
Cross-system or dual status youth, who are involved in the juvenile justice and foster care systems, face unique challenges due to the complications of interacting with multiple systems. While data collection on this population in Texas is still in development, national estimates¹ are at or greater than 50%, making dual status youth a large part of the work necessary to improve both the juvenile and foster care systems. Below are a few examples of opportunities for positive change:

- 17 year olds are recognized as adults by the criminal justice system, but as children in the foster care system; therefore, although the Department of Family and Protective Services (DFPS) is the child's parent, and has legal responsibility for them, DFPS has no legal right to know when a 17 year old has been arrested and/or detained.²
- In Harris County and other parts of Texas, the largest offense category of juvenile cases on which there has been a final judgment involve failure to follow conditions of probation. The majority of these violations were not for serious offenses that would negatively impact the safety of the juvenile or others around them.³
- Youth who turn 18 can continue their foster care placement through Extended Foster Care (up to 21). One of the few independent options available to youth is Supervised Independent Living. Unfortunately, some youth do not get this opportunity because they are denied due to criminal history that does not negatively impact anyone's safety or well-being.

Recommendations:

- Require that at a minimum law enforcement and judges must attempt to identify, no later than 24 hours from the arrest, if a 17 year old who has been arrested and detained is in the custody of DFPS. Require law enforcement and DFPS to develop protocols by which Child Protective Services is notified and works with law enforcement for the young adult's best interests.
- Reduce the incidence of probation violations for cross system youth by requiring DFPS and the Texas Juvenile Justice Department (TJJD) to develop and implement a diversion protocol for certain offenses.
- DFPS and Supervised Independent Living placements shall have a process by which these placements can appropriately review a young adult's criminal history and exclude from placement approval non-violent criminal offenses that are determined to have a low risk of impacting safety/well-being or the stability of the placement.

¹ Thomas, D., et al. April 2015. *When Systems Collaborate: How Three Jurisdictions Improved Their Handling of Dual-Status Cases*. Available at: <https://bit.ly/1UBQjXn>.

² CPS Handbook Section 6824.

³ Pew Foundation. *Juveniles in Custody for Noncriminal Acts*. Available at: <https://bit.ly/2Q5TO8A>; Flynn, M. January 31, 2018. "Harris County Jails Hundreds of Juveniles Each Year for Minor Probation Violations." *Houston Chronicle*. Available at: <https://bit.ly/2LqARvI>; Office of Juvenile Justice and Delinquency Prevention. 2015. Available at: <https://bit.ly/2A5qtFc>.