



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

**Written Statement of the
National Association of Public Child Welfare Administrators**

Hearing on Youth Promise Act

**Subcommittee on Crime, Terrorism and Homeland Security
Judiciary Committee
U.S. House of Representatives**

July 22, 2009

Chairman Scott, Ranking Member Gohmert, and members of the Subcommittee on Crime, Terrorism, and Homeland Security of the House Judiciary Committee, the National Association of Public Child Welfare Administrators, an affiliate of the American Public Human Services Association, respectfully submits this statement for consideration of H.R. 1064, the Youth Promise Act, or the YPA.

APHSa is a nonprofit, bipartisan organization representing state and local human service professionals for more than 79 years. NAPCWA, created as an affiliate in 1983, works to enhance and improve public policy and administration of services for children, youth and families. As the only organization devoted to representing administrators of state and local public child welfare agencies, NAPCWA brings an informed view of the problems facing families today to the forefront of child welfare policy.

Children and adolescents involved in the juvenile justice and child welfare systems, also known as “cross-over youth,” have been exposed to the trauma of neglect and physical, emotional and sexual abuse at significantly higher rates than their peers in the general public. Such victims of childhood abuse or neglect are more likely to commit delinquent acts as juveniles and crimes as adults. Maltreated children and youth are also more likely to experience behavioral and mental health problems, substance abuse issues, and educational deficiencies throughout their childhood and adolescence. Additionally, youth not adequately assessed for mental health and substance abuse disorders early—in a pattern of disruptive or delinquent behaviors—are at greater risk of becoming involved in either or both systems. A Chicago Longitudinal Study reports that maltreatment is associated with a 51 percent increase in the likelihood of being adjudicated for violent offenses.¹

Los Angeles County, Calif., is one locality that shows increasing rates of youth crime activity and juvenile delinquency. This jurisdiction was highlighted in a Georgetown University study and evaluated to identify the pressing needs of cross-over youth. The study shows that subsequent to arrest, 68 percent of cross-over youth in Los Angeles County had some level of official contact with the juvenile justice system. Moreover, increased rates of recidivism among cross-over youth in Los Angeles County were highly linked to their mental health issues.² These findings show the need for continued support for localities with high youth crime and better strategies to promote prevention of juvenile delinquency.

NAPCWA appreciates the Subcommittee's efforts to improve the lives of children and families by introducing the YPA. H.R. 1064 focuses on creating evidence-based and promising practices for states and mostly localities to reduce youth violence and juvenile delinquency. Public child welfare directors around the nation are currently using these practices to reduce the number of children who enter into formal systems. Such systems include foster care, therapeutic foster care, group homes, residential treatment facilities, and in some cases, juvenile justice facilities. NAPCWA members strongly believe that services provided to children and families should be done in a safe environment and at home. Therefore, we urge Congress to use NAPCWA's recommendations as the YPA moves through the Committee mark-up.

The Youth Promise Act Can Improve the Needs of Cross-Over Youth

The YPA encourages better cross-systems collaborations among localities to better serve youth at-risk for juvenile delinquency. H.R. 1064 calls for public child welfare directors to sit on the Promise Coordinating Councils to provide valuable insight and make critical recommendations to help reduce the number of entries and re-entries of youth coming into formal care. Juvenile justice and child welfare professionals recognize the challenges shared by the two systems and collaboratively work on ways to improve the outcomes for children in care and in the custody of state agencies.

In the fall of 2007, NAPCWA partnered with Casey Family Programs and Georgetown University's Public Policy Institute through its Center for Juvenile Justice Reform to form a joint collaborative in identifying multi-systems approaches to better serve youth entering both systems. According to the report, *Building Multisystems Approaches in Child Welfare and Juvenile Justice*, several localities showing high youth crime rates were studied and the findings show that youth on probation are often supervised in the community rather than in an out-of-home placement. In addition, there is a strong connection between parent and child attachment and delinquency and consequently, and research shows that these approaches have proved to be more effective while conducted in the home.³

Currently, juvenile justice and child welfare administrators often collaborate to implement innovative models and promising practices in the field to encourage family engagement and promote stability for youth to remain in their homes. H.R. 1064 works to increase the use of promising practices that have proved to be successful in localities to help divert children from entering into juvenile systems. The Fostering Connections to Success and Increasing Adoption Act (P.L. 110-351) passed in October 2008 encourages states and localities to use family engagement strategies to help move children at-risk of entering into the system towards permanency. Currently, states and localities are using family group decision-making meetings as a method to maintain strong family bonds and enable families to be involved in the treatment plans of their children who are at-risk of entering into care. Although the Fostering Connections to Success Act makes meaningful strides, offering grant funding to promote these activities, most states and localities are not able to afford the increasing state match due to tough economic times. If the YPA moves through its final passage, localities and tribes can gain additional assistance through the Promise Grants to help continue these practices.

NAPCWA also recognizes that the YPA helps address issues related to racial disproportionality in juvenile justice and child welfare systems. Among cross-over youth populations, racial and ethnic disparities continue to be a critical indicator for youth moving from one system to another, especially for African-American youth. In the United States, African-Americans consist of 15 percent of the population, yet they account for 25 percent of child protection investigations, 30 percent of substantiated cases of abuse and neglect, and 36 percent of out-of-home placement. On average the disproportionality

index for African-American children in child welfare is 2.26, which means this group is overrepresented in the foster care system, accounting for more than twice their proportion in the U.S. child population. Similar findings are found in racial disproportionality rates among juvenile justice systems as African-American youth account for 48 percent of juvenile incarcerations (based upon violent crime arrest rates).⁴ Research also indicates that African-Americans are twice as likely as Caucasian adolescents to experience at least one arrest while in the child welfare system. Moreover, as researchers review the many disparities affecting cross-over youth, they found that African-American adjudicated youth are also less likely to receive mental health treatment while being detained in correctional facilities.⁵ The YPA enhances federal support to localities to address the needs of these youth by establishing partnerships between public and private mental health facilities to provide mentoring, counseling and educational services to children and adolescents, especially in inner cities.

Overall, the YPA makes positive steps to improve the well-being of children and families by offering preventive strategies in high crime communities. Juvenile justice and child welfare administrators, researchers and national leaders believe that ensuring: the safe and appropriate return or maintenance of youth in their families and homes; academic attainment; sound behavioral and physical health; and better preparation for youth to obtain a successful future are critical elements and effective solutions to reduce national recidivism rates.⁶ These collaborative efforts are proven to be successful in states and localities and NAPCWA members believe the YPA will help support these initiatives.

States Are Implementing Evidence-Based and Promising Practices to Promote Prevention and Reduce Child Maltreatment

Public human service agencies around the nation are utilizing promising strategies and evidence-based practices to reduce child maltreatment and juvenile delinquency. Most of these models report positive outcomes and are proven to be cost effective. New York; Texas; and Clark County, Nev., have reported the following:

New York

The New York State Office of Children and Family Services operates a successful home visiting program that is research-based and includes a comprehensive holistic approach serving low-income families. Healthy Families New York is dedicated to provide child abuse and prevention services to expectant parents and parents with infants aging from zero to three months. These children and families are considered to be at-risk of abuse or neglect and live in vulnerable communities with high poverty rates, infant mortality and teen pregnancy. HFNY's home visitors provide families with support, education and linkages to community services designed to address the following needs: (1) to prevent child abuse and neglect; (2) to enhance parenting skills and parent-child interactions; (3) to ensure optimal prenatal care and child health and development; and (4) to increase parents' self-sufficiency. Moreover, HFNY has provided these services to more than 600,000 homes and served more than 20,000 families since its establishment in 1995.⁷ HFNY and other home visitation models around the nation are key preventive strategies to reduce child maltreatment and other at-risk indicators. Many states and localities use home visitation models to serve young mothers and fathers at-risk for coming in contact with the formal system. These evidence-based approaches can be used to serve low-income families in at-risk communities, with high crime rates and minimal resources to support families with young children. Home visitation programs can be implemented in these localities to reduce gang activity and juvenile delinquency. Moreover, it can also offer a preventive strategy for maintaining family stability and safely keeping children in their homes.

Texas

The Texas Department of Family and Protective Services' Prevention and Early Intervention has developed a preventive approach for reducing juvenile delinquency and has served 53,387 at-risk children, youth and families in SFY 2008. Texas has a Statewide Youth Services Network that provides community and evidence-based juvenile delinquency prevention programs and serves at-risk families. Other services include: Community-Based Child Abuse Prevention and Family Strengthening and Texas Families: Together and Safe models, which seek to increase parent involvement and family engagement. The Community Youth Development initiative is a comprehensive approach designed to enhance positive youth development and resiliency in communities with high juvenile crime. Texas Youth and Runaway Hotlines report successful outcomes in localities as runaway youth and their families are provided with crisis counseling and intervention. Services to At-Risk Youth are also offered to runaway and/or truant youths under the age of 18 living in family conflict and who have been committed for delinquent offences or have alleged misdemeanors or felonies.⁸ These programs are examples of promising practices using solid family engagement models and positive youth development activities proven to be effective in states with high at-risk populations.

Clark County, Nevada

The Clark County Department of Juvenile Justice Services collaborates with the Annie E. Casey Foundation and other community partners to develop a Juvenile Detention Alternatives Initiative. JDAI calls for cross-systems collaborations between courts, judges, juvenile district attorneys, public defenders, local police, school district, higher educational institutions, faith-based communities and private agency providers. Clark County has received grant funding since 2004 to help these entities come together to offer strong interagency cross-systems collaboration and promote practices and policies that reduce racial disparities among juvenile populations. JDAI has helped reduce the number of juvenile entries and re-entries and improve practices related to Disproportionate Minority Contact core requirement in the Juvenile Delinquency Prevention and Treatment Act, which strives to eliminate the inappropriate use of juvenile detention through development of community-based alternatives.⁹ The Clark County Juvenile Justice department has expressed a vested interest in the YPA and encourages Congress to move forward with this legislation.

Recommendations

Allow Flexibility in Congressional Language to Support Existing and New Evidence-Based and Promising Practices in Localities

Congressional language often refers to the use of “evidence-based *and* promising practices” in localities. NAPCWA recommends that the Committee amend this language by striking “and” and including the use of “evidence-based *or* promising practices.” Using this language will help more localities become eligible to use federal funds to support their existing initiatives proven to be effective in their communities. Including this amendment and advising localities to use either evidence-based or promising practices will help strengthen the language and support new innovative programs that are yet to be discovered. Localities and tribes will also appreciate expanding these practices and having the choice to implement either option.

Remove Maintenance-of-Effort and Assurance Requirements

Section 205 of the Promise Plan Components contains a maintenance-of-effort requirement regarding the local fiscal contribution for localities and tribes. States and localities are facing budget deficits, and programs seeking to reduce child maltreatment and juvenile delinquency are at-risk for experiencing significant cuts. To help meet the local-share requirement, NAPCWA recommends that the Committee remove this maintenance-of-effort requirement to help localities with staggering reductions in programmatic budgets and increased youth crime activity to become eligible for grant funding. Removing this language in the YPA will help localities like Los Angeles County, Calif., with high juvenile delinquency and gang activity to apply for Promise Implementation Grants.

H.R. 1064 includes a mandatory component that requires localities and tribes to “ensure that the number of youth involved in the juvenile delinquency and criminal justice systems does not increase a result of activities undertaken with funds” in accordance with the Promise Plans. NAPCWA recommends that Congress remove this language as the legislation moves through Committee markup. States and localities are experiencing increased referrals and are utilizing practices to help reduce these numbers. Additionally, there are circumstances that are out of their control. Therefore, we urge Congress to include language that encourages localities to monitor these numbers and use federal funding to reinvest those dollars to improve their outcomes, which will help enhance these efforts.

Allow More Participation from Child Welfare Agencies in the YPA Councils

NAPCWA is interested in participating in additional panels and councils within the YPA to offer more insight on addressing the issues related to children and adolescents at-risk for entering into formal systems. Therefore, we ask Congress to amend legislation and include child welfare administrators to sit on the majority of promise councils.

Conclusion

NAPCWA thanks Congress for their efforts in making prevention a primary focus to address increased gang activity and juvenile delinquency. Our members are excited to have these promising approaches implemented in localities and receive adequate funding to support these practices. We look forward to working with Congress and juvenile justice departments on implementing these YPA initiatives.

¹ Hertz, D.C & Ryan, J.P. Building Multisystem Approaches in Child Welfare and Juvenile Justice. May 7-9, 2008.

² Ibid.

³ Ibid.

⁴ Milligan, A. *Disproportionality in the Juvenile Justice System*. The National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At-Risk. September 2007. <http://www.neglected-delinquent.org>

⁵ Hertz, D.C & Ryan, J.P. Building Multisystem Approaches in Child Welfare and Juvenile Justice. May 7-9, 2008.

⁶ Ibid.

⁷ New York State Office of Children & Family Services, *Healthy Families New York*,

http://www.ocfs.state.ny.us/main/prevention/home_visiting.asp.

⁸ Texas Department of Family and Protective Services. *2008 Data Book*.

http://www.dfps.state.tx.us/documents/about/Data_Books_and_Annual_Reports/2008/Databook/PEIFinal.pdf

⁹ Clark County Department of Juvenile Justice Services (DJJS). *Juvenile Detention Alternatives Initiative*.

http://www.accessclarkcounty.com/depts/juvenile_justice_services/Pages/JDAIMain.aspx

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