



Commission on
Improving the
Status of Children

Commission on Improving the Status of Children

DECEMBER 15, 2021

Agenda

1. Welcome and Introductions
2. Consent Agenda
 - a. Minutes from October 2021 meeting
 - b. Appointment of co-chair for Equity, Inclusion, and Cultural Competence Committee

Agenda

3. Executive Director Update

Julie Whitman

- Procedures for Remote Participation
- Evaluation Plan

Agenda

4. Strategic Priority: Juvenile Justice and Cross-System Youth
Hon. Heather Mollo, Senior Judge
Dual Status Implementation

DUAL STATUS



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Who are Dual Status Youth

- Youth who have had involvement in the child welfare (abuse and neglect/DCS) and juvenile justice systems (delinquency), but not necessarily at the same time
- Often referred to as Cross-Over Youth
- Our most vulnerable youth
- Greater likelihood of delinquency among children who have suffered abuse and neglect
- These youth present with complex family dynamics – mental health, addiction, domestic violence, criminal history, living instability

Why we need Dual Status Processes

Without a holistic approach, Dual Status youth have poorer outcomes as adults:

- Poor educational outcomes
- Increased recidivism
- Increased homelessness and instability
- Increased mental health needs

Why we need Dual Status processes?

Dual Status legislation is a commitment to provide the best professional response to the most difficult families.

Dual Status legislation provides the process for families to get the help they need.

Working together to Create Success for Children and to Help Families Thrive

Dual Status Legislation

- Passed in 2015 (HB 1196) – I.C. 31-41-1 et seq
- Establishes the procedure for communication and coordination between juvenile probation and child welfare
- Takes a holistic approach to the child and family
- Evidence-based
- Allows agencies and the court to identify these youth earlier and to provide the needed care and services

ANTICIPATED OUTCOMES

- Increased cross-agency collaboration and communication
- Increased family engagement
- Timely identification of youth's needs
- Increased identification of appropriate services and treatment



Indicators of success

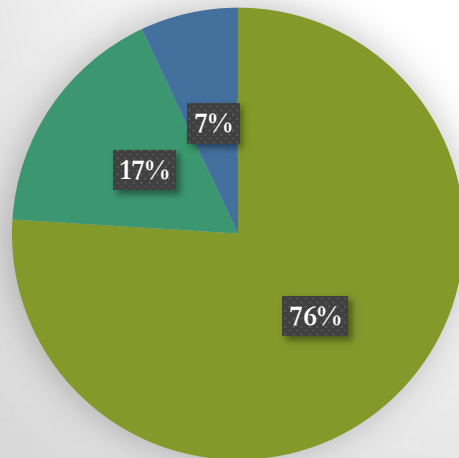
Identified Goal	Child and Family Outcomes	System Outcomes	Indicators of Process Success	Tracking Mechanism
1. Improve Youth Outcomes	Reduce repeat delinquency	Reduction in new charges filed	The number of dual status youth who experience new JD petitions within one year of case closure will decrease	
		Reduction in violations of probation filed	The number of dual status youth who experience new violations of probation will decrease	
	Reduction in repeat maltreatment	Reduction in subsequent substantiated cases of abuse or neglect	The number of dual status youth who experience additional substantiated abuse or neglect will decrease	
	Increased stability in home or placement	Reduction in number of out of home placements per dual status youth	The number of out of home placements per dual status youth will decrease	
2. Improve Family Functioning	Increased youth maintained at home	Reduction in number of youth removed from their home	The number of dual status youth experiencing out of home placement will decrease	DCS placement data
	Reduction in repeat maltreatment	Reduction in subsequent substantiated cases of abuse or neglect	The number of dual status youth who experience additional substantiated abuse or neglect will decrease	DCS data
	Increased family participation	Increased understanding and awareness of available services	The number of families attending DSAT meetings will increase	INcite Dual Status Team Meeting Report has text box currently, could rework for a check box (did any family members attend (yes/no)) Did the child attend the meeting (yes/no)
	Increased stability in placement	Increased participation by families in family centered treatment	The number of families attending family centered treatment will increase	Possibly DCS side with record of referrals to services that are family centered
3. Improve System Functioning	Increased use of dual status screener	Improved data collection	The number of dual status screeners completed in or uploaded to INcite will increase and be included on PAV's and Modifications filed	available in INcite
	Increased use of and comprehensive dual status reports in INcite	Improved comprehensive information for judicial decision making	The number of DSAT reports completed in or uploaded to INcite will increase	available in INcite
	Increased use of DSAT process	Consistent and effective collaboration among system partners	The number of DSAT's held will increase	Event in Odyssey - order to refer to dual status

IMPLEMENTATION

- State Dual Status Implementation Committee – Multi-Disciplinary
- Pilot counties followed by state-wide implementation
- Process for identifying these youth by probation officers and Family Case Managers with DCS
- Education.... Education.... Education – Initial and ongoing statewide training
- Development of training manuals, screening tools, court reports and court orders
- Development of and coordination of data collection

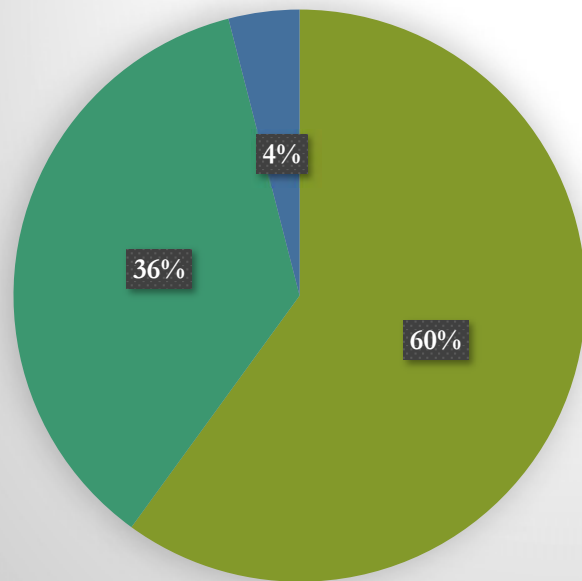
Statewide Probation Preliminary Inquiries January 1, 2018 – November 3, 2021

51,148 P.I.'s recorded for this time frame



- Not identified as Dual Status
- Identified as Dual Status
- Dual Status screener skipped

Probation Dual Status Screening Tools January 1, 2018 – November 3, 2021



- Counties that skipped one or more dual status screening tools
- Counties that did not skip any screening tools
- Counties that did not have data available

Additional Data from Probation Dual Status Screening Tools

- 4 counties did not have any data available (P.I.'s not completed in or transferred to Incite)
- 6 counties skipped the Dual Status screener tool on 50% or more of the P.I.'s completed
- 33 counties did not skip any Dual Status screening tools



Dual Status

Resource Guide

Updated 2021

December 1, 2021 training
Registrants by county



Dual Status Training 12/1/21

Registration Data

Over 800 in attendance



DCS	66.47%	Education	0.35%
Probation	19.19%	Detention Facility	0.35%
CASA	4.05%	Courts	0.35%
Public Defender	3.93%	Social Worker	0.23%
IOCS	1.85%	Mediator	0.23%
Attorney	1.16%	ICJI	0.23%
Judiciary	0.69%	Dual Status Facilitator	0.23%
Prosecutor	0.58%	Community Corrections	0.12%

Ongoing & Next Steps

- DCS data of identified Dual Status Youth & fidelity to the screening tool
- Dual Status training included in the Cohort training for new Family Case Managers
- Dual Status training included in the new orientation for probation officers
- Individual training/assistance for local counties where no data is being reported

Agenda

4. Strategic Priority: Juvenile Justice and Cross-System Youth

Nina Salomon, CSG Justice Center

Rep. Wendy McNamara, Co-Chair, Juvenile Justice Reform Task Force

Juvenile Justice Reform Task Force

Legislative Recommendations

Commission on Improving the Status of Children in Indiana

Work to Assess Juvenile Justice System Began in September 2020

- ◆ Conducted a preliminary assessment to identify data challenges and priorities for improvement
- ◆ Convened focus groups and interviews with stakeholders across the state and held 3 task force meetings
- ◆ Resulted in a summary memo presented in April 2021 with key challenges and opportunities for improvement
- ◆ Resources were appropriated in the 2021 legislative session to conduct a deeper dive assessment of the juvenile justice system

Key Challenges from Preliminary Assessment

1. Indiana lacks statewide policies and practices that ensure low-risk youth are diverted from formal system involvement.
2. Despite detention declines, youth are often detained for non-public safety reasons, and disparities persist.
3. Statewide dispositional and supervision decisions are varied and not always aligned to risk, need, responsivity principles.
4. Indiana lacks policies and processes to ensure state and local resources are used efficiently or effectively for service delivery for the juvenile justice population.
5. Indiana lacks a statewide commitment to employing a developmentally appropriate approach to supervision/services.
6. Indiana has limited capacity to collect, track, and use juvenile justice data to evaluate and improve system performance and youth outcomes.

In order to address these challenges, we worked with stakeholders across the state to improve public safety and youth outcomes.

- ◆ All three branches of government are involved, in conjunction with local stakeholders, including juvenile probation officers, judges, prosecutors, sheriffs, detention directors, school principals, and youth.

Representative Wendy McNamara
Co-Chair
Indiana General Assembly

Bernice Corley
Executive Director
Indiana Public Defender Council

Christine Kerl
Deputy Chief Probation Officer
Marion County Juvenile Probation

James Taylor
Director of Student & Social Services
MSD of Warren Township

Senator Michael Crider
Co-Chair
Indiana General Assembly

Alison Cox
Director
Porter County Juvenile Detention

Honorable Kenton Kiracofe
Wills Circuit Court

Billy Bollin
Chief
Evansville Police Department

Honorable Faith Graham
Tippecanoe Superior Court
Chair, Juvenile Justice Improvement
Committee

Nancy Wever
Director
Indiana JDAI

Sirrilla Blackmon
Deputy Director, Office of Youth Services
Department of Mental Health and Addiction

Don Travis
Deputy Director of Juvenile Justice
Initiatives & Support
Indiana Department of Child Services

Senator Jon Ford
Indiana General Assembly

Honorable Steve David
Indiana Supreme Court

Chase Lyday
Chief of Police
Avon Community School Corporation

Kia Wells
Executive Director
VOICES Corporation

Representative Michelle Davis
Indiana General Assembly

Representative Robin Shackleford
Indiana General Assembly

Susan Lightfoot
Chief Probation Officer, Henry County

Stephen Balko
Indiana Department of Education

Rudy Monterrosa
University of Notre Dame

Jeff Campos
Sheriff
LaGrange County

Chris Naylor
Executive Director
Indiana Prosecuting Attorney's Council

Representative Tony Cook
Indiana General Assembly

Honorable Dana Kenworthy
Grant Superior Court 2

Senator Faddy Qadourra
Indiana General Assembly

Representative Brad Barrett
Indiana General Assembly

Terrie Decker
Director, Division of Youth Services
Indiana Department of Corrections

Senator Eddie Melton
Indiana General Assembly

Data Collection

- ◆ Interviews and focus groups with over 100 stakeholders were conducted across the juvenile justice system, since preliminary assessment phase started in September 2020.
- ◆ Data was collected concerning:
 - ◆ Probation Department Records (12 Counties using Quest Case Management System)
 - ◆ Racial and Ethnic Disparities (Indiana Courts)
 - ◆ Detentions (Indiana Criminal Justice Institute)
 - ◆ Services (Indiana Department of Child Services)
 - ◆ Out-of-Home Placements (Indiana Department of Child Services)
 - ◆ Commitments (Indiana Department of Corrections)
- ◆ 12 Counties using Quest systems
 - ◆ Represent nearly half of youth ages 10-17, and nearly half of referrals that are reported to the Courts RED Application.
 - ◆ Findings from Quest data include information from 2015 to 2019. Findings from 2020 were excluded because of operational changes due to the COVID-19 pandemic.

Based on the preliminary assessments, four working groups were developed to identify recommendations for the Task Force to consider.

- ◆ Front-end Working Group

- ◆ Co-chaired by Rep. Tony Cook and Judge Geoffrey Gaither, Marion County

- ◆ Out-Of-Home Placement Working Group

- ◆ Co-chaired by Magistrate Robert Vann, Lake County Superior Court, and Susan Lightfoot, Henry County Juvenile Probation

- ◆ Services Working Group

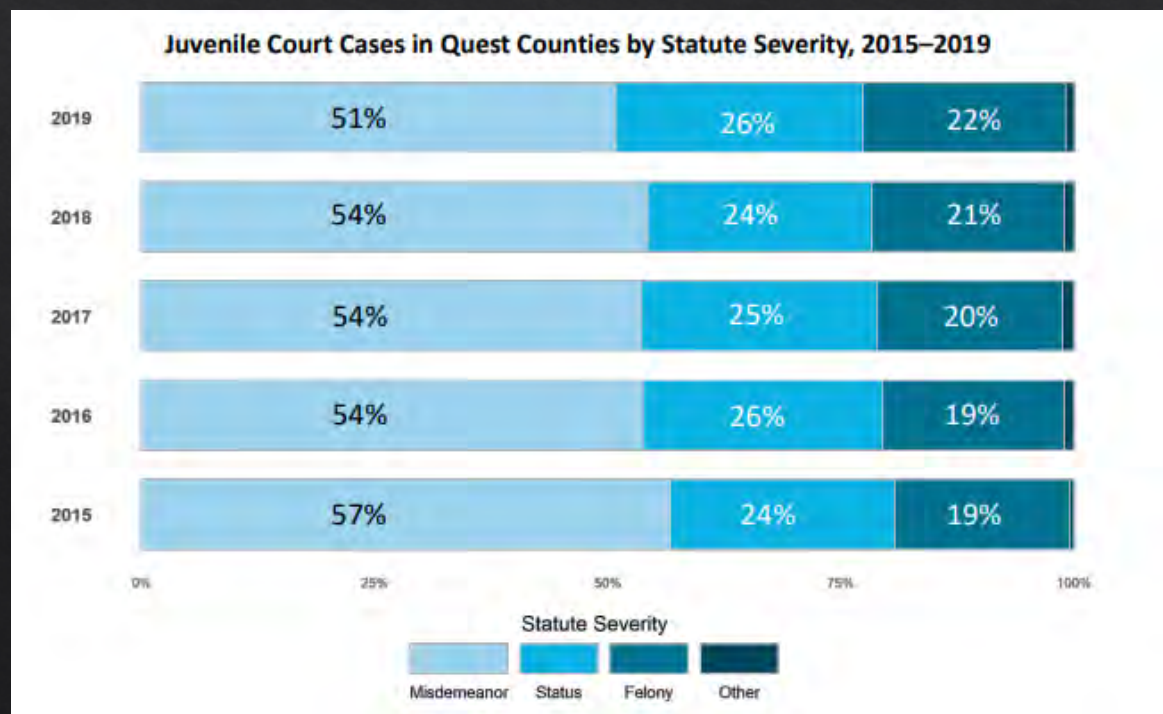
- ◆ Co-chaired by Rep. Michelle Davis and Christine Kerl, Marion County Juvenile Probation

- ◆ Data Working Group

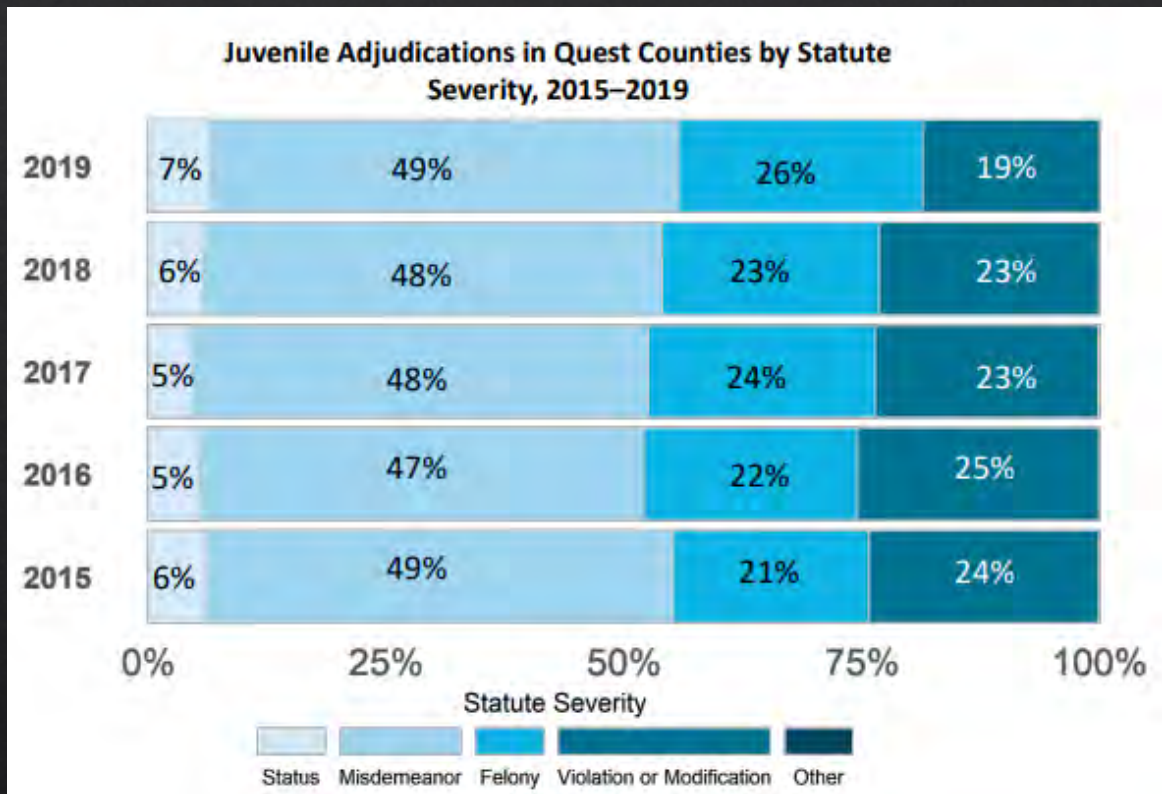
- ◆ Included members of Family and Social Services Administration, the Attorney General's office, Department of Child Services, Indiana Criminal Justice Institute, Indiana Office of Court Technology, Management Performance Hub, Indiana Youth Institute and Bartholomew, Grant, Hamilton, Lake, Lawrence, Madison and Owen Counties.

Key Findings

- ◆ Indiana routinely refers young people who commit status, first-time, and low-level offenses to the juvenile justice system.
- ◆ Status and misdemeanor cases consistently account for nearly 80 percent of all cases referred to juvenile court. 51 percent of all cases referred to juvenile court are first-time offenses.



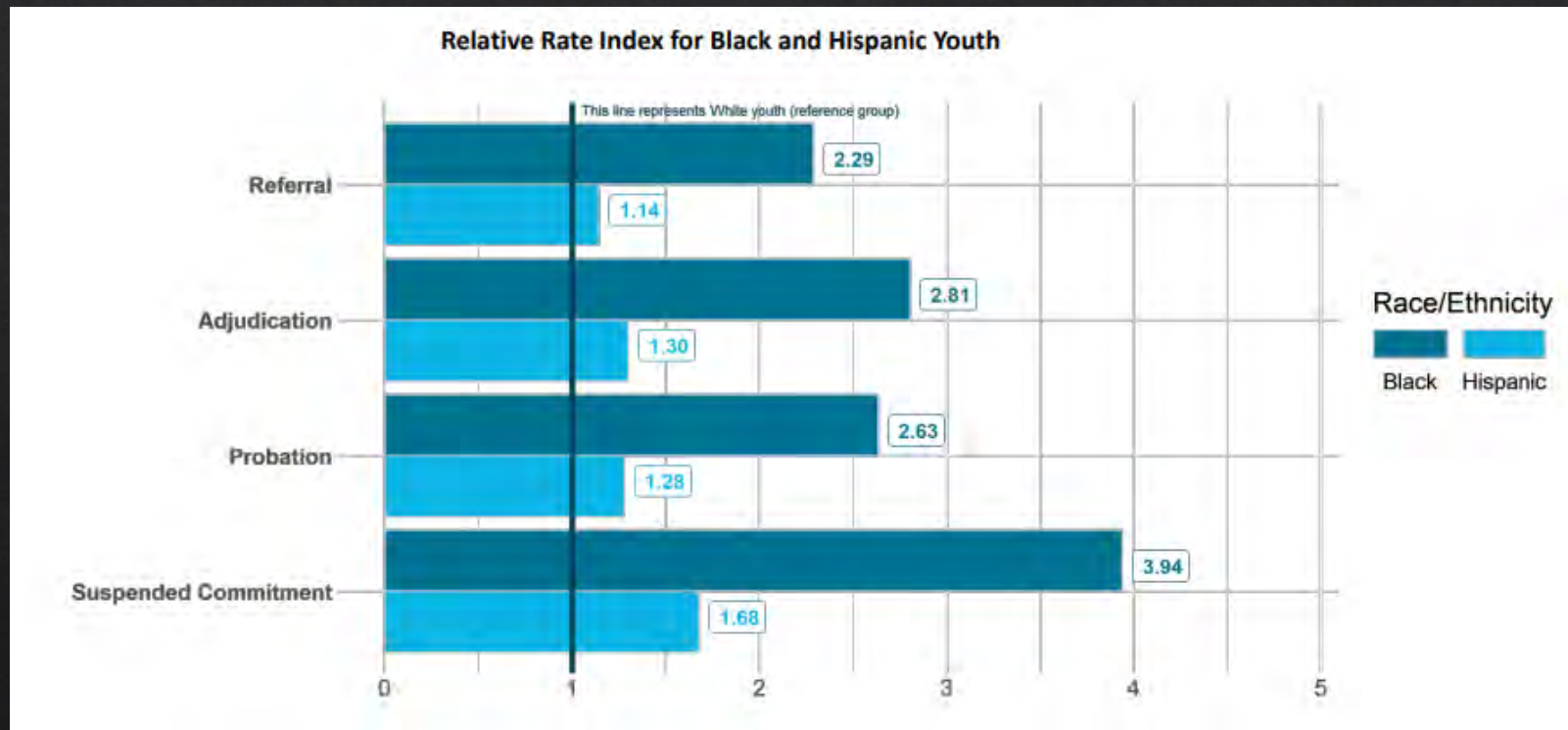
Key Findings



- ◇ Counties vary significantly in the population of youth that are referred to the juvenile justice system and their diversion practices.
 - ◇ Counties vary in their use of the IYAS—Diversion tool, and when used, it is generally administered after a decision to defer has already been made.
 - ◇ Most cases that are adjudicated and cases that end up on supervision consist of low-risk youth and youth who commit minor offenses.

Key Findings

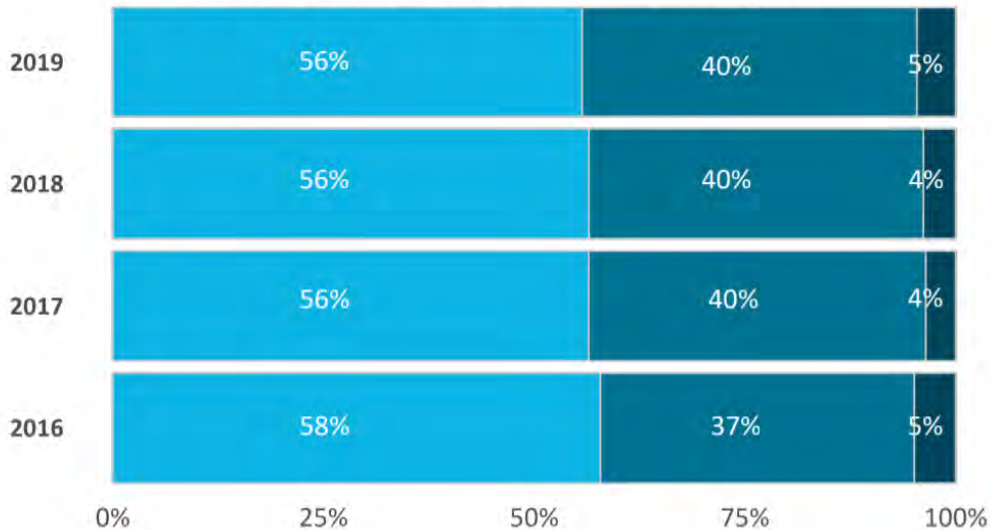
- ◆ Youth of color are disproportionately likely to be referred, adjudicated, and placed on probation compared to their White peers.
- ◆ Black youth are more than twice as likely to be referred to juvenile court as their White peers, and nearly three times as likely to be adjudicated.



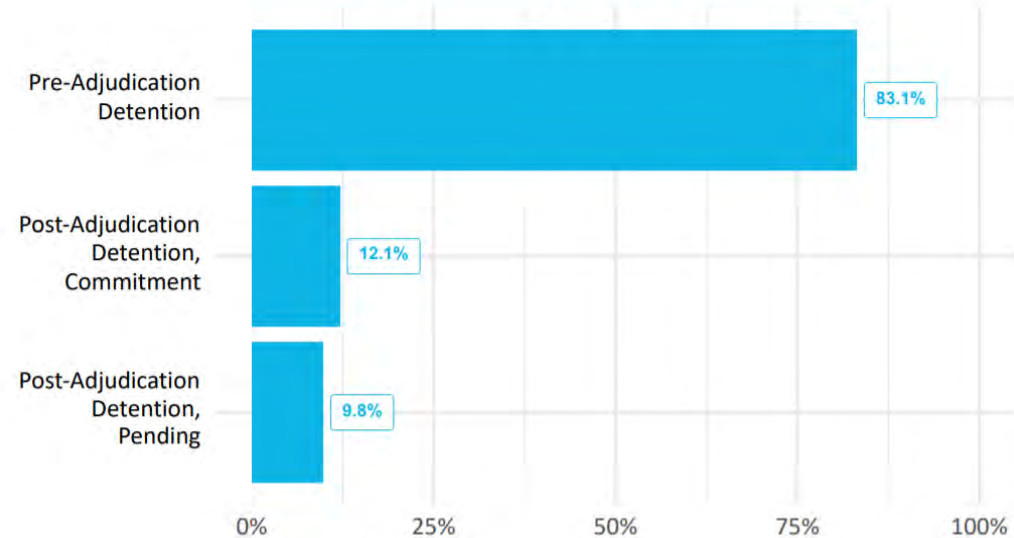
Key Findings

- ◆ Youth are detained for non-public safety reasons, and detention is being used as a sanction for probation violations and as dispositional option.

Pre-Adjudication Detention Cases by Statute Severity, 2019



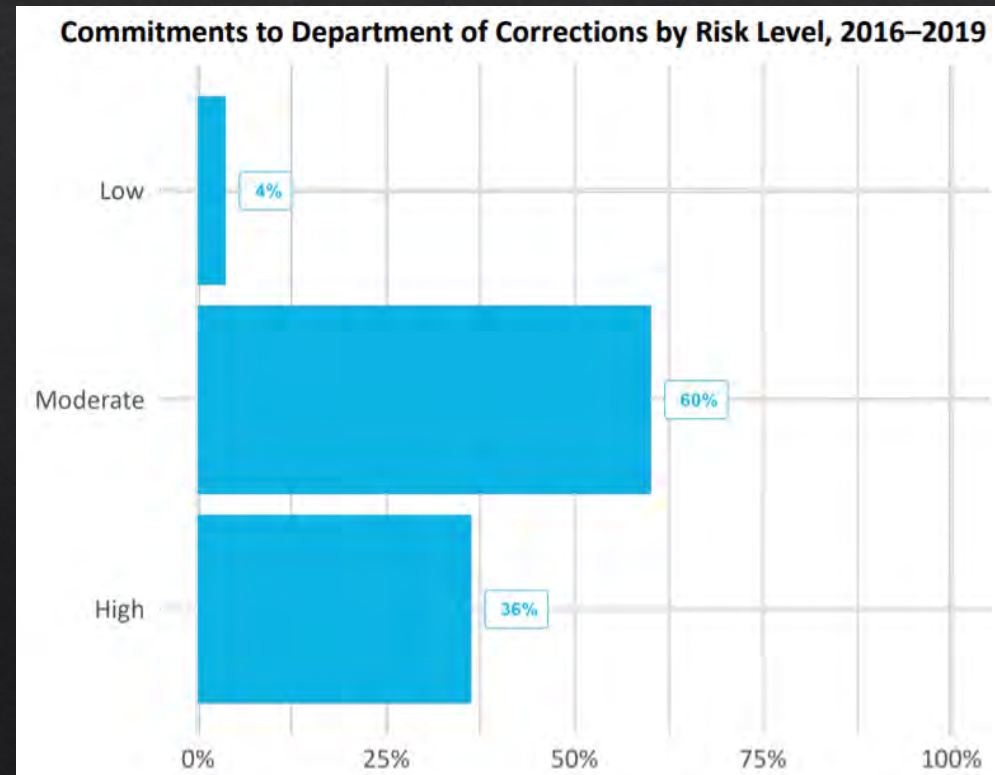
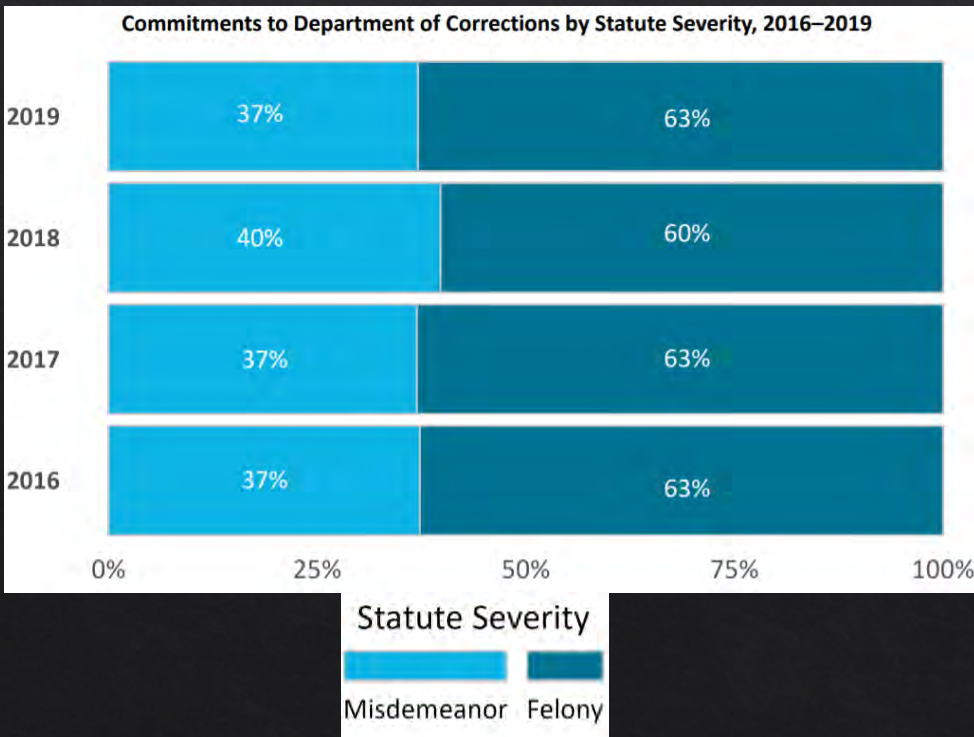
Detention Cases by Type of Case, 2019



Key Findings

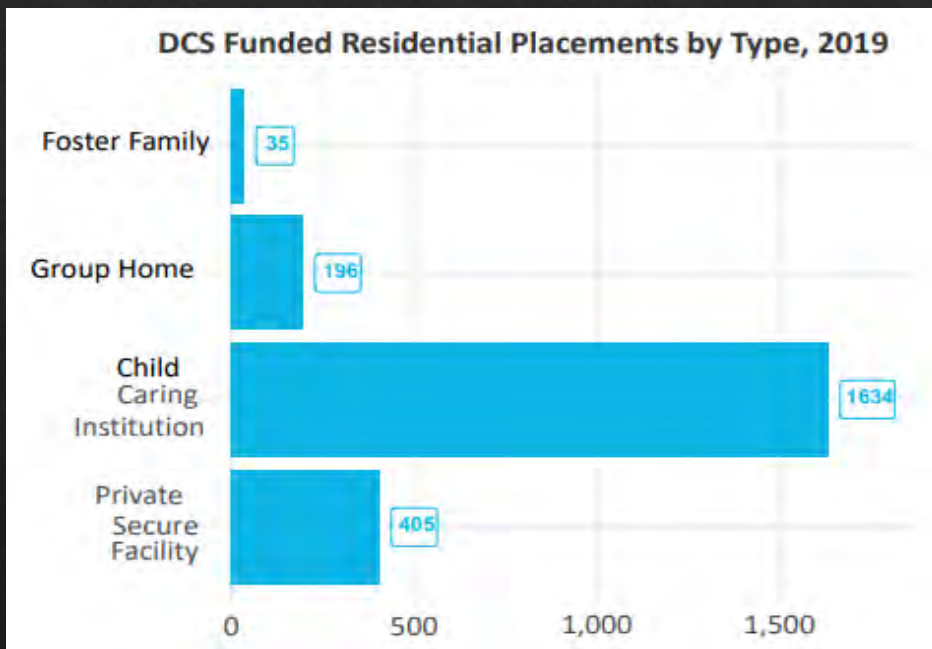
- ◆ Youth committed to Department of Corrections custody consist largely of moderate risk youth, and more than one-third of DOC commitments are consistently for misdemeanor offenses, less than half of which are person or weapons offenses.

- ◆ About 100 admissions to DOC annually are solely for the purpose of diagnostic assessments.



Key Findings

- ◆ Youth committed to Department of Corrections custody are not consistently receiving research-based, developmentally-appropriate services and supports, including for reintegrate.
- ◆ State juvenile justice funding is used primarily for residential services, and there are limited funding requirements, quality assurance protocols, or data processes in place to ensure that state dollars are used cost effectively.
 - ◆ Indiana spends nearly 80 percent of its juvenile justice service dollars on residential services and only 20 percent on community-based services.



Placement Type	Costs in 2019
Foster Family	\$458,382.04
Group Home	\$6,961,669.80
Child Caring Institution	\$50,827,814.02
Private Secure Facilities	\$29,142,900.57
Additional Placement-Based Services	\$886,640.29
Total	\$88,277,406.72

Task Force Consensus

- ◆ The Juvenile Justice Reform Task Force held a four-hour meeting to vote and reach consensus on legislative recommendations.
- ◆ These recommendations have been proposed by their respective work groups, based on assessment findings and what research and other state best practices have shown works to improve community safety and youth outcomes.
- ◆ The recommendations will have a delayed effective date to allow time for proper and thoughtful implementation.
- ◆ A statewide committee, existing or new, will provide oversight and support for implementation, including through the creation of smaller subcommittees focused on developing guidelines and procedures for each recommendation area.

Diversion and Supervision Recommendations

1. Create a statewide definition of diversion that includes pre-court diversion and require that all counties use a validated risk screening tool prior to a diversion decision being made and use results to inform diversion decisions. Counties will collect and annually report to the state electronic individual-level data on all youth diverted, including demographics such as race/ethnicity, risk screening information including use of overrides, offense, program participation, and outcome/completion data.
2. Require the use of a validated risk screening tool prior to a decision being made to offer an informal adjustment, limit the time a youth can spend on an informal adjustment to no longer than 6 months, and eliminate fees for participation in an informal adjustment program.
3. Require that a validated risk and needs assessment be conducted for all youth prior to disposition and that the results of the risk and needs assessment tool and associated supervision recommendation be shared with all attorneys on the case and the court through a written report. The results of the validated risk and needs assessment will be used by prosecutors, defense attorneys, the court, and other parties to the case to inform dispositional decisions and to determine the most appropriate decision commensurate with public safety, victim interests, rehabilitation, and improved outcomes for youth. The results must also be used to inform out-of-home placement decisions and the court shall provide reasons on the written record for any form of out-of-home placement that is recommended.
4. The Judicial Conference of Indiana, in collaboration with other stakeholders, shall develop and approve statewide juvenile probation standards that are aligned with research-based practices.

Rationale

- ◆ Counties will still retain full discretion to make whatever decision is in the best interest of community safety.
- ◆ Legislation will not require a particular screening tool, but policies will establish criteria to ensure the tool is validated and research based.
- ◆ Planning time will be used to determine which state agency will collect and aggregate juvenile diversion data and to develop guidance around data measures and the collection process.
- ◆ Juvenile probation standards can include, but are not inclusive of:
 - ◆ Developing guidelines around setting probation conditions for informal adjustment as well as formal probation supervision, and tailoring conditions to youth's individualized risk and needs
 - ◆ Establishing common elements for case planning that are informed by risk and needs assessment results, among other factors
 - ◆ Engaging youth, families, and service providers in case planning/management processes and decisions
 - ◆ Establishing common elements and processes for the use of out-of-home placements and the Department of Corrections
 - ◆ Using graduated systems of responses and incentives to address violations and reward positive behavior

Out-of-Home Placement Recommendations

1. Require that a validated detention screening tool is used statewide to inform detention decisions. Establish statewide guidance for the use of overrides of these tools that minimize subjective decisions to hold a youth in detention, while allowing for local flexibility. Require that local courts develop policies around how the detention screening tool is used and provide training to intake staff/screeners on the use of the tool. Court records shall include data on youth detention screening scores and results, and data on the rationale for overrides. The state court will compile and report to the legislature annually on the results of the tools, including the use of overrides.
2. Establish 12 as the presumptive lower age for the use of secure detention, so that detention cannot be used for any youth under the age of 12 unless for emergency use or unless the court provides findings on the written record that the youth pose a risk of harm to others and there is no alternative to reduce the risk of harm to others.
3. Require that all youth committed to Department of Corrections custody receive county provided/contracted services to support their reintegrate back into the community and to reduce recidivism for a minimum of 3 months. Counties shall maintain at least monthly contact with youth, and their families, during their duration in placement, and collaborate with DOC in the development of a formal reintegrate plan.
4. Develop criteria for using DOC facilities for the purpose of conducting a diagnostic assessment, with the presumption that children should receive these assessments in the community and only use DOC as a last resort. Create a standardized process for certifying contractors/providers conducting diagnostic assessments.

Rationale

- ◆ Counties will again retain full discretion to make whatever decision is in the best interest of youth outcomes and community safety.
- ◆ Counties will have discretion whether to formally place youth back under county jurisdiction as well as whether to provide formal probation supervision, or more informal reintegrate services and supports.
- ◆ To help assess the impact of reintegrate improvements, DOC will track recidivism beyond re-incarceration as feasible, and into the adult system. An annual report will be provided to the legislature and other parties on recidivism.
- ◆ Planning time will be used to designate the state agency responsible and identify and contract with appropriate forensic evaluators who can conduct in-person or teleassessments statewide. A juvenile justice behavioral health working group, part of the statewide planning group, will support the planning process.

Data Recommendations

1. A subgroup of the statewide committee shall develop a plan to be submitted to the legislature by January 1, 2023, to collect and report statewide juvenile justice data annually. The Commission on Improving the Status of Children in Indiana shall review this plan at least every 2 years. The plan shall include:
 - ◇ Goals for the collection of juvenile justice data
 - ◇ A minimum set of system performance, youth outcome, and equity measures that all counties shall collect and report
 - ◇ Shared data definitions for each element and outcome measure, including standardized parameters for how recidivism should be measured
 - ◇ Standard data procedures and quality assurance and data collection protocols, including a plan for data integration across systems
 - ◇ How data shall be reported and to whom
 - ◇ A research agenda to evaluate the effectiveness of interventions
 - ◇ Fiscal impact to collect and report these data

Rationale

- ◇ Indiana currently lacks a unified and coordinated vision for statewide data collection, analysis, reporting, or use.
- ◇ Indiana also lacks standard data definitions and data standards and has minimal reporting requirements that could help facilitate the collection of statewide measures or make it easier to compare data across local juvenile justice agencies.
- ◇ Further, juvenile probation departments and county juvenile courts collect data on youth in multiple systems between the point of intake through supervision, and the DOC uses a separate data system to capture information on youth in their custody.
 - ◇ These data systems are often unable to share information with one another and may require duplicate data entry. It is virtually impossible to track youth across the juvenile justice system, and their recidivism or positive outcomes are not calculated in many instances.

Funding and Service Recommendations

1. Establish a formula-based block grant for all counties to be used for pre-court diversion for youth that have a low risk of reoffending.
2. Establish a formula-based block grant for all counties to be used for research-based, community-based programs and practices as cost-effective alternatives to detention and incarceration as well as to provide required reintegrate services for youth leaving a DOC placement.
3. Establish a pilot competitive grant program to support jurisdictions, particularly rural areas, to divert youth with behavioral health needs from formal court involvement and out-of-home placement into community and/or school-based mental health treatment. Grant recipients would be required to use a validated mental health screening tool, and a full mental health assessment tool, if warranted.
 1. Planning process would include collaboration with DMHA to ensure alignment and not duplicate services

Rationale

- ◆ Funding will be established in two separate bills. For the 2022 legislative session, the programs will be created with a one-year planning period with an allocation to take place during the 2023 legislative session.
- ◆ The planning process would determine the amount of money dedicated to each grant, the funding formula accounting for the needs of both more rural and more populated communities, and the state grant making/oversight agency.
- ◆ The planning process would define the parameter of what the funding could be used for, and counties would be required to establish a local, multi-systems stakeholder group to oversee the block grants and engage in collaborative service planning. It will be up to county discretion whether to form new or leverage an existing group such as local JRACs.
- ◆ The statewide committee would establish a required set of performance measures that counties receiving the block grant must collect and report.

Rationale

- ◆ Grantees could use the funds to conduct the following activities (not inclusive):
 - ◆ Partner with law enforcement/schools to identify and divert youth/de-escalation/community responder programs.
 - ◆ Create crisis stabilization services and mobile crisis units and providing comprehensive case management for youth and families in crisis.
 - ◆ Identify and strengthen community-based treatment and management services.
 - ◆ Establish tele-service capacity and programs.
- ◆ The behavioral health working group of the statewide committee would be responsible for determining the appropriate oversight agency for the grant (DMH, Court Services, DOC, DCS, etc.) and developing the parameters for the funding, with support for rural communities as a required funding priority.
- ◆ The working group would also have responsibility for developing a statewide, cross systems plan to address the broader challenge of limited behavioral health service capacity for youth at risk of justice system involvement, including how funding/programming across systems (DCS, DMHA, DOC, Youth Service Bureaus, etc.) could be used more effectively.

Agenda

5. Discussion: Future Meeting Topics or Other Items
All Commission Members

Agenda

6. Next Meeting

Wednesday, February 23, 2022, 10 a.m. – noon

Indiana State Library, History Reference Room

