BEYOND THE TUNNEL PROBLEM

Addressing Cross-Cutting Issues that Impact Vulnerable Youth

Briefing Paper #1
Youth and Cross-Cutting Problems
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> For purposes of assigning children into a system we label them as Bad, Sad, Mad or Can't Add. It is like attaching a mailing label – the Bad child gets sent to juvenile justice system. The Sad child goes into the child welfare system. The Mad child enters the mental health system. Can't Add goes to special education. Sorting often depends upon issues of race and class. Minority and poor children are more likely to be labeled Bad.
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> – Robert Schwartz, Juvenile Law Center

Across the country, mayors, commissioners, superintendents, governors, and state policymakers are innovating to address the needs of vulnerable youth. These efforts take many forms: restructuring high schools to improve graduation rates, creating developmentally appropriate interventions to reduce juvenile delinquency, and revamping child welfare practices to keep more youth safely in their homes are just a few of these strategies. Many initiatives, however, are plagued by "cross-cutting problems" – issues that cut across the different agencies that serve youth. Unless cross-cutting issues are addressed pro-actively, they may undermine systemic reforms.

This short paper is the first in a series of briefing papers designed to inform officials, practitioners, funders, advocates, scholars and the general public about cross-cutting problems and possible solutions to these problems. This paper focuses primarily on the authors' experiences in New York City, though many of the cross-cutting problems discussed are known to occur in many jurisdictions large and small. The series starts by presenting a typology of cross-cutting issues. The next paper in this series will elaborate on a specific area – namely, juvenile justice and education. Additional briefing papers will focus on local initiatives that tackle specific problems and more systemic attempts to solve cross-cutting issues.

A Typology of Cross-Cutting Issues

The Tunnel Problem
A youth's entry point into the series of systems that serve youth usually determines how government responds, not the youth's underlying problems. Each of the many systems that serve youth has a fixed menu of services or solutions to offer. Because most agency staff members think primarily of the set of solutions within their system, they usually send youth down one of these "service tunnels." The tunnel may be the most appropriate choice among the agency's set of options, but may still be an ineffective course of action. Once a youth starts down a particular tunnel, it is often hard to reverse course and take a different path.

A clinically depressed youth who often skips school and whose parent has a serious substance abuse problem, for example, will receive markedly different treatment depending on which tunnel she enters. If the teen receives a referral to the mental health system, she will likely receive some counseling. The school system, however, may demand that the parent file a status offense petition to address the truancy problem. This may result in services that focus on truancy or other educational issues. The school might bypass the status offender system and file an educational neglect petition that would trigger a child protective services investigation. A child protective investigation might also result from a neighbor's concern about the parental substance abuse. Child welfare might provide supportive services to the family or remove the child and place her into foster care.

The tunnel problem can lead to perverse and unintended consequences. In one New York City case, police arrested a mother and daughter working together to sell marijuana. Though many might see this as a child welfare case, the arrest sent the daughter into the juvenile justice tunnel. Juvenile justice officials felt uncomfortable giving the daughter probation because of her unstable home life and sentenced her to a secure placement for twelve months (the minimum placement sentence according to New York State law). The mother received 30 days in jail.

In another example, when the Vera Institute of Justice examined the implications of a new status offender law, it found that several New York City schools routinely threaten to file educational neglect charges if a parent does not file a status offender petition. Yet the Vera Institute of Justice study on the educational impact of child welfare placement shows that school attendance rates for status offenders who enter the child welfare system decline.[1] Over half of all status offenders placed with child welfare leave after two months, and 90 percent of those who leave return to their families.[2] Quick turnarounds mean that childcare workers have little incentive to form attachments with status offenders, which may be one reason that these youth leave care without permission at far higher rates than youth who enter care for other reasons.[3] Attempting to resolve a truancy problem may lead youth down a tunnel that exacerbates the issue and creates further obstacles.

Any discussion of the services that youth receive would be incomplete without highlighting that issues of cultural competency and institutional racism are rife in this field. Youth of color, especially African Americans, are more likely to receive harsher treatment when involved in school discipline proceedings, child welfare cases, or the juvenile justice system.[4] Indeed, widespread disproportionate minority confinement (DMC) led to a federal mandate requiring states to assess the extent of DMC and take steps to address the problem. Tunneling, then, is not only a function of a youth's problem, but is also influenced by conscious and unconscious biases on the part of government agencies. Programs such as The Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative and the W. Haywood Burns Institute's efforts to

reduce DMC have shown that it is possible to address these problems - solutions that we will explore further in a later briefing paper of this series.

These examples demonstrate how tunneling can lead to government responses that are either arbitrary or inappropriate. And once youth enter a particular tunnel, the fractured nature of the systems that serve youth may cause additional problems for both youth and agencies. The constricted flow of information between agencies often prevents the identification of cross-cutting issues.

Information Flow

Many cross-cutting issues revolve around the difficulties of sharing information across agencies. Agency databases rarely "talk" to each other for bureaucratic, resource, and technological reasons, as well as issues related to confidentiality, and the same rule often applies to caseworkers and other staff. In many situations, agency managers are eager to solve cross-cutting issues once they identify and understand them.

Project Confirm, an effort to bridge the gap between the child welfare and juvenile justice systems, arose out of a common feeling among New York City family court judges, juvenile justice officials, and child welfare managers that the lack of a release resource caused foster kids to be unnecessarily detained. None of these actors knew the extent of the problem. Initial research showed that foster youth accounted for two percent of all youth in New York City, but 15 percent of detained youth.[5] Foster youth were not arrested for more serious delinquency charges than their non-foster peers. This information persuaded officials to take action that led to the creation of Project Confirm. A simple intervention, Confirm screened all juveniles entering juvenile detention to identify foster youth and notify caseworkers that they needed to appear in court. A field coordinator met the caseworker at court and helped the caseworker advocate for the child's release. Even in its first year, the program eliminated "the foster care bias" in detention decisions for low-level first time delinquents.

In the late 1990s, information sharing challenges made it difficult for child welfare and education officials to coordinate their efforts in New York. Child welfare staff did not have access to education records, which made it difficult for them to assess the educational progress of children in care. Education officials did not have an easy way to identify foster youth, which made tailoring programs to fit their needs more difficult. Researchers from the Vera Institute of Justice matched databases from the two systems to study how entering care affected educational performance. Contrary to the conventional wisdom, the study found that school attendance for abused and neglected children improved after entering foster care. This research and pilot program that sought to improve the educational lives of foster youth, "Safe and Smart", helped lead to the creation of an ongoing information-sharing protocol.[6]

Diffusion of Responsibility

Information sharing alone rarely ameliorates cross-cutting problems. Even when agencies know that they have a common client, tension around appropriate roles and responsibilities often results in vulnerable youth falling through the gaps.

In Project Confirm, for example, many child welfare caseworkers felt that once police arrested a foster youth, "the kid belonged to juvenile justice." To solve this problem, Project Confirm routinely faxed a letter from the commissioner of child welfare reiterating caseworkers' responsibility to go to court on delinquency cases to both the caseworker and their supervisor. Program planners made numerous presentations to agency staff and foster care providers to educate them on the overlap problem and what they needed to do to solve it.

Similarly, research growing out of Safe and Smart showed that responsibility for their educational performance is spread among many people such as foster parents, biological parents, group home staff, caseworkers, and teachers. Even when information is shared and each of these players knows about a youth's status, confusion over roles and responsibilities may result in no one working with a foster youth on educational issues.[7] After officials have assigned responsibilities, successful implementation requires that front-line staff members are trained to carry out their assignments. Many people working with foster youth are eager to help after their role is clarified, but they are either inexperienced or intimidated by working with teachers and school officials. To counter this problem, the program conducted "train the trainer" sessions and developed materials explaining how best to engage the school system.[8]

The diffusion problem is not only one of roles, but also can result from the flow of youth through a system. One study showed that about a fifth of juvenile detainees had serious substance abuse issues—a finding consistent with other research.[9] Traditional facility-based treatment struggled to reach youth because they moved quickly between different facilities within the city and state systems and back to the community. To solve this problem, the Vera Institute of Justice developed Adolescent Portable Therapy, which assigns one therapist to work with a youth and his family regardless of where they are located.

Unloading "Problem Cases" and Shifting Burdens

As the examples above show, officials and staff often want to solve cross-cutting problems when they have the tools to do so. In some instances, however, agencies, staff, and parents act to rid themselves of troubled youth. Hard data on this phenomenon are rare, but there are enough anecdotes and stories to make this pattern noteworthy.

While planning Project Confirm, program designers heard many stories of foster care staff who called police to have youth in their care arrested – often for minor incidents that biological parents would have resolved without police interference. Indeed, some front-line staff saw

calling the police as a way to assert authority and to have responsibility for a kid transferred to juvenile justice.[10] In some cases, these youth may have suffered from mental health problems, but the lack of access to mental health services led to voluntary placements with child welfare. According to the Rochester Youth Study, one in five male delinquents and one in three female delinquents has a diagnosable mental health problem.[11]

The family courts in New York City place hundreds of status offenders in traditional congregate care settings filled mostly with youth in foster care.[12] Court room observations found that if parents demanded placement, judges almost always acquiesced. Focus groups with parents showed that they usually cared about their children and thought placement was a "boot camp" where their kids would learn discipline – though no such facilities exist. Status offenders cycle back into care more often than other foster youth. In the worst cases, kids bounce between home and placement, and bounce around within the child welfare system – often having to transfer to new schools with each movement. And like youth with delinquency records, they face extraordinary hurdles in their attempts to even register in a new school despite regulations that require officials to enroll these children.

Ironically, detained youth in New York City are automatically enrolled in an in-facility educational program. Attendance is mandatory. However, students taking courses while in detention receive only half credit for their efforts. Many involved youth are already behind educationally and this policy makes catching up that much harder. Not surprisingly, a review of case files in New York City and other studies found a strong link between poor school attendance and recidivism. In effect, some schools push youth to drop out.[13]

**Cross-Cutting Dynamics with a
Negative Impact on the Well-Being of Vulnerable Youth**

The tunnel problem - A youth's entry point into government systems will tend to determine the services they receive, rather than their underlying problems. In this way, youth are sent along separate—and somewhat arbitrary—"service tunnels."

Lack of information flow - Many problems in providing youth with suitable services follow from a failure to effectively share information about the young person between separate agencies, which might otherwise enhance the quality of services that they receive.

Diffusion of responsibility - Even when different agencies know they share a common client, tension around appropriate roles and responsibilities often results in vulnerable youth falling between the gaps.

Unloading "problem cases" and shifting burdens - Sometimes agencies may deliberately seek to shift responsibility for serving or responding to a youth away from themselves to a different agency, which may simply exacerbate the youth's problems.

What's Next for *Beyond the Tunnel Problem*?

Cross-cutting problems create many problems – for families, youth and communities who are poorly served, for taxpayers who pay for duplicative, inappropriate, or ineffective services, and for government officials and staff hindered in their efforts to accomplish their missions. The next briefing paper in this series focuses exclusively on one important cross-cutting problem: the intersection of school and juvenile justice.

If you know of efforts across the country to solve or ameliorate cross-cutting issues, please email crosscutting@ytfg.org with information on these efforts. If you would like additional information on the programs mentioned in this briefing paper, contact Timothy Ross at tross@vera.org or go to www.vera.org.

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Other resources can be found online at (cont.):

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About the authors of Briefing Paper #1: Timothy Ross is the research director at the Vera Institute of Justice in New York, NY. He has edited a book on crime mapping, authored reports and articles on the intersection of the justice and child welfare systems, and taught at Hunter and Baruch Colleges. Joel Miller works with Timothy as a senior research associate at the Vera Institute of Justice. Joel is involved in Vera research on police accountability, including examination of a federal court monitor in Pittsburgh and analysis of tracking surveys of public satisfaction with policing in New York City.

*About the **Beyond the Tunnel Problem** series*: This series examines how the systems of public education, juvenile justice, and child welfare can work in better coordination to address the needs of youth who are often impacted by more than one system at a time. The series provides information on the scope of the "tunnel problem" and recommendations for how funders and policymakers can support better collaboration between systems and youth-serving organizations at the federal, state, and local levels. It features thoughts and commentaries from leading experts from various disciplines. The series is sponsored by Youth Transition Funders Group in partnership with The Annie E. Casey Foundation.

About Youth Transition Funders Group: The Youth Transition Funders Group (YTFG) is a network of grantmakers whose mission is to help vulnerable youth make a successful transition to adulthood by age 25. For more information on YTFG, log on to www.ytfg.org.

Endnotes for Briefing Paper #1

[1] Dylan Conger and Alison Rebeck. 2000. *How Children's Foster Care Experiences Affect Their Education.* New York: Vera Institute of Justice.

[2] Timothy Ross, Mark Wamsley, and Ajay Khashu. 2002**.** *The Experiences of Early Adolescents in Foster Care in New York City: Analysis of the 1994 Cohort.* New York: Vera Institute of Justice.

[3] Ross, Khashu and Wamsley 2002; Marni Finkelstein, Mark Wamsley, Dan Currie, and Doreen Miranda. 2004. *Youth Who Chronically AWOL from Foster Care: Why They Run, Where They Go, and What Can Be Done.* New York: Vera Institute of Justice.

[4] See for example Russell Skiba, Robert S. Michael, Abra C. Nardo, and Reece L. Peterson. *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment.* Indiana Education Policy Center, June 2000; Vanessa B. Sheppard and Richardean Benjamin-Coleman. February 2001. "Determinants of Service Placements for Youth with Serious Emotional and Behavioral Disturbances." *Community Mental Health Journal.* Volume 37, Number 1 Pages: 53 – 65; Carl E. Pope, Rick Lovell, and Heidi M. Hsia. 2002. "Disproportionate Minority Confinement: A Review of the Research Literature From 1989 Through 2001." *OJJDP Juvenile Justice Bulletin.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

[5] Timothy Ross and Dylan Conger. 2002. "Bridging the Gap between Child Welfare and Juvenile Justice." *Child Welfare.* 81: 3 (May/June):471-494.; Dylan Conger and Timothy Ross. *Reducing the Foster Care Bias in Juvenile Detention Decisions: The Impact of Project Confirm.* New York: Vera Institute of Justice.

[6] Marni Finkelstein, Mark Wamsley, and Doreen Miranda. 2002. *What Keeps Children in Foster Care from Succeeding in School?: Views of Early Adolescents and the Adults in Their Lives.* New York: Vera Institute of Justice. Conger and Rebeck, 2000.

[7] Finklestein, Wamsley and Miranda, 2002.

[8] Molly Armstrong and Janet Mandelstam. 2003. *Foster Children and Education: How You Can Create a Positive Educational Experience for the Foster Child.* New York: Vera Institute of Justice.

[9] Jean Callahan and Melissa Froehle. 2000. *Arrested Development: Substance Abuse and Mental Illness Among Juveniles Detained in New York City.* New York: Vera Institute of Justice. See also Linda Teplin, "Study of Detained Juveniles in Cook County, Illinois," preliminary results of an unpublished study, 1999. The paper is available from Dr. Teplin at Northwestern University.

[10] School safety officers may exercise the same option in school discipline cases. In New York City and many other jurisdictions, school safety officers are now part of the police department.

[11] David Huizinga, Rolf Loeber, Terence P. Thornberry, and Lynn Cothern. "Co-occurrence of Delinquency and Other Problem Behaviors." *Juvenile Justice Bulletin.* November 2000.

[12] Timothy Ross, Mark Wamsley, and Ajay Khashu. 2002**.** *The Experiences of Early Adolescents in Foster Care in New York City: Analysis of the 1994 Cohort.* New York: Vera Institute of Justice; Timothy Ross. 2002. *A System in Transition: An Analysis of New York City's Foster Care System at the Year 2000.* New York: Vera Institute of Justice.

[13] Michele Fine. 1991. Framing Dropouts: Notes on the Politics of an Urban High School. Albany, NY: SUNY Press.