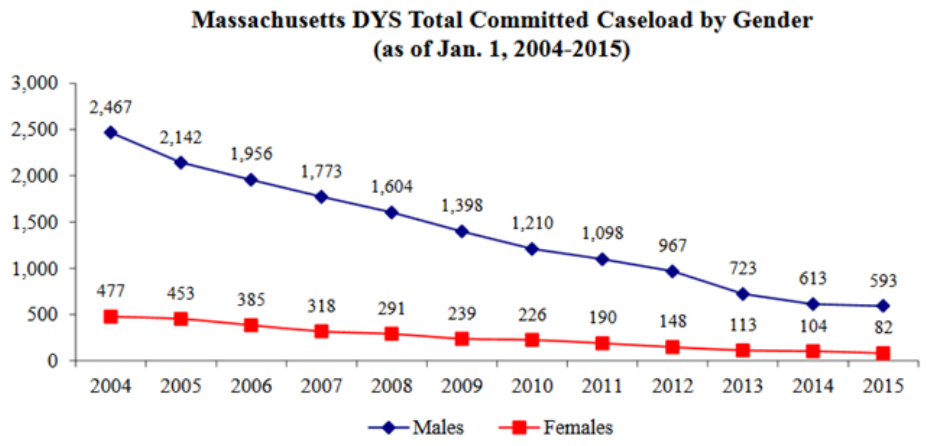
The disproportionate minority contact language is broadly worded to require states to address the issue of racial and ethnic disparities within their juvenile justice system without establishing numerical quotas or targets for the juvenile offender population.[lxi] Accurately collecting and reporting demographic data at all points of contact within the system is a necessary prerequisite for compliance with this component of the law. States must collect and report data, identify disparities, and "develop and implement delinquency prevention and systems improvement strategies,"[lxii] assessing the effectiveness of these strategies as they are carried out. According to the federal Office of Juvenile Justice and Delinquency Prevention, 29 states have data for all contact points in their juvenile justice system. Massachusetts is not yet compliant, but legislation filed for the 2017-18 session would bring the state into compliance.[lxiii]

In FY15, the most recent data available, Massachusetts received $544,000 in grant funding through a grant program, which includes a 20% reduction in eligibility due to non-compliance with other grant criteria. Non-compliance with disproportionate minority share data requirements have not yet impacted the Commonwealth's access to this grant funding but it is possible that future eligibility could be decreased by an additional 20% for non-compliance with this criterion.

Gender Impacts

Unlike trends seen in national data, the overall DYS committed female population in Massachusetts has been decreasing since 2004. Of the total committed DYS population in 2015, only 12% were female.[lxiv]

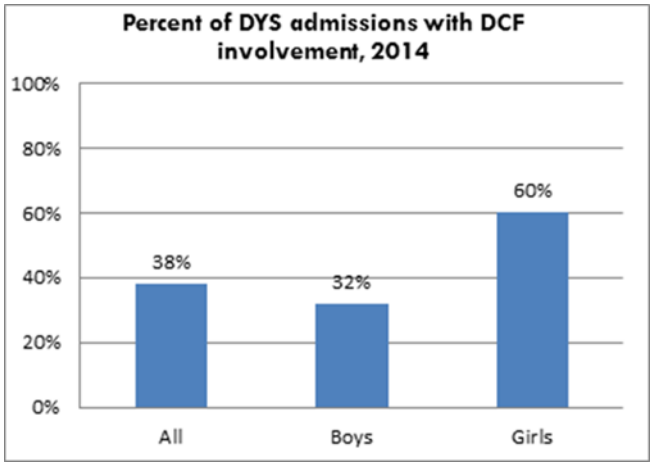
However, of the girls that are detained in DYS, a strikingly high percentage has DCF involvement. The rate of DCF involvement for girls (60%) is almost twice that of DYS involved boys (32%).[lxv] There is also a gender difference in placement histories of dual-status youth, with 39% of dual-status girls having 6 or more placements compared to 27% of boys.[lxvi]



Source: JDAI 2014 data dashboards

National studies of female delinquency suggest an overwhelming theme of childhood trauma, with an overwhelming majority of detained girls experiencing some form of abuse. A California study of incarcerated girls found that 92 percent had suffered some form of abuse, with the majority having reported at least one instance of sexual abuse.[lxvii] Generally, the research suggests that the female dual-status population suffers from the abuse and neglect which defines the overall dual-status population, but at an even higher frequency and intensity.

Because detention facilities can be improperly equipped and programmed for girls,[lxviii] the danger of detention itself becoming a further traumatic event or exacerbating symptoms of post-traumatic stress disorder presents an even more pressing concern for girls.



Source: JDAI data dashboards

Improve technology that supports integration and analysis of outcomes

Most state agencies currently struggle with limited resources to provide adequate supports to the populations they serve, including the dual-status population. The multi-stakeholder nature of the systems that support dual-status youth adds an additional layer of complexity. The constraints of

interagency communication make integrated, child-centered service delivery challenging. In some cases, a youth may enter a courtroom without his or her attorney knowing of a history state welfare involvement. Sometimes, youth involved with multiple agencies can have conflicting service plans.[lxix]

One promising approach to a comprehensive and effective service model for these youth is the Hampden County Dual-Status Youth Initiative. This program, which evolved from a memorandum of understanding between DYS and DCF in 2009 and a 2012 grant DYS received from the MacArthur Foundation and the Robert F. Kennedy Children's Action Corps, identifies dual-status youth in the pre-trial stage. A team of stakeholders, including a trusted adult advocate for the child, is then engaged to create an inclusive plan of goals and recommendations for the youth. This approach is unique in bringing all of the parties to the table to address a youth's needs in a comprehensive way, at a point in the process when further engagement with the juvenile justice system can be mitigated. Based on results to date, the pilot has been very effective, resulting in improved outcomes on all metrics including decreases in placement disruptions and recidivism, as shown in Figure 1. Efforts to duplicate this model are already underway in Essex and Suffolk Counties and these efforts should be supported with state resources.

To facilitate expansion of the program, the legislature should work with the Department of Youth Services, in cooperation with the Department of Children and Families, the Hampden County Juvenile Court, and the Hampden County District Attorney to conduct a more formal evaluation of results. This review should identify specific funding needs and barriers to expansion of the program, including the significant technological challenges that exist relative to information-sharing and coordination across multiple agencies.

Figure 1: Results of Hamden County Pilot

	Group 1		Group 2		Group 3		Group 4		Group 5	
Number of Dually Involved Youth	51		72		67		68		71	
	#	%	#	%	#	%	#	%	#	%
New Offenses (post conference) :	23	45%	22	31%	13	19%	18	26%	4	6%
VOP:	19	37%	30	42%	12	18%	8	12%	1	1%
Post conference DYS holding:	---	---	23	31%	16	24%	6	9%	0	0
Committed:	16	31%	19	26%	14	21%	4	6%	0	0
Percentage Currently Open:	1	2%	6	8%	10	15%	35	51%	68	96%

The Hamden County pilot program has shown significantly improved outcomes for youth across all metrics as shown above. Groups 1is the control group and groups 2-5 indicate enhancements to the program over time, yielding increasingly improved outcomes.

Apart from the Hampden County model, the technology limitations of the current system make it challenging to capture and analyze data that can serve as the basis for more evidence-based conclusions about the current system and in continuing to target appropriate programs and services to dual-status youth. The state must make a greater effort to systematize the types of data that are collected and the standardize collection methods to facilitate this type of analysis. This effort should be carefully balanced against privacy concerns associated with creating records of behavior that can impede a youth's future success; these concerns contribute to current policy conversations relative to accessibility of youth criminal records. The Hampden County Pilot offers an opportunity to assess technology integration needs on a limited scale that can then be expanded systemwide.

How do we pay for these efforts?

Given the austere fiscal climates at both the state and federal levels, this report has attempted to provide a focus on the aspects of the system where targeted investments are likely to most significantly benefit dual-status youth. While there are many programs and services, including local community programs, that benefit these youth indirectly, the areas identified in the section above should be a focus of legislative attention. It is also important to note that implementing many of these programs would generate savings for the state in both the short and long term. The following summarizes the funding landscape for many services directly impacting dual-status youth.

State funding

Massachusetts funds the majority of its child welfare services through state funding. In FY14, only 25% of child welfare expenditures in Massachusetts came from federal sources as compared to state sources. This is in contrast to the national average of 43% of statewide spending being funded by federal programs.[lxx] This is due to the fact that Massachusetts already spends significantly more per child on support services than other states.[lxxi] However, nationwide trends show that the percentage of services funded through state and local sources are also increasing in other states.[lxxii] Given the current federal fiscal landscape, it is likely that Massachusetts will be increasingly reliant on state funding to meet the needs of these youth. An overview of the state programs that support dual-status and at-risk youth is attached in Appendix A.

Federal funding

Significant sources of federal funding for both child welfare and juvenile justice programming help support state efforts. The Commonwealth should seek every opportunity to fully avail itself of formula grant spending as well as discretionary grants offered for programming that will support the recommendations of the report.

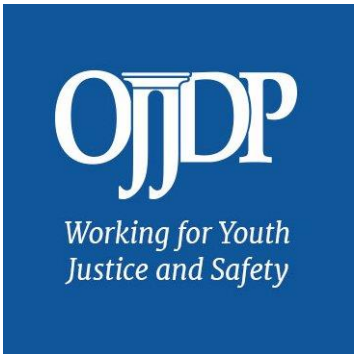
For Child Welfare

In FY14, the federal government spent a total of $9.6 billion on child welfare nationally.[lxxiii] The bulk of this funding is through Title IV of the Social Security Act,[lxxiv] with some federal spending coming from block grants and programs like Temporary Assistance for Needy Families (TANF) that indirectly allow for child welfare spending as part of their larger mission. Title IV-E of the Social Security Act comprises 55% of all federal spending on state child welfare agencies. Title IV-E covers funding for foster care, adoption assistance, and other services related to placement of youth entering the child welfare system. Massachusetts leveraged roughly $92 million in federal foster care assistance in FY14, but only submitted claims covering 28% of children in foster care,[lxxv] suggesting that state funding remains essential to the support of the bulk of Massachusetts's foster care system. Massachusetts also is one of 22 states that have successfully applied to receive federal funding to extend Title IV-E funding to youth up to the age of 21.[lxxvi]

In addition, states are able to earn incentive payments based on the state increasing its rate of adoption or guardianship out of its foster care system. In FY15, Massachusetts earned $164,000 in such incentives, but was only paid $34,435 as the program that provides these incentives was not fully funded and only covered 21% of incentive payments to states.[lxxvii]

States are also able to receive Title IV formula grants through a different provision of the Social Security Act, Title IV-B, covering two major welfare services programs. The Stephanie Tubbs Jones Child Welfare Services program covers broad-based support services for family services, and the Promoting Safe and Stable Families program disburses grants for specific services. The bulk of CWS spending is spent on protective services and family preservation, whereas PSSF services are divided relatively equitably between family support, preservation, reunification, and adoption promotion services. All 50 states utilize the latter program, which was funded at $555.5 million in FY14,[lxxviii] but Massachusetts relies on Title IV-B less than other funding sources, receiving only $9.5 million, or 5% of total funding, from these programs.[lxxix]

For Juvenile Justice



Pursuing grant funding for new initiatives as well as multi-year implementation plans through the federal government is an increasingly appealing option on the state and county level, and Massachusetts has taken advantage of many of these programs.

The Juvenile Justice and Delinquency Prevention Act, last reauthorized in 2002, is a federal law appropriating funds for state juvenile justice systems that work toward the policy goals of prevention and improved treatment of juvenile offenders. The law created the Office of Juvenile Justice and Delinquency Prevention to administer these efforts. In FY15, Massachusetts received nearly $700,000 in formula grant funding. Massachusetts lacks some data on disproportionate minority contact, an area where the Commonwealth could potentially lose federal resources in the future. Several bills have been filed this session to bring the Commonwealth into compliance with federal law by collecting the demographic data that would sufficiently satisfy the DMC requirement.[lxxx]

The OJJDP also administers several other discretionary grants, totaling $242.9 million nationally in FY16. The 2008 Second Chance Act created federal funding for Smart on Juvenile Justice Grants, which support reentry programs, including community supervision programs for juvenile offenders. Additionally, the Second Chance Act authorizes broad-based grants for counties and states to develop plans to reduce recidivism and improve outcomes for justice-involved youth.[lxxxi] In October 2015, DYS was awarded a $190,000 community supervision grant.[lxxxii] This grant authorized planning and study for recommended improvements to the DYS post-detention process, with the option to extend grant allocations for successful implementation strategies. Suffolk County also received funds through the same grant[lxxxiii] to implement some of the recommendations developed in the first round of the grant in a diversion program known as "Bridging the Gap" for first-time juvenile offenders.[lxxxiv]

Two nationally-recognized success stories of partnerships between the state and non-profit organizations to leverage federal funding are Roca, Inc. in Springfield and UTEC in Lowell.[lxxxv] They work to create and implement programs, including mentoring and work enterprise programs, specifically targeted at post-detention and high-risk youth in the community to reduce re-entry into the criminal justice system. They partner with the Safe and

Successful Youth Initiative co-run by the state Offices of Health and Human Services and Public Safety to leverage state funding along with federal and private funding, including Second Chance Act grants.[lxxxvi]

Policy Recommendations

Through its work, the subcommittee has identified a number of areas where increased attention, funding, and/or policy change will yield benefits to dual-status youth.

Minimize Placement Disruptions

- **Require identification and support of positive adult relationships.** As a matter of policy, DCF should be required to identify the strongest relationships in a child's life and seek to maintain them when making placement decisions.
- **Focus attention on multi-placement children.** DCF should formally consider the number of placements a child has experienced as a metric in evaluating cases. There should be an additional evaluation made when a child reaches a high number of placements to determine the cause of the placement disruptions and how to achieve better stability for the child. Adopting H.87/S.61, *An Act establishing a foster care review office* (Rep. Farley-Bouvier, Sen. Lovely) would provide a better structure and reporting mechanism for implementing this change.
- **Increase retention of foster families by formally evaluating their needs and perspectives.** The satisfaction and support of current foster families influences the availability of placement and quality of care, and will influence those considering fostering in the future. Because the foster program is so essential to the welfare of children and the functioning of the system overall, the state should commission a third party to complete a comprehensive survey of both kinship and foster families. The survey should be both quantitative and qualitative and provide a statistically valid result on which to base system-wide recommendations and direct resources to yield the greatest benefit to families. This would also give foster families a greater voice in the process which, based on anecdotal testimony, they currently believe is lacking.
- **Expand foster family recruitment.** DCF has instituted efforts to expand the number of foster families, and these efforts should be sustained and monitored. Greater availability of foster families will increase options for placement and increase the likelihood of stability for a child by ensuring that a child can be placed in a home most able to meet a child's needs, and within the home community.

Expand Mental Health Supports

- **Implement pre-arraignment trauma screening.** For DCF youth who come into contact with the courts, there should be a trauma screening prior to arraignment. This will allow DAs and the courts to determine the extent of a child's trauma, and whether it should be considered in decision-making with regard to placement, service plans, diversion, and/or sentencing.
- **Maintain funding for the Children's Behavioral Health Initiative.** Funding for this program has been increased over the past several fiscal years and should continue to be funded as an essential program serving at-risk and dual-status youth.
- **Fund expansion of the Safe and Supportive Schools initiative.** Schools offer an essential support structure for at-risk and dual-status youth and the Safe and Supportive Schools program offers a framework for providing these supports in a way that is likely to yield the most positive outcome for these youth and all youth in the school community. The program also helps focus attention on the training needs of school staff, which should improve the learning environment overall.
- **Expand availability of counseling to students**. H.527, *An Act to improve access to child and adolescent mental health services* (Rep. Garballey, Rep. Dykema) offers an opportunity to increase availability of mental health services for at-risk and dual-status youth in schools. This and other measures should be considered to expand services available in schools.
- **Evaluate STARR programs.** The STARR (Short-term Assessment and Rapid Reintegration) programs, which were designed to provide short-term stabilization for youth with intensive needs, should be reviewed. Reports of program utilization suggest that youth can be placed in these programs for longer than appropriate, in some cases resulting in poor outcomes. The program should be evaluated to determine whether it is currently being used appropriately and whether changes are needed to yield better outcomes for youth in their care.

Improve Coordination with Schools

- **Prioritize Safe and Supportive Schools funding for key districts/schools.** Given limited resources available through the Safe and Supportive Schools line item, a portion of the funds should be prioritized for districts with high DCF-involved populations. Consideration should be given in future budgets to expanded funding for these programs. A more formal evaluation of the results of the program to date would be beneficial in making the case to secure additional funding.
- **Develop protocols for communication between DCF, legal counsel, school administration, and advocates for the child.** For dual-status youth, communication among advocates is essential, especially when a youth's parent or guardian is unable or unwilling to serve as the youth's primary advocate. Today, communication channels among various stakeholders when a youth in DCF care enters the juvenile justice system are ad hoc. These communication channels should be more formal, a goal which can be at least partially achieved by adopting H.2800, *An Act to provide notice to counsel of changes in a child's placement and other events* (Rep. Meschino).
- **Require training of school resource officers and establish criteria for officer selection based on best practices.** H.2021/S.274, *An Act promoting local control and effective training of school resource officers* (Rep. Cantwell/Sen. Keenan), addresses this issue and includes frameworks for implementation of SRO best practices.
- **Add a parental notification requirement to community-based justice statute.** Compliance with MGL Ch. 12 §32 should include a requirement that parents or guardians of youth identified under the law be notified upon their identification by a DA's office.
- **Establish frameworks and a grant program for restorative justice programming in schools.** This may be appropriate to incorporate into the Safe and Supportive Schools program.

Integrate Positive Youth Development

- **Adopt a statewide policy of integrating PYD for all programs involving at-risk youth.** Consistent, evidence-based models across all systems will ensure that youth are given the best tools for success at all points of contact. Effectively achieving this goal will require the fostering and expansion of partnerships among agencies and

community partners that serve at risk youth including the YMCA, Boys and Girls Clubs, employment-based programs and other proven partners that build positive self-image and skill building for at-risk and dual-status youth. In particular, agencies should assess the opportunity to build on the success of the DYS youth showcase and expand relationships with the arts community.

Implement Juvenile Justice Reforms

- **Complete a formal evaluation of the Hampden County Dual-Status Youth Initiative to facilitate expansion.** Initial data indicates that the Hampden County Pilot is very effective. There should be a formal evaluation of the program that includes a validation of results, review of processes, scalability and costs, including estimates for the cost of expanding the program to other areas of the state, prioritizing areas of greatest need.
- **Allow for expungement of records for certain non-violent offenses.** Clearing certain juvenile records will increase the likelihood that low-risk youth will find employment and pursue educational attainment that will decrease the likelihood of reoffense and improve their lifetime success. H.2309, *An Act relative to sealing of juvenile records and expungement of court records* (Rep. Khan, Rep. Dykema), creates such a framework.
- **Review community-based justice statute.** The legislature should review and update the current community-based justice statute to reflect the current best practices in assuring school safety while also supporting the most positive outcomes for youth.
- **Review bail policy for DCF-involved youth.** DCF's current administrative policy appears to limit the circumstances under which bail can be posted. Anecdotally, the subcommittee has learned that bail is not posted for DCF-involved youth on weekends. This policy should be reviewed and recommendations made for creating a bail process that minimizes the number of youth who are held in detention.
- **Establish a consistent state-wide tool to identify low-risk youth.** A task force should be established that includes the juvenile court, probation, and District Attorneys to establish a framework for determining the criteria for identifying low-risk youth before the arraignment process begins and establishing best practices for restorative justice, diversion, and options within the community.

- **Formalize restorative justice policies.** H.793/S.847, *An Act promoting restorative justice practices* (Rep. Garballey, Sen. Eldridge) proposes a means for formalizing restorative justice and encouraging its broader adoption. Consideration should also be given to making restorative justice available to juveniles pre-arraignment.
- **Formalize dispositional and sentencing best practices for juveniles.** Best practices that have been adopted by the juvenile court as voluntary guidelines should be adopted in statute.

Address Disproportionate Representation

- **Expand data collection.** The legislature should adopt the requirements of H.2489/S.1290 *An Act improving juvenile justice data collection* (Rep. Dykema, Sen. Creem) in order to comply with the federal Juvenile Detention Alternatives Act and ensure continued eligibility for federal funding.
- **Establish a task force on girls in juvenile justice system**. H.119, *Resolve providing for an investigation and study by a special commission relative to gender-responsive programming for juvenile justice system involved girls*, was filed this session by Rep. Tyler and previously filed by Rep. Fox.
- **Pilot the use of adolescent domestic battery typology tool for girls.** This tool helps police departments better assess and respond to assault and battery calls involving girls. See Appendix H.

Conclusion

This report and the recommendations included above are designed to offer insights into the dual-status youth population and how their futures can be improved, both for the benefit of the youth and their communities at large. This report is only one point of engagement in a larger conversation surrounding our child welfare and juvenile justice systems, but it offers targeted proposals in hopes of moving the conversation further toward action.

Even in a constrained fiscal environment, there are ways to improve system-wide coordination and identify areas for improvement to ensure that, given finite resources, these youth are being served holistically and effectively. Smart, targeted investments and proliferation of best practices can make all the difference in the lives of hundreds of children and young adults across the Commonwealth each year.

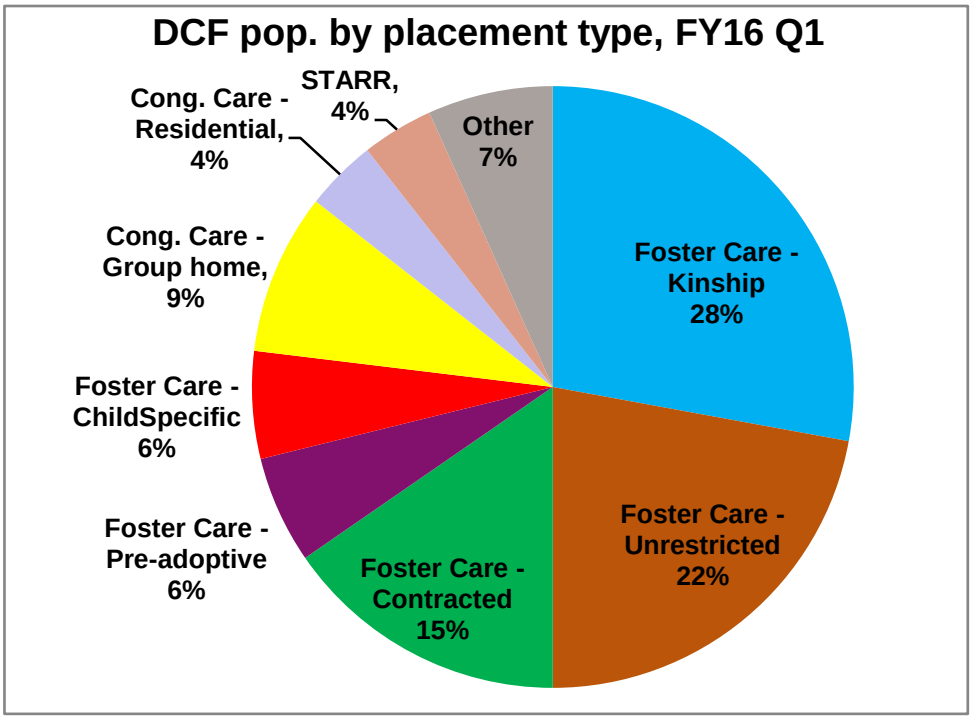
Appendix A

Who are the key players serving dual-status youth?

One of the challenges in meeting the needs of dual-status youth is the fragmented nature of the agencies and systems that serve them. While there are many committed and caring people that work in the "system" on behalf of these youth, the difficulty in information sharing and communicating across agencies, and the lack of integrated data to identify gaps in services, adds another layer of complexity to adequately addressing the already complex needs of these children in a holistic and meaningful way. The following provides an overview of key stakeholders serving the dual-status population in Massachusetts.

Department of Children and Families (DCF)

DCF has one of the most challenging roles in the system that serves dual-status and at-risk youth, working on the front lines with children, families, and caregivers to advocate for and serve the needs of abused and neglected children. The agency is charged with making life-altering decisions for children, deciding whether to provide support services to a family in the home, or whether a situation merits removal from a home to either kinship or foster care, or other full-time placements. They are often faced with making these decisions under stressful circumstances in family situations that are complex and emotional, often with imperfect or incomplete information.



Source: http://www.mass.gov/eohhs/docs/dcf/reports/data-profiles/dcf-quarterly-data-profile-2016-q1.pdf

DCF serves over 100,000 youth annually, predominantly those under 18 years of age, but also those between 18 and 21 years of age who were previously in their care.

About 80% of the children involved with DCF remain in their home where they receive DCF supports.[lxxxvii] Of the population of children removed from the home in the first quarter of 2016, DCF had 29% of their minor placements in foster care, 23% in unrestricted foster care, 16% in contracted foster care, 9% in group home placement, 4% in residential congregate care, and 4% in STARR programs.[lxxxviii] For dual-status youth, DCF case workers are often one of their primary advocates in ensuring their wellbeing. Working directly with these youth, case workers often have the best understanding of the complex family dynamics affecting a child, as well as their behavioral and emotional needs. When a child becomes justice-involved, however, case workers are at a disadvantage in coordinating interaction with the courts and attorneys because they are not trained in this area and often do not have access to communications from the court.

DCF has recently been under scrutiny for high caseloads that exceed targets and which can result in lack of adequate oversight and advocacy for children and families. In FY17, the legislature has made a commitment to invest $19.6 million in new state funding to provide staffing needed to bring caseloads into line with standards, which is 15 families per caseworker.[lxxxix]

DCF also oversees the Commonwealth's foster and kinship care programs

In recent years, a shortage of both foster and kinship placements has made it challenging for DCF to properly accommodate placement needs. Since 2015, DCF has hired fifteen new staff dedicated to foster family and kinship care recruitment, leading to a significant addition of new foster families and expected to continue until the full need for foster families is met.[xc] It is essential that existing and new foster families are provided with adequate supports, reimbursements, and access to services to ensure they are able to adequately provide for the children in their care and want to remain in their foster/kinship arrangements.

Lack of adequate foster and kinship placements can result in higher incidents of detention when there is no alternative placement available, and congregate care/group home placement is shown to be the least ideal setting for children and youth. This progress in foster family recruitment is likely to significantly benefit at-risk and dual-status youth.

DCF also oversees the new state Family Resource Centers which were established and funded by the legislature beginning in 2012. FRCs provide

supports to youth and families and assist in both prevention and intervention with delinquent youth. The goal of these regional centers is to support families by connecting them with resources and engaging with their community. Currently, there is at least one FRC per county, serving families with children up to the age of 18, as well as three new micro-centers which have been added in 2017. Programs at the FRCs include parenting skills, supports to reduce juvenile problem behavior, and strategies to increase school achievement.[xci] Family Resource Centers also provide information and referral services, and "Child Requiring Assistance" services including screening, intake, and assessment, coordination and triage for other state agencies. FRCs also do some data collection and reporting.[xcii]

Juvenile Court

The juvenile court interacts with the dual-status population at several points. For DCF-involved children who suffer from abuse or neglect, the courts are responsible for overseeing the custody process, including whether a child will be removed from the home and placed in DCF custody. The number of these cases has risen significantly in recent years, with the courts seeing a 56% increase in these child protection cases since 2012.[xciii]

The juvenile court also oversees cases of youth who have committed offenses, so-called delinquency cases. Between fiscal years 2013 and 2015, the court saw delinquency cases increase by 34%, but most of this increase is due to legislation passed and implemented in 2013 which raised the age of a juvenile from 17 to 18-years old, not due to an increase in youth offending.[xciv] The courts have some latitude in determining whether youth are detained or are held accountable through other programs within the community. If a youth is not diverted prior to arraignment, the post-arraignment decision whether to send the child home, to secure detention, to a shelter, or to a community-based foster home, or to an alternative community-based program to await trial is made by DYS. Depending on the jurisdiction where a youth offends and the personal philosophy of the presiding judge, there can be significant variation in whether youth are detained or diverted into community-based programs which can result in markedly different outcomes for youth based on where they live.

In 2016, a working group on Juvenile Sentencing Best Practices issued new sentencing guidelines for the juvenile court with the objective of creating "sentencing practices that will best protect the public safety while simultaneously promoting positive youth development." These new guidelines are another important step in ensuring that the courts across the state

contribute positively to the rehabilitation and development of dual-status youth while also protecting public safety in the communities in which they live.

Department of Youth Services (DYS)

DYS is charged with the care of children and youth who are detained or committed for delinquency or other charges as a minor. As an agency that cares for juveniles, its mission is to promote "positive change in the youth in [its] care and custody" and "make communities safer by improving the life outcomes for youth in [its] care."

Increasingly, DYS is using a "Positive Youth Development" (PYD) model to maximize positive lifetime outcomes for these youth. PYD recognizes that youth are better served and rehabilitated using positive, strength-based approaches as opposed to deficit-based approaches.

An increasing awareness of the benefits of keeping youth out of detention has resulted in a decrease in the number of youth detained by DYS by over 62% since 2002.[xcv] Like many agencies, DYS now screens youth using a screening tool, the "Detention Placement Instrument (DPI)," in order to place youth in the least secure environment possible given their offense and other factors. The DPI helps minimize the number of youth held in secure detention.

Prior to 2006, all youth detained by the juvenile courts were held in hardware secure facilities, including those who were held for lower-level offenses. Since that time, DYS has implemented an expanded detention continuum for youth held on bail, which includes staff secure detention and community-based supported foster care placements, in addition to hardware secure detention.[xcvi]

DYS services extend beyond commitment. The highest risk of re-offense occurs during the six months immediately following discharge. Through the voluntary Youth Engaged in Sevices (YES) program, DYS provides educational, housing, and behavioral health services to discharged youth who elect to participate. In 2014, 47% of discharged youth voluntarily participated in the AOW program, an increase from only 12% in 2012. [xcvii] The recent Council on State Governments report on justice reinvestment also recommends the expansion of transitional programs for high-risk offenders that includes voluntary referral to services by a probation officer, a recommendation that acknowledges the positive impacts on recidivism that post-detention support can have for juvenile offenders.[xcviii]

Department of Mental Health (DMH)

One of the themes that stood out in speaking with advocates for these children both within state agencies and in the community was the lack of adequate mental health services for DCF-involved and dual-status children and youth to address their frequent trauma and emotional disturbance. It is essential to address this gap since mental health issues can be the root cause of juvenile justice involvement and addressing it is a necessary component of rehabilitation.

An essential behavioral health support provided through DMH to dual-status youth is the Children's Behavioral Health Initiative which is an interagency initiative following a court order after the *Rosie D v. Patrick* class action lawsuit filed in 2001 on behalf of MassHealth-enrolled individuals under the age of 21 with serious emotional disturbance.[xcix] CBHI ensures that screening, diagnostic evaluation, and other services are provided to this population. The CBHI also offers intensive care coordination, family partner, in-home therapy, in-home behavioral services, therapeutic monitoring, and mobile crisis intervention. In FY17, CBHI received roughly $247 million in appropriations through the state, a total that has increased steadily since FY14.

For children and youth who require inpatient services, the state currently has just one long-term treatment center for females, and two for males. DMH contracts for six Intensive Residential Treatment Programs, which amounts to 85 beds for adolescents. It also has one Critically Intensive Residential Treatment Program, with twelve beds for children ages 6 through 12.[c]

Mental health services are also provided to some at-risk and dual-status youth in the courts through the court clinic program which places specially-trained clinicians in the courts to perform court-ordered mental-health evaluations and make recommendations to facilitate optimal outcomes for the youth.

While all agencies would benefit from increased funding directed at the needs of these youth, more resources for DMH would greatly benefit dual-status and at-risk youth.

District Attorneys

District Attorneys' primary role with dual-status youth is to ensure that justice is served and the community is protected by determining whether charges are brought against a juvenile, whether the youth is diverted, and whether those charges are brought to trial. For juveniles, a DA can play an

essential role in minimizing the harm and trauma that youth can experience as a result of the juvenile justice system.

Increasingly, Massachusetts District Attorneys are diverting youth into community programs for lower level offenses to keep youth from penetrating deeper into the justice system, minimizing trauma and limiting exposure to influences of other delinquent youth which can occur in detention, and often resulting in better public safety outcomes.[ci]

A report completed for the Massachusetts Juvenile Justice Advisory Committee (JJAC) about the use of diversion programs for juveniles in Massachusetts concluded that ten of eleven DAs have formal diversion programs, while one office has an informal program. These diversion programs can either be pre- or post-arraignment, with pre-arraignment diversion being preferred since it prevents a young person from obtaining a criminal record. The majority of offices made diversion determinations based on numerous factors including seriousness of offense, case-by-case assessment, age, criminal history, and youth cooperation and acceptance of responsibility. However there is no uniformity to this process across the state and similar to the case in the courts, consequences for youth can differ significantly depending on the disciplinary philosophy of the county's DA and the degree to which diversion processes are available and formalized. Only five of the ten counties with formal diversion programs include DCF as a stakeholder in the diversion decision-making process, despite the fact that for many dual-status youth, DCF is the guardian.[cii]

As a result of the Community Based Justice (CBJ) statute passed by the legislature in the 1990s, District Attorneys also interact with dual-status youth in the schools. Like diversion programs, implementation of the CBJ statute can differ based on the approach of the county's DA.

Probation

According to the Massachusetts Office of Probation, Probation Officers "walk the line between therapeutic alliance and public safety." Probation officers are educated in evidence-based practice and receive trauma training,[ciii] and many have degrees in health care, positive youth development, and neuropsychology.[civ]

Probation statewide sees 1,000 pretrial youth per day and works with 2,000 delinquent youth, 3,200 "Child Requiring Assistance" youth, and 15,000 C&P youth each year.[cv] Like DYS, the Probation Department has increasingly turned to a positive youth development model when it comes to supporting youth under its supervision. Probation officers partner with local

law enforcement and other agencies to minimize youth penetration into the justice system, specifically through the use of a screening assessment tool that has been instituted in the six counties that comprise 75% of the state's population. With the use of the tool, the agency can assess risk on an individual basis to focus resources on high-risk youth and avoid "overloading" low-risk youth who are more likely to fare better with less supervision.[cvi] In addition, the tool includes a mental health screening, highlighting opportunities to return youth to CBHI care to address underlying mental health or behavioral concerns.[cvii]

Committee for Public Counsel Services (CPCS)

The mission of CPCS is "to provide legal representation to those unable to afford an attorney in all matters in which the law requires the appointment of counsel. This includes representation in criminal, delinquency, youthful offender, child welfare, mental health, sexually dangerous person and sex offender registry cases, as well as related appeals and post-conviction matters."[cviii]

Two divisions of CPCS are relevant to dual-status youth: the Child and Family Law Division and the Youth Advocacy Division. The Child and Family Law Division represents children in both C&P and CRA child protection cases. The Youth Advocacy Division represents juveniles found delinquent. Over 400 CPCS attorneys are trained and certified to follow a Positive Youth Development approach.[cix]

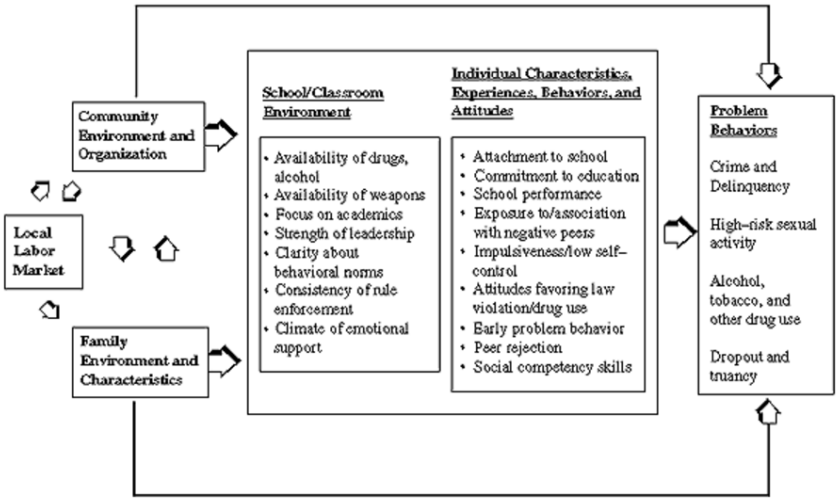
In instances when parents or guardians of dual-status youth are unable or unwilling to advocate on behalf of these youth, CPCS attorneys may be the only adult with full access to all of the information from the various agencies about the child's experiences and connection with services to provide effective advocacy. Access to qualified attorneys who are trained to understand adolescent development and employ it in defense of youth is essential to successful outcomes for at-risk and dual-status youth. It is also essential that counsel for these youth clearly understand the need and are trained to bridge significant gaps that can exist when parents or guardians have only limited involvement.

Schools

Schools play an essential role in outcomes for at-risk youth, and are well situated to support these youth when early signs of trouble arise in order to prevent their involvement with the juvenile justice system.

Studies have shown that there are many school-related precursors to delinquency, including negative peer associations, poor academic performance, and a low commitment to school. School administrators and teachers therefore are uniquely positioned to demonstrably improve the outcomes of youth by providing stability, support, and early intervention to children and youth at risk for delinquency. The lack of support and stability in the homes of most children who are DCF-involved, makes providing a stable and supportive school environment even more beneficial.

School-Related Predictors of Problem Behavior



Source: https://www.ncjrs.gov/works/chapter5.htm

Because schools offer such an important opportunity to affect youth development, efforts to improve their ability to provide mental and behavioral health services, strengthen personal relationships between teachers and students, coordinate with DCF in support of the child, and implement developmentally appropriate disciplinary measures, especially in those districts with large populations of DCF-involved and at-risk youth, have the potential to dramatically improve outcomes for these youth and their communities.

Appendix B

State funding that affects dual-status and at-risk youth:

All changes based on real dollars from FY08 GAA to FY17 GAA

Department of Children and Families (4800-0015):

- Foster Care and Adoption Services (4800-0038): DCF funds kinship placement, non-kinship foster care, and adoption services as well as support services through this line item. **Change since FY08**: -1.9% (supplemented by 4800-0040)
- Foster Care Outreach (4800-0058): A line item to fund recruitment and outreach efforts for new foster parents, which received funding for the first time in FY17. **Established in FY17.**
- Family Support and Stabilization (4800-0040): A line item for DCF-involved youth who remain at home with their immediate families. **Established in FY11.**
- Group Care/Congregate Care (4800-0041): This line item funds residential and group care placements. **Change since FY08:** +14.6%
- Social Workers and Case Management (4800-1100): The line item to fund social worker salaries. It is designed to maintain caseloads at a ratio of 18 to 1 statewide. **Change since FY08:** +51.7%
- Family Resource Centers (4800-0200): A relatively young line item that first established FRCs in FY15.

Department of Youth Services (4200-0010):

- Non-Residential Services for Committed Youth (4200-0100): This line item funds programs and services for youth who remain in the community while involved with DYS. **Change since FY08**: +3.3%
- Residential Services for Detained Youth (4200-0200): This line item funds detention services for pre-trial youth. **Change since FY08**: +11.7%
- Residential services for Committed Youth: (4200-0300): This line item funds detention services and residential programs for youth who reside under DYS care. **Change since FY08:** +9.3%

Judiciary:

- Committee for Public Counsel Services (0321-1500): This line item funds legal defense for individuals who cannot afford to retain counsel. **Change since FY08 (combined with attorney salary line item):** +222%

- Juvenile Court (0337-0002): Funds the Juvenile Court's activities involving delinquency, child welfare, guardianship, and other youth-related cases. Consolidated into one line item in FY10. **Change since FY08:** +61.8%

Education and Prevention Funding:

- Safe and Supportive Schools (7061-9612): This line item funds grants to schools to develop programs to reduce non-academic barriers to wellness, including trauma training. **Created in FY14**
- Bureau of Substance Abuse Services (4512-0200): This line item funds treatment, education, and prevention services for individuals, including adolescents, who need assistance with substance use disorders. **Change since FY08:** +57.6%
- Youth At Risk Matching Grants (4590-1507): This line item provides grants to non-profits for programs designed to reduce incidence of violence, mental health problems, and abuse among at-risk youth. **Created in FY11**
- Youth Violence Prevention Grants (4590-1506): This line item funds a competitive grant program to reduce incidence of youth violence. **Change since FY08**: -33.2%
- Healthy Families Home Visiting Program (3000-7000): This line item funds home visits for young first-time parents while their children are under the age of three. The program is designed to prevent abuse and neglect through supports and monitoring. **Change since FY08**: +12.3%
- Early Education and Care Quality Improvement (3000-1020): This line item compiles various early education initiatives that previously had their own line items, including early education mental health screening for young children. **Created in FY17**

Mental and Behavioral Health Services:

- Department of Mental Health Administration (5011-0100): This line item funds administrative and staff costs for DMH. **Change since FY08**: -31.4%
- Child and Adolescent Mental Health Services (5042-5000): This line item supports services and residential care for children and adolescents with emotional disturbance and mental illness, often through contracted service through DMH. **Change since FY08**: +20.9%
- Children's Behavioral Health Initiative (4000-0950): This line item funds behavioral health screenings for all children eligible for MassHealth as well as services for children diagnosed with serious needs. **Created in FY10**

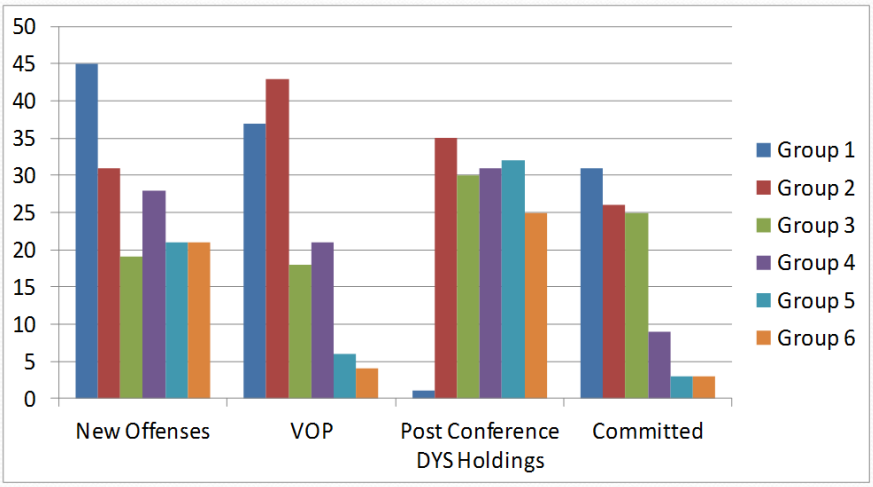
Appendix C

Hampden County presentation selected slides

Updated Totals and Data cont.

- Data collection grouped into 6 groups:
  - Group 1: 51 Dually Involved Youth No-Case Conference from 11/12-3/13
  - Group 2: 72 Dually Involved Youth from 3/26/13 to 9/23/13
  - Group 3: 67 Dually Involved Youth from 10/1/13 to 3/27/14
  - Group 4: 68 Dually Involved Youth from 4/1/14 to 9/23/14
  - Group 5: 71 Dually Involved Youth from 9/30/14 to 3/31/15
  - Group 6: 57 Dually Involved Youth from 4/4/15 to 9/29/15

Dually Involved Youth Recidivism %



For the full presentations from the Hampden County initiative, please contact the subcommittee directly.

Appendix D

Calculation to estimate potential savings.

- Annual savings of directing DCF-involved youth incarcerated for low-level offenses to a diversion program:**$46.3 million**
- Population size:
  - JDAI testimony – 82% of DCF youth held on low-level offense
  - JDAI dashboard – in 2016, 725 youth with DCF involvement were admitted to detention
  - This means roughly 594 youth were admitted for low-level offenses
- Savings:
  - The annual cost savings of diverting one youth from secure detention to foster care with supervision with (per MassBudget numbers) would be $77,996
- Calculation:
  - **725** (dual-status youth admitted to detention in 2016) * **0.82** (82 percent on low level offenses) * **$77,996** ($109,500, annual cost of secure detention - $31,504, annual cost of foster care w/ community supervision) = **$46,368,622**
- Conclusion: If half of incarcerated dual-status youth were diverted to the community, annual cost savings to the state could be $23 million

Appendix E

Community Based Justice Statute

Section 32: Community based juvenile justice programs; district attorneys

Section 32. (a) The district attorneys in the Suffolk, Middlesex, Essex, Worcester, Hampden, Hampshire/Franklin, Norfolk, Plymouth, Bristol, Cape and Islands and Berkshire counties shall operate community based juvenile justice programs in order to coordinate efforts of the criminal justice system in addressing juvenile justice through cooperation with the schools and local law enforcement representatives, probation and court representatives and, where appropriate, the department of children and families, department of youth services and department of mental health.

(b) A district attorney's community based juvenile justice program shall identify cases in which juvenile offenders are among those most likely to pose a threat to their community. The program shall treat the identified cases as priority prosecution cases and impose individualized sanctions designed to deter the offender from further criminal or delinquent conduct. The office of the district attorney shall work with the schools and community representatives on development of violence prevention and intervention programs, identification, protocol and curricula.

(c) The offices of the district attorneys shall conduct weekly working sessions focusing on specific events and particular individuals whose conduct poses a threat to schools, neighborhoods and communities. The district attorneys shall be responsible for creating, managing and updating a priority prosecution list of individuals identified as the community's most serious violent youths and repeat offenders and shall update the list as events may happen and the individual is moved through the criminal justice system.

(d) The district attorneys shall assign prosecutors to the community based juvenile justice program who shall treat the identified cases as their priority cases and shall work with the school, courts and other agencies to deter violent, criminal or delinquent conduct. The offices of the district attorneys shall be responsible for managing the lists, compiling and publishing statistics, coordinating meetings with the assistant district attorneys assigned to the program and local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health.

(e) The district attorneys operating such programs shall participate in a community based juvenile justice program task force for the purpose of sharing information on the practices and developments of violence prevention and prosecution in their particular programs and such task force shall submit an annual report on each program, including statistics and findings, to the house and senate committees on ways and means on or before February 1 each year.

Appendix F

Safe and Supportive Schools Commission Annual Report and Recommendations

https://traumasensitiveschools.org/wp-content/uploads/2017/02/SaSSC-2nd-Annual-Report-FINAL.pdf

Appendix G

Juvenile Court Sentencing Best Practices
http://www.mass.gov/courts/docs/sentencing-commission/jc-sbp-report.pdf

Appendix H

Adolescent Domestic Battery Typology Tool Manual
http://www.nysap.us/MfC%20ADBTT%20Manual.pdf

Endnotes

Cover photo: http://blog.mass.gov/wp-content/uploads/2015/06/Child-Support-Holding-Hands.jpg
Written testimony: For access to full written testimony from any of the citations listed below, please contact the subcommittee directly.

[i] A "zero tolerance policy" is hereby defined as a philosophy or policy that mandates the application of predetermined consequences, most often severe and punitive in nature, that are intended to be applied regardless of the gravity of behavior, mitigating circumstances, or situational context (https://www.apa.org/pubs/info/reports/zero-tolerance.pdf)
[ii] Juvenile Detention Alternatives Initiative. "Our Vision, Mission, and Values." http://www.mass.gov/eohhs/gov/commissions-and-initiatives/jdai/massachusetts-jdai-vision-mission-and-values.html.
[ii] Culhane, D. et al. (2011). "Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care in Los Angeles County." Retrieved from Conrad N. Hilton Foundation website: www.hiltonfoundation.org.
[iv] Holman, Barry and Ziedenberg, Jason. "The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities." *Justice Policy Institute*. http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf. Accessed 1 June 2017.
[v] Citizens for Juvenile Justice (2015). "Missed Opportunities: Preventing youth in the child welfare system from entering the juvenile justice system," 9. Retrieved from Citizens for Juvenile Justice website: www.cfjj.org.
[vi] http://www.mass.gov/eohhs/docs/dys/jdai/jdai-statewide-dashboard-cy2016-q4.pdf
[vii] Culhane et al 2011, 7.
[viii] Culhane et al 2011, 16.
[ix] Herz, D. C., Ryan, J. P., & Bilchik, S. (2010). "Challenges Facing Crossover Youth: An Examination of Juvenile-Justice Decision Making and Recidivism." *Family Court Review*, 48 (2), 305-321.
Baglivio M. T., K. T. Wolff, A. R. Piquero, S. Bilchik, K. Jackowski, M. A. Greenwald, & N. Epps (2015). "Maltreatment, Child Welfare, and Recidivism in a Sample of Deep-End Crossover Youth." *J Youth Adolescence,* n.p.

[x] Baglivio et al. 2015.
[xi] Juvenile Detention Alternative Initiative. "State of the Initiative & Progress Report." Lecture presentation, Massachusetts JDAI 8th Annual Statewide Conference, Marlborough, MA, October 29, 2015.
[xii] Annual savings of directing DCF-involved youth incarcerated for low-level offenses to a diversion program:**$46.3 million**

- JDAI testimony – 82 percent of DCF youth held on low-level offense
- JDAI dashboard – in 2016, 725 youth with DCF involvement were admitted to detention
- This means roughly 594 youth were admitted for low-level offenses

- The annual cost savings of diverting 1 youth from secure detention to foster care with supervision with (per MassBudget numbers) would be $77,996
  725 (dual-status youth admitted to detention in 2016) * **0.82** (82 percent on low level offenses) * **$77,996** ($109,500, annual cost of secure detention - $31,504, annual cost of foster care w/ community supervision) = **$46,368,622**

If half are diverted to community supervision, savings of $23m

[xiii] Goleman, Daniel. "The Psyche of the Entrepreneur." *The New York Times*, 2 Feb 1986. http://www.nytimes.com/1986/02/02/magazine/the-psyche-of-the-entrepreneur.html.

[xiv] Juvenile Detention Alternative Initiative. Written testimony. 15 Jan 2016.

[xv] A youth who is "detained" has become involved with the Department of Youth Services through actions that have brought him or her into contact with law enforcement. Once in DYS detention, they may eventually be committed or released. A youth who is "committed" has been ordered by a court through an adjudication process to further involvement with the juvenile justice system.

Department of Youth Services (2016). "2015 Annual Report." http://www.mass.gov/eohhs/docs/dys/dys-annual-report-2015.pdf, accessed 1 June 2017.

[xiv] CfJJ 2015, i.

[xvii] JDAI testimony, 5.

[xviii] CfJJ 2015, 4.

[xix] CfJJ 2015, 10.

[xx] DOJ Office of Justice Programs, 2015

[xxi] Grisso, Thomas and Vincent, Gina (2014). "Trauma in Dual Status Youth: Putting Things in Perspective." Robert F. Kennedy Children's Action Corps. Accessed online 1 June 2017
National Center for Mental Health and Juvenile Justice (2016). "Strengthening Our Future: Key Elements to Developing a Trauma-Informed Juvenile Justice Diversion Program for Youth with Behavioral Health Conditions."

[xxii] CfJJ 2015, 6.

[xxiii] Grisso & Vincent 2014.

[xxiv] Grisso & Vincent 2014.

[xxv] Bender, K. (2010). "Why do some maltreated youth become juvenile offenders?: A call for further investigation and adaptation of youth services." Children and Youth Services Review, 32 (3), 466 - 473.

[xxvi] Mallett 2014.

[xxvii] Mallett, C. A. (2014). "Youthful offending and delinquency: The comorbid impact of maltreatment, mental health problems, and learning disabilities." *Child and Adolescent Social Work Journal*, 31 (4), 369-392.

Carey, Naoka. Citizens for Juvenile Justice. Letter to author. 15 Jan 2016. TS.

[xxviii] Bender 2010.

[xxix] Shonkoff, Jack P. et al (2009). "Young Children Develop in an Environment of Relationships." *The National Scientific Council on the Developing Child*, Harvard University. http://developingchild.harvard.edu/wp-content/uploads/2004/04/Young-Children-Develop-in-an-Environment-of-Relationships.pdf. Accessed 23 June 2017.

[xxx] http://developingchild.harvard.edu/wp-content/uploads/2004/04/Young-Children-Develop-in-an-Environment-of-Relationships.pdf. Centre for Parenting and Research (2006). "The importance of attachment in the lives of foster children." New South Wales

Department of Community Services.
http://earlytraumagrief.anu.edu.au/files/research_attachment.pdf. Accessed 23 June 2017.
[xxxi] Conger, Dylan and Timothy Ross (2006). "An Outcome Evaluation of a Program for Children in the Child Welfare and Juvenile Justice Systems." *Youth Violence and Juvenile Justice* Vol. 4 Issue 1.
http://journals.sagepub.com/doi/abs/10.1177/1541204005282314?journalCode=yvja. Accessed 12 June 2016.
[xxxii] JDAI written testimony, 6.
[xxxiii] JDAI written testimony, 2.
[xxxiv] CfJJ 2015.
[xxxv] CfJJ 2015, 11.
[xxxvi] CfJJ 2015, 12.
[xxxvii] 110 CMR 7.101: Department of Children and Families.
http://www.mass.gov/eohhs/docs/dcf/regs/110cmr7.pdf.
Child Welfare Information Gateway. "Impact and Evaluation of Kinship Care." *U.S. Department of Health and Human Services.*
https://www.childwelfare.gov/topics/outofhome/kinship/impact/. Accessed 19 June 2017.
[xxxviii] Barth, Richard P (2002). "Isntitutions vs. Foster Homes: The Empirical Base for a Century of Action." *Jordan Institute for Families.*
http://ahum.assembly.ca.gov/sites/ahum.assembly.ca.gov/files/hearings/062811-BarthInstitutionsvFosterHomes.pdf. Accessed 19 June 2017.
[xxxix] CfJJ 2015, 11.
[xl] Bender 2010; Huang et al. 2015.
[xli] Office of the Commissioner of Probation written testimony. 12 January 2016.
[xlii] Greater Boston Legal Services (2012). "Department of Mental Health Services for Children and Adolescents." *Mass Legal Services.*
http://www.masslegalservices.org/content/department-mental-health-services-children-and-adolescents-childrens-issues-series. Accessed 1 June 2017.
[xliii] Mental Health Legal Advisors Committee (2010). *Just for Youth: Advocating for Youths in the Massachusetts Department of Youth Services.*
http://www.mhlac.org/Docs/DYSProject/DYSChapter13.pdf. Accessed 1 June 2017.
[xliv] Thomas, Benjamin, Laura Towvim, John Rosiak, and Kellie Anderson (2013). "School Resource Officers: Steps to effective school - based law enforcement." Safe Schools Healthy Students National Center Brief.
http://www.ncjfcj.org/sites/default/files/SRO%20Brief.pdf. Accessed 12 June 2017.
[xlv] Heitzig, Nancy A. "Education Or Incarceration: Zero Tolerance Policies And The School To Prison Pipeline." Department of Education Forum on Public Policy.
files.eric.ed.gov/fulltext/EJ870076.pdf. Accessed 12 June 2017.
[xlvi] Thomas et al. 2013.
[xlvii] Cambridge Safety Net Collaborative, written testimony. January 2016.
[xlviii] "Family Involvement in the Improving Child Welfare Outcomes Through Systems of Care Initiative." 2010. *U.S. Department of Health and Human Services.*
https://www.childwelfare.gov/pubPDFs/FamilyInvolvement_Report.pdf. Accessed 19 June 2017.
[xlix] Juvenile Detention Alternative Initiative. "The Adolescent Brain and Positive Youth Development." http://www.mass.gov/eohhs/docs/dys/jdai/adolescent-brain-and-pyd-brief.pdf. Accessed 12 June 2017.

[l] Skiba, Russell, Reynolds, Cecil R., et al (2008). "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations." American Psychological Association Zero Tolerance Task Force. 8.
[li] Colombi, Greta and Osher, David (2015). "Advancing School Discipline Reform." *Education Leaders Report* 1.2. http://www.nasbe.org/wp-content/uploads/ELR_Advancing-School-Discipline-Reform.pdf Accessed 1 June 2017.
[lii] Mass.gov
[liii] DYS Annual Report 2015.
[liv] DYS Annual Report 2015.
[lv] Slowikowski, Jeff (2011). "Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders." *OJJDP Juvenile Justice Fact Sheet.* https://www.ncjrs.gov/pdffiles1/ojjdp/230971.pdf. Accessed 19 June 2017.
[lvi] CfJJ Diversion 2016.
[lvii] Citizens for Juvenile Justice. "Removing Barriers to Youth Success and Positive Development." https://static1.squarespace.com/static/58ea378e414fb5fae5ba06c7/t/5907dfd52e69cf0188cf4fa9/1493688278258/FACTSHEET-Expungement2017.pdf. Accessed 23 June 2017.
[lviii] Daniel Litwok, "The Effects of Juvenile Expungement on Crime, Educational, and Labor Market Outcomes" (2014). http://econ.msu.edu/seminars/docs/Expungement%20112014.pdf
[lix] CFJJ 2015.
[lx] Juvenile Detention Alternative Initiative. Decision-Specific Relative Rate Index Dashboard. Published 2016. https://public.tableau.com/profile/jdaimassachusetts#!/vizhome/RRIDRAFT10132016/RRIDashboard. Accessed 12 June 2017
[lxi] Act 4 Juvenile Justice. "Fact Sheet: Disproportionate Minority Contact (DMC) and Racial and Ethnic Disparities (RED)." *Juvenile Justice and Delinquency Prevention Coalition.* Act4jj.org. Accessed 1 June 2017
[lxii] Hanes, Melodee (2012). "Disproportionate Minority Contact." OJJDP *In Focus.* https://www.ojjdp.gov/pubs/239457.pdf. Accessed 1 June 2017.
Lerner, R.M.; Almerigi, J.B.; Theokas, C.; Lerner, J.V. (2005). "Positive Youth Development". *Journal of Early Adolescence.* **25** (1): 10–16.
[lxiii] The bills for the 190th legislative session are as follows:
H.2489, An Act improving juvenile justice data collection (Sponsor: Rep. Dykema)
S.1290, An Act improving juvenile justice data collection (Sponsor: Sen. Creem)
H.3079, An Act to promote transparency, best practices and better outcomes for children and communities (Sponsor: Rep. Khan)
S.947, An Act promoting transparency, best practices, and better outcomes for children and communities (Sponsor: Sen. Spilka)
[lxiv] Massachusetts Federal Fiscal Year 2015 Three Year Plan (2014). http://www.mass.gov/eopss/docs/ogr/justiceprev/fy2015-jjac-threeyrplan.pdf.
[lxv] JDAI testimony 2016, 7.
[lxvi] CFJJ 2015, i.
[lxvii] Sherman, Francine (2005). "Detention Reform and Girls: Challenges and Solutions." The Annie E. Casey Foundation. http://www.aecf.org/m/resourcedoc/AECF-DetentionReformAndGirls-2005.pdf. Accessed 1 June 2017. 21-27.
[lxviii] Sherman 2005.

[lxix] Nash, J. & Bilchik, S. (2009). "Child Welfare and Juvenile Justice--Two Sides of the Same Coin, Part II." *Juvenile and Family Justice Today*. Retrieved from www.ncjfcj.org.
[lxx] Rosinsky, Jessica and Dana Connelly (2016). "Child Welfare Financing SFY 2014:A survey of federal, state, and local expenditures." *Child Trends*. The Annie E. Casey Foundation. https://www.childtrends.org/wp-content/uploads/2016/10/2016-53ChildWelfareFinancingSFY2014.pdf. Accessed 12 June 2017.
[lxxi] Boots, Shelly Waters, Karen C. Tumlin, Jacob Leos-Urbel, and Rob Green (1999). "State Child Welfare Spending at a Glance: A Supplemental Report to the Cost of Protecting Vulnerable Children." *The Urban Institute*. http://www.urban.org/sites/default/files/publication/69626/309108-State-Child-Welfare-Spending-at-a-Glance.PDF. Accessed 16 June 2017.
[lxxii] Rosinsky and Connelly 2016.
[lxxiii] Rosinsky and Connelly 2016.
[lxxiv] "Massachusetts." Child Welfare Financing SFY 2014. https://www.childtrends.org/wp-content/uploads/2016/10/Child-Welfare-Financing-SFY2014_Massachusetts.pdf. Accessed 16 June 2017.
[lxxv] "Massachusetts." Child Welfare Financing SFY 2014.
[lxxvi] Stoltzfus, Emilie (2017). "Child Welfare: An Overview of Federal Programs and Their Current Funding." *Congressional Research Service*. https://fas.org/sgp/crs/misc/R43458.pdf
[lxxvii] Stoltzfus 2017.
[lxxviii] Rosinsky and Connelly 2016.
[lxxix] "Massachusetts." Child Welfare Financing SFY 2014.

[lxxx] The bills for the 190th legislative session are as follows:
H.2489, An Act improving juvenile justice data collection (Sponsor: Rep. Dykema)
S.1290, An Act improving juvenile justice data collection (Sponsor: Sen. Creem)
H.3079, An Act to promote transparency, best practices and better outcomes for children and communities (Sponsor: Rep. Khan)
S.947, An Act promoting transparency, best practices, and better outcomes for children and communities (Sponsor: Sen. Spilka)
[lxxxi] https://www.ojjdp.gov/grants/solicitations/FY2017/SCAOutcomes.pdf
[lxxxii] Executive Office of Health and Human Services (2015). "DYS Awarded Federal Grant to Reduce Recidivism." Released 19 October 2015. http://www.mass.gov/eohhs/gov/newsroom/dys/dys-awarded-federal-grant-to-reduce-recidivism.html. Accessed 12 June 2017.
[lxxxiii] U.S. Department of Justice. Grant Award detailed information for 2016-CZ-BX-0007. https://external.ojp.usdoj.gov/selector/awardDetail?awardNumber=2016-CZ-BX-0007&fiscalYear=2016&applicationNumber=2016-50042-MA-CZ&programOffice=OJJDP&po=OJJDP. Accessed 12 June 2017.
[lxxxiv] Suffolk County District Attorney. "Early Intervention and Prevention." Partnerships and Prevention. http://www.suffolkdistrictattorney.com/partnerships-and-prevention/early-intervention-and-prevention/. Accessed 23 June 2017.
[lxxxv] Hayek, Connie (2016). "Environmental Scan of Developmentally Appropriate Criminal Justice Responses to Justice-Involved Young Adults." *National Institute of Justice*. https://www.ncjrs.gov/pdffiles1/nij/249902.pdf. Accessed 16 June 2017.

[lxxxvi] UTEC (2017). "FY2016 Current Funders." UTEC Lowell: Breaking Barriers to Success. https://www.utec-lowell.org/invest/currentfunders. Accessed 16 June 2017.

[lxxxvii] (Bernstein 2015, Nechtem 2016).
[lxxxviii] "Massachusetts Department of Children and Families Quarterly Profie." FY2016 Quarter 1. http://www.mass.gov/eohhs/docs/dcf/reports/data-profiles/dcf-quarterly-data-profile-2016-q1.pdf. Accessed 19 June 2017.
[lxxxix] "Analyzing the Governor's Budget for FY 2017." MassBudget. http://www.massbudget.org/reports/pdf/budget_monitor_governor_fy17.pdf. Accessed 19 June 2017.
[xc] Adams, Heather (2016). "Massachusetts foster care system is looking for new options as opioid epidemic increases children in system." MassLive. http://www.masslive.com/news/index.ssf/2016/11/massachusetts_foster_care_syst.html. Accessed 19 June 2017.
[xci] Juvenile Detention Alternative Initiative. "Family Engagement in Juvenile Justice." http://www.mass.gov/eohhs/docs/dys/jdai/family-engagement-brief.pdf. Accessed 12 June 2017.
[xcii] Salem State University (2015). "Family Resource Center Program Evaluation Report." Executive Office of Health and Human Services. http://www.mass.gov/eohhs/docs/family-resource-center-evaluation-report.pdf. Accessed 12 June 2017.
[xciii] Glaun, Daniel. "Children taken from Massachusetts homes spiked 56 percent since 2012, driven by the opioid crisis." *MassLive*, 14 Jan 2017. http://www.masslive.com/news/index.ssf/2017/01/child_removal_cases_have_spike.html. Accessed 17 July 2017.
[xciv] DYS Annual Report 2015.
[xcv] JDAI testimony, 10.
[xcvi] JDAI testimony, 11.
[xcvii] DYS Annual Report 2015.
[xcviii] Council on State Governments. "Justice Reinvestment in Massachusetts." Released February 2017. https://csgjusticecenter.org/wp-content/uploads/2017/03/FINAL_JC_Justice-Reinvestment-in-Massachusetts_3.21.17.pdf. Accessed 22 June 2017.
[xcix] Berry, Jessica. "Quick Reference on CBHI Mental Health Services for Youth." Children's Law Center of Massachusetts. http://www.clcm.org/ROSIE_D_GUIDE_FINAL_2013.pdf. Accessed 12 June 2017.
[c] Center for Mental Health Services (2015). "Massachusetts FY2016/FY2017 State Behavioral Health Assessment and Plan." http://www.mass.gov/eohhs/docs/dmh/reports-results/2016-2017-block-grant.pdf. Accessed 12 June 2017.
[ci] Niedzwiecki, Emily, Seri Irazola, Caitlin Churchill, and Michael Field (2015). "Massachusetts Juvenile Diversion Assessment Study." ICF International. https://static1.squarespace.com/static/58ea378e414fb5fae5ba06c7/t/5900a84337c581564bbf482a/1493215301068/MADiversion_FinalReport_2015.pdf. Accessed 19 June 2017.
[cii] Citizens for Juvenile Justice (2016). "Less Crime for Less Money." https://www.cfjj.org/less-crime. Accessed 12 June 2017.
[ciii] Dolan, Edward and Harry Spence. "What the new Probation Department looks like." *The Boston Globe*, published 2 December 2014. https://www.bostonglobe.com/opinion/2014/12/02/what-new-probation-department-looks-like/oIJv35ZccHZeanwDZVlpUI/story.html. Accessed 20 June 2017.
[civ] Probation written testimony.
[cv] Probation written testimony.

[cvi] Slowikowski 2011.
[cvii] Probation written testimony.
[cviii] Committee for Public Counsel Services. "What We Do." https://www.publiccounsel.net/. Accessed 12 June 2017.
[cix] Forman, Benjamin and Sarah Yee (2015). "Viewing Justice Reinvestment Through a Developmental Lens." *MassINC Policy Brief*, Dec. 2015. https://massinc.org/wp-content/uploads/2015/12/young.offenders.brief .pdf. Accessed 12 June 2017.