

OVERVIEW

Project Confirm began citywide operations in June 1999, having operated on a pilot basis starting in July 1998. Created by the New York City child welfare and juvenile justice agencies through the Vera Institute of Justice, it is designed to address the issue of foster youth¹ in the juvenile justice system. Project Confirm makes it possible for child welfare and juvenile justice staff to work together to avoid unnecessary detention and foster home replacements for foster youth.

Two years ago, Vera began focusing attention on what happens when youth in foster care enter the juvenile justice system. A survey of the research literature on the links between maltreatment and delinquency indicated that foster youth were at higher risk than non-foster youth for involvement in the juvenile justice system. Working with the New York City Department of Juvenile Justice (DJJ), Vera confirmed what Family Court judges had long suspected: foster youth were over-represented in the detention system – while they were less than 2% of the general population, they were 15% of the population in detention. Further study revealed that foster youth were more likely to be detained than non-foster youth because child welfare officials were rarely notified of the arrest or when notified, assumed that they no longer had responsibility for the teen. Without an adult willing to take custody, juvenile justice officials were forced to detain foster youth they would otherwise have released. While the youth was detained, the foster bed would be given away and upon release, the youth went to New York City Administration for Children's Services (ACS) Emergency Pre-placement Services (PPS). Finding a new placement could take days, during which the youth shuttled between offices and slept on cots, at high risk of running away and missing court appearances. Once in a new placement, no one would address the issue with the youth as no one in the new agency would be aware of the youth's juvenile justice involvement.

This cycle of unnecessary detention followed by emergency replacement is costly for both foster youth and government systems. For foster youth, it means that there is no adult to take responsibility, no one to discuss why the arrest occurred, or hold the youth accountable. Unnecessary detention disrupts the delicate process of restoring health and stability to children already suffering from a history of abuse and neglect. Unnecessary detention also places enormous strain on the already over-crowded detention system and release to the emergency replacement system forces child welfare to incur the burden and expense of re-intaking a foster youth and identifying a new placement.

Project Confirm is designed to solve these problems. It begins by notifying child welfare and juvenile justice officials early that a foster youth has been arrested and where appropriate, arranges for their release. Project Confirm staff also arrange for the child welfare caseworker to conference with probation, the prosecutor, and the court to exchange information and avoid unnecessary detention. After the court hearing, if the youth is released, Project Confirm staff work with the child welfare representative to avoid unnecessary emergency replacements. If the youth is detained, we transmit vital medical and psychiatric information from the caseworker to detention staff. The end result is better inter-agency communication and planning which results in the elimination of unnecessary detention and replacements.

¹ There is not a good term to describe this age group between nine and sixteen. "Child" has come to be regarded as a term restricted to those under the age of ten. "Teen" and "adolescent" are both too narrow because nine to twelve year olds are not yet teenagers and may be pre-pubescent (and so not technically adolescents) and too broad because our population does not include most 16 or 17 year olds. In the absence of good options, we choose "youth" as the most inclusive.

INTRODUCTION

In July 1999, Project Confirm celebrated our first year of existence. When we began, we were a small pilot project with only two staff members and services targeted to Brooklyn. Over the following months we expanded our coverage and staffing until in June 1999, we reached our goal of operating in all five boroughs of New York City, 24 hours a day, 7 days a week.

Now, for the first time, New York City has a place where the child welfare and juvenile justice systems meet and work together to the benefit of the youth in both systems.

This report covers the period of June 1998 through July 1999. During this period, we made excellent progress while working with limited financial and human resources. Screening more than 1800 calls from police, detention and probation, we established an effective system to notify child welfare agencies of juvenile arrests. We improved child welfare representative appearance rates in court, particularly as we expanded our court conferencing services. We achieved the release of almost half of our target population and were able to coordinate the transmittal of essential information (medical and educational) between the detention centers and child welfare staff for those who were detained. For those who were released, we were able to avoid unnecessary transfers of placement in all but a handful of cases, achieving positive placement outcomes for the overwhelming majority of the released population.

How Project Confirm Works

Today, in New York City, when a youth is arrested and detained, Project Confirm acts quickly to confirm the youth's foster care status; confirm the involvement of the child welfare provider in the juvenile justice process; and confirm the return home of foster teens who need not be detained. The project has two components – notification and court conferencing.

Notification

The notification system is triggered by a call from either the police or the Department of Juvenile Justice (DJJ). For most of the first year, we utilized a voicemail system and operated only during the work week. In late May 1999, the police referral protocol went into effect on a pilot basis in Brooklyn and we expanded, adding screening staff around the clock to answer calls 24 hours a day, 7 days a week. Now when the police or detention intake officer calls, the screener answers the phone and asks for basic pedigree information on the juvenile arrestee or detainee. The screener then checks the Administration for Children's Services' (ACS) databases to determine whether or not the youth is in foster care. If the youth is in foster care, we call the child welfare provider. Each of the sixty-five private providers and the four divisions of ACS responsible for foster care have appointed liaisons to the project. If the juvenile is eligible for release from the precinct or detention center, we work with the liaison to make arrangements to have the youth transported back to the foster care placement and send the youth with an agency representative and youth to court. If the youth is not eligible for release then we notify the liaison of the arrest and of the need to send a knowledgeable representative from the agency to the court on the next business day.

We operate the notification system under extremely tight time constraints. We must respond to the initial referral within 20 minutes. We then have only an additional 30 minutes in which to contact the liaison and arrange release. In the case of either detention or release, the screener refers the case on to a field coordinator for follow up the next business day.

Conferencing

The field coordinators operate the court conferencing component. Court conferencing, like notification, operates under severe time constraints. In the morning before court opens, the field coordinator calls the liaison to identify the caseworker or socialworker, knowledgeable about the juvenile, who can act as that agency's representative to the juvenile justice system. The liaison then contacts the representative directly. Most child welfare staff are unfamiliar with the juvenile justice system so the coordinator's first task is to explain how the system works.

The coordinator then begins the calls to the juvenile justice staff at court so as to streamline the process for child welfare representatives and minimize the amount of time wasted in waiting. The usual process requires the adult to wait in court all day. To assist Confirm, probation agreed to teleconference with the child welfare representatives in lieu of face-to-face interviews. The Confirm coordinator identifies the intake probation officer and calls the agency representative to set up the teleconference.

After the teleconference, in a small number of cases, the probation officer may decide to divert the case and refer the juvenile for services. Previously foster youth were deemed ineligible for diversion because probation found it difficult to identify an adult contact with whom to coordinate services. Confirm makes it possible for foster youth to enter diversion. If diversion is recommended, the coordinator arranges for the representative to go to court and the juvenile is released – a process which usually takes less than an hour.

In most cases, the juvenile is not eligible for diversion so the probation officer refers the case to the juvenile prosecutor and the court. The coordinator arranges to meet the child welfare representative at the courthouse, usually in the afternoon. The coordinator then contacts the juvenile prosecutor (also known as Corporation Counsel or the Presentment Agency) assigned to the case. If the prosecutor decides not to file charges, the case will either be deferred to another date (known as a resummons) or dismissed, and the juvenile will be released. In those cases, the child welfare representative can be in court for less than an hour.

If the prosecutor files charges, then the representative and the coordinator wait together for the court hearing and the coordinator briefs the representative on what will occur in court. During that period (depending on the borough and the process for the appointment of counsel), the coordinator makes an effort to introduce the representative to the juvenile's attorney so that the attorney can interview the representative and prepare for the hearing.

When the case is called, the coordinator accompanies the representative into the hearing. In the hearing, the coordinator deliberately maintains a low profile, as it is the representative who has the knowledge required by the court. At the hearing, the judge decides whether to release or detain the youth and sets the next hearing date. After the hearing, the coordinator makes sure the representative is aware of the new date, understands the obligation to attend, and briefs the representative on what will happen at the next hearing. If the youth is released, the field coordinator speaks with the youth about the obligation to return to court. If the youth is detained, the coordinator collects critical information from the representative about the youth's medical or psychiatric conditions, medication, and any special education needs. The coordinator then relays that information to our DJJ liaisons.

To support these activities, we conduct trainings in the precincts, detention centers, probation offices, private child welfare agencies and ACS. Both the juvenile justice and child welfare systems employ thousands of people, so penetration of cross-system information is a slow process, requiring great patience. Nonetheless, as our results below demonstrate, we have made considerable progress in our first year and we are looking forward to our second year of operation.

STATISTICAL SUMMARY (July 1998 through June 1999)

Referrals

In our first year of operation, we fielded 2,159 calls. Our funding restricts us to working with youth in Family Court² and those youth at the point of intake into the juvenile justice system.³ Excluding those populations, our referral pool consists of 1,854 juveniles.

Several sources refer youth – the police, DJJ intake staff, probation, and occasionally child welfare agencies or Corporation Counsel attorneys. From the beginning, the overwhelming majority (1797 or 97%) of referrals to the project came from DJJ. DJJ exhibited outstanding cooperation, referring 96% of its eligible cases in the project's first year.

Referrals from the police came more slowly. The logistics of arranging a police referral process took until mid-May 1999, when the process was established and implemented on a pilot basis in Brooklyn. These first year statistics reflect only the first six weeks of police referrals, during which we received 30 referrals. We expect police referrals to increase substantially next year.

No formal referral mechanism for probation exists. Nonetheless, probation made 23 referrals during our first year of operation. We will be working with probation to develop a formal referral mechanism for the upcoming year.

ACS Status

After we receive a referral, we check ACS databases to determine the youth's foster care status. In order to ensure a complete look at the eligible population, for the tables in this section, we include the 15 additional eligible youth who were not referred by DJJ in time for our intervention but were screened retrospectively.

² In New York State, with respect to criminal responsibility, a youth is considered an adult at sixteen and 13, 14, and 15 year olds are automatically referred to adult court for serious offenses ("juvenile offenders"). Confirm does not reach "adult" foster youth or juvenile offenders.

³ We help coordinate probation officers and child welfare representatives who work with youth involved in later stages of the juvenile justice system (e.g. youth on probation) but do not include those youth in this primary set of statistics. We also exclude late referrals – e.g. referrals made after the point of intake.

Over half of the youth in detention have received either foster care or preventive services from ACS – one-quarter have open child welfare cases at the time they enter detention. (See Table 1).

Table 1. Status with New York City Child Welfare at Time of Arrest

Status with ACS at time of arrest	Screened Cases (n=1850)*	
	N	%
Open foster care or supervision case	295	16%
Receiving monitoring or preventive services	165	9%
Previously received services from ACS	537	29%
Never received services from ACS**	853	46%

Table reads: Sixteen percent of eligible youth were in foster care or supervision status at the time of their arrest.

*This list excludes four youth whose foster care status could not be determined.

**This category includes 32 youth whose only contact with ACS consists of ACS paying for an OCFS (formerly DFY) placement.

Our target population consists of teens currently in foster care or ACS supervision⁴ – 16% of the juvenile detention population. Originally, we targeted only youth in foster care but gradually added supervision cases – so we did not reach fourteen early supervision cases. We were unable to provide services to fifteen youth not referred in a timely fashion by DJJ. In the first year, we reached 266 out of the 295 youth in our target population.

The majority of our target population came into care as the result of a finding of abuse or neglect (Article 10 of the Family Court Act). Almost one quarter entered care as the result of a person in need of supervision petition (PINS – a charge that the youth was truant, a chronic runaway, or in non-compliance with his lawful guardian), 17 percent were placed voluntarily and only three youth were first placed with ACS as juvenile delinquents.

Table 2. Reason for Child Welfare Placement

Reason for Child Welfare Placement	Foster Care Teens (n=257)*	
	N	%
Abuse or Neglect	150	58%
PINS	59	23%
Voluntary	45	17%
Juvenile Delinquency	3	1%

* The reason for placement for nine teens is unknown.

⁴ A judge has ordered ACS to supervise the family as the result of an allegation or finding of abuse or neglect

We also examined our target population to see where they were placed in foster care. While we anticipated that the majority (53%) of our population would reside in congregate care (group home, diagnostic center, or residential treatment center or facility), we thought the percentage would be even higher. Almost one-quarter of our population reside in foster homes and 13 percent are home with their parents – either on a trial discharge or under ACS supervision. The “In Transition” population is our most challenging – these youth lack permanent placement either because they have just entered foster care and or they were officially discharged as AWOL (absent without leave) from their last placement but their ACS case remained open. If released, these youth require a new placement.

Table 3. Type of Child Welfare Placement

Type of Child Welfare Placement	Foster Care Teens (<i>n=263</i>)*	
	<i>N</i>	%
Group Home	105	40%
Foster Home	35	13%
Biological Family (trial discharge/supervision)	35	13%
Kinship Home	34	13%
Diagnostic Center	27	10%
In Transition**	20	8%
Residential Treatment Center (RTC)	7	3%

* The type of placement for three teens is unknown.

**In Transition includes youth who have no established placement at the time they enter detention – either because they recently entered care and had not yet been assigned a placement or because they were officially discharged as AWOL from their assigned placement.

FOSTER AND NON-FOSTER DIFFERENCES

We compared the detained foster population with the rest of the detention population. The foster population is slightly younger – probably because they are more likely to be detained on their first or second offense while non-foster youth usually accumulate a substantial prior record of police contacts before being sent to detention.⁵ There are also more girls among our population than in the non-foster population – one in three of the girls entering detention comes from a foster care placement. Finally, foster youth are less likely to have been arrested on a probation violation or warrant.

Table 3. Demographic Information of Detained Youth by Foster Care Status

	Foster care	Non foster care	Total
Age	<i>(n=266)</i>	<i>(n=1586)</i>	<i>(n=1852)</i>
9-13	25%	16%	17%
14-15	73%	78%	77%
16 and over	1%	7%	6%
Mean Age	14.2	14.5	14.4
Gender	<i>(n=266)</i>	<i>(n=1588)</i>	<i>(n=1852)</i>
Male	68%	83%	81%
Female	32%	17%	19%
Borough of Residence	<i>(n=242)</i>	<i>(n=1485)</i>	<i>(n=1729)</i>
Brooklyn	31%	33%	32%
Bronx	31%	27%	27%
New York	12%	15%	15%
Queens	15%	18%	17%
Staten Island	9%	4%	5%
Other	1%	4%	3%
Court Borough*	<i>(n=266)</i>	<i>(n=1552)</i>	<i>(n=1820)</i>
Brooklyn	28%	30%	30%
Bronx	26%	26%	26%
New York	19%	21%	21%
Queens	18%	18%	18%
Staten Island	9%	4%	5%
Warrant & Violation	<i>(n=17)</i>	<i>(n=172)</i>	<i>(n=189)</i>
Yes	5%	11%	10%

Table reads: twenty-five percent of foster teens and 16 percent of non-foster teens were arrested between the ages of 9 and 13.

*Warrant cases are excluded.

⁵ Project Confirm Working Group, unpublished study, 1998.

Notification

Anecdotal evidence provided by the judges suggests that prior to the institution of Project Confirm, child welfare representatives rarely appeared in court on delinquency cases or when they did appear, it was for the purposes of disowning the youth and refusing replacement. In defense of child welfare, it was not surprising that representatives did not appear when they were rarely notified of an arrest. Therefore, our first step towards increasing court appearances by child welfare representatives was the creation of an effective notification system.

In order to notify, we must first identify the private agency or ACS division responsible for the planning for the teen. In our first year of operation, we interacted with 42 private agencies and several divisions of ACS. In the majority of cases, the agency responsible for planning for the youth was a private contract agency. (See Table 4). However, our population is more likely to be the direct responsibility of ACS than the ACS foster teen population in general (26% versus 15%).⁶

Table 4. Agency Responsible for Planning for Target Population

Case Planning Responsibility	Foster Care Teens (n=266)
Contract Agencies	74%
ACS	26%
ACS Divisions (n=70)	
Field Offices	41%
Direct Foster Placement	31%
Congregate Care	27%

Table reads: Seventy-four percent of foster teens arrested were the responsibility of a contract agency.

It is often hard work to identify which agency is responsible for the youth. We look first at the ACS database to see which agency is last listed at the responsible planning agency. Because the database may not be updated, we call that agency's intake department or liaison to see if the youth is still on the rolls of the agency. If the youth is listed as that agency's responsibility then we call the liaison. However, if the agency does not have that youth on its rolls then we must turn to the youth's case manager to clarify which agency has responsibility. Currently, it generally takes between three and ten telephone calls to achieve a successful notification – we are working with ACS and the appointed liaison group in hopes of streamlining this process.

⁶ ACS Office of Management Development and Research, July 1999.

Although notification is more challenging than anticipated, in the overwhelming majority of our cases (97%), we are successful. (See Table 5). Successful notification consists of telephone contact (not just a message) followed by a fax to confirm the information in writing. During the notification, we provide basic information about the arrest and explain the agency's obligation to send a representative to court. If the youth is eligible for release from the precinct or detention center, the liaison is asked to send someone to pick up the youth.

Table 5. Case Planning Agency Notification

Notification of Case Planning Agency	Total (n=266)	
	N	%
Yes	258	97%
No	8	3%

Table reads: We succeeded in notifying the child welfare agency of the arrest of a foster youth in their care in 97 percent of cases.

When a youth is placed with a private agency, we do a secondary notification to the ACS case manager responsible for oversight. We notify the case manager for three reasons: 1) the arrest is a significant event in a youth's life; 2) we may need to enlist the case manager's assistance in cases where the child welfare agency is resistant to attending court or taking responsibility; and 3) in the event a new placement is necessary, the case manager must consent to the new placement and can assist the agency in ensuring that the new placement is planned so as to avert inappropriate use of PPS.

In addition to notifying the agency and the case manager (where appropriate), we also notify the probation officer responsible for the youth's intake.

Table 6. Probation Officer Notification

Notification of Probation Officer	Total (n=245)*	
	N	%
Yes	216	88%
No	29	12%

Table reads: We were able to notify the intake probation officer that a detained youth was in foster care in eighty-eight percent of cases.

*Note: In nineteen cases it was not necessary to notify probation because the case by-passed probation and went directly to court. In two cases, the youth received a youth card and never went to court.

Court Appearances and Court Conferencing

We find that notification alone is not enough – so we send one of our field coordinators to court to assist child welfare and juvenile justice staff through the intake process. We send the field coordinator because child welfare representatives have no prior training in the juvenile justice system and need help to negotiate it. In addition, the knowledge that the field coordinator will meet them in court and guide them through the system creates an additional incentive to go.

The field coordinators are also useful to juvenile justice staff. Based on prior experience, juvenile justice staff often assume that detention is the only viable option for foster youth. The field coordinators make it possible for juvenile justice staff to meet with child welfare and explore the possibility of release. The field coordinator also works with our juvenile justice partners to train them not to either discourage child welfare representative appearances (e.g. probation officer or prosecutor to child welfare representative: “Do not bother to come as the youth will be detained.”) or assent to non-appearance (e.g. representative to Confirm field coordinator: “I talked to the prosecutor and told her how busy I was and she told me that I didn’t have to come.”).

The process of convening child welfare and juvenile justice staff together through the field coordinator is called court conferencing. We instituted court conferencing on a borough by borough basis, beginning first in Brooklyn where the volume of cases is the largest, then adding Staten Island, Manhattan, and finally, the Bronx and Queens. By April 1999, we were citywide. As we suspected, adding the court conferencing component greatly improved appearance rates.

Table 7. The Effects of Project Confirm on Child Welfare Appearance

Child Welfare Representative Appeared in Court	Notification Only (n=122)		Notification + PC in Court (n=111)		Total (n=233)*	
	<i>n</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
Yes	91	75%	103	93%	194	83%

Table reads: Seventy-five percent of foster teens who received notification services only had a child welfare representative appear in court that day compared with 93 percent where we provided both notification and court conferencing.

*Note: In 9 cases, we were unable to make notification. In 2 cases, the child was released before court and never went to court. In 22 cases (all notification only), we were unable to determine whether a child welfare representative came to court.

Our ultimate goal is not just to improve child welfare appearances but to reduce unnecessary detention and emergency replacements. These negative outcomes are often the result of misunderstanding by child welfare of the purpose of detention – misunderstanding which the field coordinator seeks to clear up both by telephone and in person, during the court conference. Often the child welfare representative is frustrated because the youth needs additional services – mental health, substance abuse, or behavior modification treatment – services which the agency feels ill-equipped to provide. The representatives are dismayed to learn that those services are not widely available in the juvenile justice system – and structurally that the juvenile justice system does not exist for the purpose of providing those services. Often the focus on the need for additional services and lack of knowledge about the juvenile justice system causes caseworkers to overlook the only legal reasons for detention – risk of flight (non-appearance at future court hearings) and danger to the community.

The field coordinator also works with the juvenile justice partners so that they understand that ACS has an existing procedure to achieve replacement for youth who need new placements – and that they should not encourage misuse of the juvenile justice system as a means of achieving replacement. With both child welfare and juvenile justice representatives equipped with better information about each other's systems, it is easier for probation, prosecutors, and judges to better sort out those youth who truly belonged in detention and those youth who are best returned to placement.

The appearance of a child welfare representative substantially increases the release rate for foster youth in the detention system, as illustrated in Table 8. Almost half of those youth with a representative present were released compared to just over a quarter of those without a representative. In most of the cases where a representative did not appear and the youth was released, the youth was released to a parent.⁷

Table 8. Court Outcomes by Child Welfare Appearance

Court Outcome	Failed to Appear (<i>n</i> =46)		Appeared (<i>n</i> =192)		Total (<i>n</i> =238)*	
	<i>n</i>	%	<i>N</i>	%	<i>N</i>	%
Released	13	28%	94	49%	107	45%
Detained	33	72%	98	51%	131	55%

Table reads: In forty-nine percent of the cases where the child welfare representative appeared, the child was released compared to a 28 percent release rate where the child welfare representative failed to appear.

*Note: Two cases never went to court. The court outcome is unknown for 26 cases.

⁷ In the case of those youth without a child welfare representative, the judges were forced to make some hard choices. In two cases, the judges ordered the youth released to ACS and an ACS transport worker took custody of the youth. In six cases, the youth was released to a relative – usually a mother. In two of the six cases, the mother had placed the youth in care on a PINS and in a third case, as a voluntary placement. In those situations, if the mother agreed to resume care, the judge was willing to release to the parent. The other three cases involved placements as a result of Article 10 findings of abuse or neglect. In one case, the judge released a girl to her sister who then escorted her back to placement. In the other two cases, the child went home with the mother. It appeared in one of those cases that the youth was already in some form of trial discharge so the judge was comfortable with the release to the parent. But in the other case, it appeared that even with Article 10 finding, the judge opted for release to the parent, given that he perceived that the only other alternative was detention. However, more often, the judge opted for detention, in the absence of other options.

The final issue is the outcomes for foster youth upon release. The project is designed to discourage emergency replacements through ACS Pre-placement Services and encourage agencies to maintain stable placements for this population. On this final measure, we have been very successful – achieving positive placement outcomes for 93% of the youth released. Moreover, most of the emergency replacements occurred early in the project and declined as we became more experienced at strategies for avoiding them.

Table 8. Child Welfare Outcomes for Released Foster Youth

Child Welfare Outcome	Total (n=101)*	
	n	%
<i>Positive Outcomes</i>		
Returned to Agency	71	70%
Released to Family	18	18%
Planned Replacement	4	4%
Youth Shelter**	1	1%
<i>Negative Outcomes</i>		
Emergency Replacement	5	5%
AWOL	2	2%

Table reads: In seventy percent of the cases where the foster youth was released, the youth was able to return to their original child welfare agency.

*Note: Child welfare outcome was unknown for 13 youth.

**Note: The youth was in supervision status. The family received counseling at the shelter and resumed custody after one day.

Conclusion

Confirm is on target for achieving greater coordination between the juvenile justice and child welfare systems and fewer unnecessary detentions and emergency replacements. Our goals for next year are to increase police and probation referrals so that we can reach even more foster youth. We will continue to work with our child welfare partners to increase appearance rates and achieve release at all stages of the juvenile justice system – precinct, detention center, and court. We will also work to increase our contact with foster youth after the release from intake to ensure that they are aware of their court obligations.

We appreciate the support of all of our government partners: the New York City Administration for Children’s Services; the New York State Office of Children & Family Services; the New York State Division of Criminal Justice Services; the New York City Office of the Criminal Justice Coordinator; the New York City Department of Juvenile Justice; the New York City Department of Probation; the New York City Police Department; and the New York City Family Courts.