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April 8, 2015

*Via facsimile transmission*

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The Honorable Hannah-Beth Jackson, Chair  
Senate Judiciary Committee  
State Capitol Building, Room 2187  
Sacramento, CA 95814

**RE: Support -- SB 12 (Beall)**

Dear Chairperson Jackson,

The Youth Law Center is proud to support SB 12, a bill to ensure that highly vulnerable youth in foster care who “cross over” to the juvenile justice system are not denied access to the supports available through AB 12 extended foster care to assist in their transition to a healthy and productive adulthood. California’s *Fostering Connections to Success Act*, also known as AB 12, was designed to promote permanency and improve outcomes for foster youth by providing a re-entry option, enhancing supports and extending benefits up to age 21. SB 12 will help fully realize *Fostering Connection’s* intention for this vulnerable population of foster youth.

SB 12 will ensure that foster youth who cross over to the juvenile justice system, who research shows have the most challenging experiences of all young adults who have exited foster care, retain access to the education, case management and housing resources through AB 12 that provide a critical support net for former foster youth. As amended, SB 12 will extend foster care to two extremely vulnerable populations of crossover youth: (1) probation supervised youth who have an order for foster care placement after their 14<sup>th</sup> birthday, and do not reunify with their parents or legal guardians before they turn 18; and (2) youth who have crossed over from the dependency system to the delinquency system and are in secure confinement when they turn 18.

YLC served as the AB 12 co-sponsor organization who took the lead on engaging probation departments, advocates, public defenders and other stakeholders on developing the policy framework for extending foster care for youth in the probation system, including cross-over youth. The intent of AB 12 was to create a mechanism for youth who were parented by the child welfare system but who subsequently cross over to the juvenile justice system to be able to re-enter foster care in order to access supports. Despite their history in child welfare, these youth are not eligible for extended foster care if they are in a secure facility without a placement order on their 18<sup>th</sup> birthday, or if they were released



from secure confinement or a suitable placement and not reunified with their parents or legal guardians. Before a court may terminate delinquency jurisdiction for a minor, it must consider whether modification of jurisdiction back to dependency is appropriate.<sup>1</sup>

We have learned through three years of working with probation stakeholders and advocates on implementation, that this mechanism is not currently serving cross-over youth well. Probation and delinquency court staff report that in most counties there is currently no system to formally or informally identify youth in the delinquency system as having come directly from a child welfare placement, and that judges have difficulty making decisions about dependency versus termination because parties such as former caregivers, social workers, and dependency attorneys, who might give insight to a child's life circumstances, family challenges and environment, are no longer involved at all in the case.<sup>2</sup> When youth cross over to the juvenile justice system, child welfare no longer plays the role of parent to youth nor provides youths' families with necessary case management and services such as substance abuse and mental health treatment, parenting classes, and domestic violence prevention. Additionally, child welfare systems are often reluctant to resume responsibility for older youth that they view as more challenging. Once probation supervised youth turn 18, they are not eligible to return to child welfare.

Dual jurisdiction counties as well as non-dual jurisdiction counties experience issues supporting youth whose delinquency jurisdiction has been terminated. Although since 2004 AB 129 has given counties discretion to exercise dual or exclusive jurisdiction in order to continue to provide child welfare services to youth who cross over, the majority of California counties still exercise exclusive jurisdiction. Only fifteen counties in California have adopted protocols in response to AB 129. The remaining 43 counties still have a Welfare & Institutions Code 241.1 process, where the only options are informal probation, keeping youth in child welfare, or moving youth to the delinquency system and terminating all child welfare support and involvement. Even in dual jurisdiction counties, child welfare does not always remain involved in cases to support youth and families. As a result, cross-over youth often exit the delinquency system back to the families child welfare removed them from, or are released to homelessness, without any additional supports to address the conditions that caused the initial abuse and neglect.

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<sup>1</sup> Cal. Welf. & Inst. Code § 785

<sup>2</sup> Shanna Connor, *The Best Interests of the Minor: Assessing California's Ban on Dual Jurisdiction in the Juvenile Courts*, 7 UC Davis J. Juv. L. & Pol'y 285, 294-95 (2003)

One unpublished case cited in the UC Davis Journal of Juvenile Law and Policy is a prime example of the issues involved:<sup>3</sup>

*In re T.W., demonstrates the dramatic effect termination of dependency jurisdiction can have on a child. In this case, Candice was declared a dependent due to multiple allegations of physical abuse and general neglect while living with her mother before she was six years old. Between the ages of six and twelve, Candice lived in 26 different foster homes. When she was 14 years old, she became pregnant. While pregnant, she was taken into protective custody, where she had an outburst and injured a staff member at the facility. Because of this outburst, she was declared a delinquent, terminating the dependency court's jurisdiction over her. A few months later, she gave birth to a son who was also declared a dependent of the court because of Candice's volatile history and current detention in juvenile hall.*

*After the birth of her son, Candice was returned to her mother's care despite her mother's previous history of neglect and abuse to Candice and her five siblings. Eventually, her mother was unwilling to house Candice because of Candice's uncontrollable behavior. She was again returned to juvenile hall. While in juvenile hall, the dependency proceedings regarding Candice's son continued. However, Candice continued to be bounced around: she was eventually released from juvenile hall, again returning to her mother's custody. Candice eventually ran away, prompting the social worker to recommend that Candice's rights to her son be terminated.*

*During her son's dependency proceedings, Candice received no protective services herself since her dependency case had been terminated, despite the fact that she was only fourteen years old. Without these protective services, she was returned to her mother without assistance or services for either of them, and then later left in juvenile hall for over six months. Unsurprisingly, Candice's parental rights to her son were eventually terminated. When the appellate court considered the agency's abandonment of Candice, the court found that the agency's recommendations were appropriate, since the court had declared her to be a delinquent.*

Youth who cross over from dependency to delinquency are precisely the at-risk population of youth that the federal *Fostering Connections to Success Act* intended states to serve. A study of child welfare and probation supervised youth that exited Los Angeles County's juvenile court system found youth that crossed over from dependency to delinquency experienced negative outcomes at twice the rate of youth coming into contact with only child welfare or probation.<sup>4</sup> This study reveals that crossover youth are

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<sup>3</sup> *In re Jaime M.*, 87 Cal. App. 4th 320 (2001) cited in Schaumleffel, Kiley. "Dual Jurisdiction in California: How the Juvenile Courts are Failing Crossover Youth." *UC Davis J. Juv. L. & Pol'y* 17 (2013): 77. <http://jjlp.law.ucdavis.edu/archives/vol-17-no-2/09-schaumleffel-macro-17-2.pdf>

<sup>4</sup> *Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care in Los Angeles*, Culhane, D.P., Byrne, T., Metraux, S., Moreno, M., Toros, H., Stevens, M. (November 2011) [http://works.bepress.com/cgi/viewcontent.cgi?article=1125&context=dennis\\_culhane](http://works.bepress.com/cgi/viewcontent.cgi?article=1125&context=dennis_culhane)

twice as likely to be heavy users of public systems, three times as likely to experience a jail stay, one-and-a-half times more likely to receive General Relief, and 50 percent less likely to be consistently employed than other groups of former foster youth. These youth desperately need the safety net provided by AB 12, and the supports to help them become productive community members.

Furthermore, research suggests that child welfare creates the conditions that increase the likelihood youth will have involvement with the juvenile delinquency system. Research shows that the number and type of placements foster youth experience are the most important risk factors for entry into the delinquency system.<sup>5</sup> In fact, research has found that living in a congregate care placement and running away from a placement are the two greatest risk factors for subsequent foster youth delinquency involvement, and that foster youth with at least one congregate care placement were more than twice as likely to be arrested than youth living with a foster family.<sup>6</sup> Conversely, positive attachments between foster youth and foster parents and commitment (measured by youths' involvement in religious organizations) reduced the risk of delinquency.<sup>7</sup>

SB 12 offers a chance to support a group of youth who we know California is most seriously failing in both the child welfare and juvenile delinquency system by offering access to the same benefits and protections afforded to other youth in foster care. Youth who live with their biological parents are not deprived of their parents' support and nurturing as a result of delinquent behavior, so we need to rectify policy that deprives foster youth who enter delinquency after making a mistake (often prompted by our action or inaction in child welfare) of the few supports available to successfully transition to adulthood. In the 30 plus years YLC has worked in this field in California we have developed an understanding of the systems, the problems and the agencies that impact youth in both child welfare and juvenile justice, and see this group of youth as one of the most in need of protection and support. SB 12 will provide critically needed support for this population of young people who we have pledged to parent and support, to become healthy and productive members of our communities.

Sincerely,



Cat McCulloch, Legal Fellow  
Jennifer Rodriguez, Executive Director

cc: Members, Senate Judiciary Committee  
Honorable Jim Beall

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<sup>5</sup> Ryan, J.P., Marshall, J.M., Herz, D., & Hernandez, P. (2008) Juvenile delinquency in child welfare: Investigating group home effects. *Children and Youth Services Review*

<sup>6</sup> Id.

<sup>7</sup> Ryan, J.P., Testa, M.F., and Zhai, F. (2008). African American youth in foster care and the risk of delinquency: The value of social bonds and permanence: *Child Welfare*