



Summaries of Reports Prepared by the Vera
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A SYSTEM IN TRANSITION: AN ANALYSIS OF NEW YORK CITY'S FOSTER CARE SYSTEM AT THE YEAR 2000

By Timothy Ross

Executive Summary

New York City's Administration for Children's Services (ACS) operates one of the largest child welfare systems in the country, and has tens of thousands of children in its foster care system. To aid in the reform efforts initiated as part of the settlement of the *Marisol* lawsuit, ACS contracted with the Vera Institute of Justice to conduct a series of research studies utilizing foster care data collected by ACS. This report is one of several recently completed studies conducted by Vera, and additional work is in progress.

This study addresses three areas: who is in foster care and what services foster children need; how frequently foster children switch to new placements and which types of placements they move between; and the characteristics of children leaving care without permission (AWOLs). The report discusses the policy implications produced by the analyses, and discuss possible areas of future research.

Using data from ACS's Child Care Review System, Vera's researchers learned of some broad trends in the child welfare system. ACS has experienced large and at times rapid fluctuations in the number and type of children in foster care. While the number of children in foster care on a given day declined by over 17 percent from 1990 to 1998, the number of children in care over 10 years old increased 18 percent. This group accounted for 41 percent of all children in care in 1998, compared to 29 percent in 1990. This rise in the number of adolescents has serious repercussions for the type of care ACS provides.

Changes in the number of children in care appear to be tightly tied to entries, not discharges. The number of children entering care in the 1990s fluctuated from a high of 16,373 in 1990 to 9,330 in 1996. In contrast, the number of discharges changed little during that period: from a high of 13,364 in 1998 to a low of 12,032 in 1990. Roughly 44 percent of children who first entered foster care while under age 12 in 1994 were still in care at the end of 1998.

Finally, an examination of transfers and AWOLs showed a large number of these events. For example, ACS received an average of 4,003 AWOL reports a year from 1993

to 1998. Despite this volume, data from the 1994 entry group suggests that the typical foster child experiences a stable placement while in care. Less than half of the 1994 entry group (43 percent) have had more than one placement. Even fewer experienced more than one spell (13 percent) or left care without permission (12 percent). Of course, this data could change as the cohort ages.

These findings have several implications. One response to the instability in the types of children in care is to create more flexible placements that can adapt as the foster care population changes. With regard to the increase in adolescents, ACS already plans to expand the use of therapeutic foster bed homes and supervised independent living programs, a process the agency may want to accelerate. With federal legislation mandating reductions in the time children spend in care, ACS may want to examine ways to further streamline the discharge process. The data suggest, however, that effective diversion and preventive programs are the best way to achieve long-term reductions in the foster care population. Finally, the concentration of transfers, multiple spells, and AWOL activity suggests a focus on early interventions for children likely to develop these problems. Child welfare managers could also use these events as a possible indication of problems with the care a child is receiving, especially if problems are concentrated in one facility or agency.

This report is based primarily on data maintained by ACS, and except where noted, the data included in this report are of acceptable quality. Some potentially valuable information, however, does not meet the minimum standards for research or policy-making purposes. The transition to the new management information system known as Connections is pivotal, and ACS would be well-advised to continue to focus managerial attention on this matter.

HOW CHILDREN'S FOSTER CARE EXPERIENCES AFFECT THEIR EDUCATION

By Dylan Conger And Alison Rebeck

Executive Summary

Child welfare agencies in the United States are responsible for the well-being of more than half a million children in foster care. Each day, child welfare officials make decisions about what types of homes to place children in, whether they should be moved to new homes, and whether and when they should be returned to their families. This report indicates that several of these choices influence children's educational outcomes and calls attention to children in foster care who show a marked change in certain school outcomes after they enter care.

At the request of the New York City Administration for Children's Services (ACS), and in collaboration with the city's Board of Education, we examined the relationship between children's foster care experiences and their performance in school. Using a combined database of school and child welfare records on more than 16,000 foster children, we compared children's attendance rates, school transfers, and third through eighth grade test scores according to their foster care experiences, including length of stay in care, type of foster home, runaway history, placement history, reason for placement, and year of entry into care.

Foster care experiences had the strongest effect on attendance and school transfers but only minor effects on children's reading and math exams. Additionally, although we expected school transfers to harm attendance rates and exam scores, a school transfer slightly *increased* attendance, had no effect on reading scores, and reduced math scores by a very small amount. In light of the weak evidence in our study that school transfers reduce test scores or attendance rates, we placed greater weight on the attendance findings than the school transfer findings in drawing our conclusions about how foster care experiences influence school performance.

We found that while foster children have very poor attendance rates compared to students in the general population, several groups of children improved their attendance after they entered foster care, including those who were young, entered care because of

abuse or neglect, remained in care for at least the entire school semester after they entered, had stable placements, and were placed in family-like homes. These children's foster care experiences appear to increase this aspect of school stability, which in turn promotes learning and achievement.

Other children's attendance dropped after foster care placement. In particular, attendance declined for children who had short stays in foster care or who returned home during the school semester. This finding suggests that discharge planning conferences should consider the possible risks associated with returning children home during the school session and that they ensure sufficient aftercare services to help families maintain their children's school stability.

A combination of experiences common among adolescents—entering because of a status offense, being placed in a congregate care setting, and running away from placements—greatly reduced attendance rates. Independent of these events, being older upon entering care was also a risk factor for poor attendance, indicating the potential for special services to adolescents.

Overall, foster children's attendance has improved over the past five years—an indication that ACS reforms may be benefiting some children. Further planning and research on children who return home early and on adolescents in foster care could lead to greater improvements.

REDUCING THE FOSTER CARE BIAS IN JUVENILE DETENTION DECISIONS: THE IMPACT OF PROJECT CONFIRM

By Dylan Conger and Timothy Ross

EXECUTIVE SUMMARY

When children in foster care are arrested for delinquent acts, they are more likely than other children to be sent to juvenile detention to await their trials, rather than back home. The results can be damaging for the children and expensive for taxpayers. Yet these foster children have not been charged with more serious crimes than their nonfoster peers. For the first time anywhere, this report quantifies the foster care bias in detention decisions, and shows that a relatively simple intervention can eliminate it for juveniles facing low-level offenses and with no prior records. The report also identifies further obstacles to eliminating these disparities in more serious cases.

In 1998, the Vera Institute of Justice joined with several New York City and New York State agencies to reduce the unnecessary detention of foster juveniles. With government funding, Vera hired a small staff to receive the names of all youth arrested and detained in New York City, then quickly *confirm* which were in foster care. Project Confirm, as it was named, notifies the relevant foster care agencies of the need and their legal obligation to send someone to the first court hearing. The staff of Project Confirm then meet the case workers at court to help them navigate the juvenile justice system.

Vera researchers studied Project Confirm both to measure the foster care bias in detention decisions and to assess the extent to which this intervention reduced that bias. Researchers matched data from the New York City Department of Juvenile Justice on more than 13,000 youth admitted to detention between 1997 and 1999 with data on foster children from the Administration for Children's Services. The researchers then used regression analysis to examine the discrepancy in detention rates between foster and nonfoster youth with similar characteristics, including charge level, detention history, court county, age, race, and gender.

For youth without prior detentions who were charged with misdemeanors and minor felonies, the results show a foster care bias of almost ten percentage points before Project Confirm began. That is, the probability of detention for youth in foster care was 10 percentage points higher than the probability for youth not in foster care, controlling for other influences. For these juveniles, getting their caseworkers to court and helping the workers navigate the system proved sufficient to eliminate this bias.

This was not true, however, for juveniles previously detained and those charged with major felonies or with warrants. Among this group, the statistically *insignificant* foster care bias of approximately six percentage points before Project Confirm grew to a statistically significant 12 percentage point bias with the intervention, suggesting that the extra information judges received in these cases, such as a runaway from foster care, led them to detain more of these youths. To eliminate the foster care bias in more serious cases, other kinds of information, such as the circumstances in which the runaway occurred and additional services will have to be provided.

THE EXPERIENCES OF EARLY ADOLESCENTS IN FOSTER CARE IN NEW YORK CITY: ANALYSIS OF THE 1994 COHORT

By Timothy Ross, Mark Wamsley, & Ajay Khashu

Executive Summary

Child welfare agencies traditionally work with young children who enter foster care because of abuse or neglect. Statistics on New York City's shrinking foster care population show, however, that adolescents are an increasing proportion of the children in care—comprising 43 percent of the foster care population in June 2000. Adolescents are at a volatile time in their lives and often enter foster care for behavioral reasons as well as abuse and neglect. They also have fewer placement and permanency options than young children because family placements and adoptions tend to decline with age.

As part of its foster care planning process, the Administration for Children's Services (ACS) asked the Vera Institute of Justice to analyze current outcomes for the adolescents in its care. This report describes the experiences of the 2,019 children who entered foster care as early adolescents—aged 11 to 15—in 1994, and follows their foster care experiences through May 1999. The data for the analysis comes primarily from the ACS Child Care Review System.

More early adolescents entered care in 1994 because of PINS (persons in need of supervision) petitions and voluntary agreements than because of abuse and neglect. The children's experiences in care varied by these reasons for entry, but ACS met its stability and permanency goals for most of the children in each of the groups. Most occupied only one or two placements during their stay in care, had been returned to their families before the end of the study period, and had not reentered foster care. Each of the groups, however, also pose distinct challenges to ACS policy and programming.

The PINS entrants typically had short lengths of stay, with a median of two months, before being discharged to their families. About a fourth of them reentered care, usually within a year and often within a few months, and their second stay tended to last longer than their first. About one third of PINS youth can be characterized as the 'quick turnarounds' and another 25 percent as the 'repeaters.' The prevalence of 'quick

turnarounds' suggests that some families may be using foster care as a type of respite care. Taking their length of stay into account, PINS children were more likely than the other adolescent groups to be absent without leave and to be admitted to juvenile detention—48 percent of them were AWOL, and 9 percent were admitted to detention, during their time in care.

Although voluntarily placed youth are frequently compared to the PINS cases, their experiences in foster care are quite different. The voluntarily placed group had much longer lengths of stay, with a median of almost one and a half years, and they were much less likely to reenter care. Voluntary placements are the most costly to ACS because these children spend relatively long periods in the system and two thirds of their days in care are spent in congregate placements, the most expensive type.

Children entering because of an abuse and neglect petition—about 30 percent of the study group—had the longest lengths of stay, with a median of over two years. About 40 percent of these children had three or more placements while they were in care. At the same time, they were the least likely of the adolescent groups to be absent without leave or to be admitted to detention during their stay. Although only 13 percent of the 1994 cohort were 'longtermers'—children who remained in care for the entire study period—half of them were children who entered care because of abuse and neglect.

FINAL REPORT: IMPLEMENTATION EVALUATION OF SAFE AND SMART

By Rosa Haritos, Dylan Conger, Alison Rebeck, and Mark Wamsley

Executive Summary

In collaboration with the Administration for Children's Services (ACS) and the Board of Education, the Vera Institute of Justice launched Safe and Smart, a school-based demonstration project for adolescents in foster care, in May 1999. Safe and Smart sought to demonstrate whether placing school specialists—who are former ACS caseworkers—in middle schools would improve foster care children's academic performance and reduce their exposure to violence.

This report describes the project's theory of action—the way it seeks to effect change—and focuses on results from the implementation evaluation. Results are drawn from observations of schools and project staff meetings; interviews with school specialists, teachers, and foster care guardians; and analysis of data from the project's management information system. The results helped the project to refine its mission and operations for its second and third years.

Safe and Smart has been implemented in five middle schools located in severely disadvantaged neighborhoods in the Bronx. The project served 74 children in its first year. Specialists provided these children with individual and group counseling; maintained contact with adults in the children's lives, including teachers, principals, and foster guardians; made recommendations to caseworkers for service referrals; and intervened in crisis situations.

The project achieved a high retention rate: about two-thirds of the children received services for at least six months and over a third remained in the project for at least nine months. Initial fears that the children might feel 'labeled' by participation seem unfounded; children approached by the specialists, with very few exceptions, readily agreed to participate in the project.

Interviews with the children's homeroom teachers and foster care guardians reveal a varied, but generally high, degree of contact with the school specialist. About half of the 23 teachers interviewed saw the specialist as a person to contact when they faced problems dealing with foster children. Almost all of the teachers we interviewed who expressed an opinion said the project had a positive effect on the children who participated; the most common observation was that children appeared calmer and more focused after a session with the specialist. Most foster care guardians—12 were interviewed—said they understood the project's goals and regarded their interactions with the specialists as helpful.

The project confronted four challenges during its first year: clarifying Safe and Smart's mission; managing the role change from caseworker to school specialist; identifying currently enrolled foster children in each school; and standardizing criteria for services offered across the five schools. These challenges—not uncommon at the start of a demonstration project—prompted some changes in the project.

A significant change concerns Safe and Smart's mission. For the second and third years, the school specialists will focus primarily on the children's academic achievement and on those emotional and behavioral problems that inhibit achievement. The project added tutoring to its complement of services, and is providing specialists with additional guidance in developing students' skills and identifying the types of barriers they face.

To facilitate the transition from ACS caseworker to Safe and Smart school specialist, the project director received ACS approval to select future specialists from ACS social workers with masters' degrees. A clinical supervisor was hired to work closely with the specialists on their evaluative skills and summer training programs focused on clinical work and stress management.

In the absence of reliable Board of Education data on the foster care status of children enrolled in the schools, Safe and Smart staff will now manually check school rosters against the child welfare data system and provide specialists with lists of the foster children in their schools. Finally, the project will establish standardized criteria to assess the amount of services children need and the appropriate balance of individual and group sessions, and then monitor this service delivery throughout the school year.

IMPROVING THE QUALITY OF DEMOGRAPHIC DATA IN THE CHILD CARE REVIEW SYSTEM

Executive summary

Both the administration for children's services and researchers examining the child welfare population in New York City rely on the child care review system (CCRS) to analyze New York City's foster care population. The CCRS, however, contains a substantial amount of missing data on some key variables, including race, ethnicity, and religion. According to ACS's first annual placement report, the CCRS had missing ethnicity data for 43 percent of foster children placed in 1999, and missing religion data in 87 percent of those cases.

In August 2000, ACS requested that the Vera institute begin working with ACS's Office of Management, Development and Research to identify strategies to ensure improved data collection. To learn more about this problem, Vera researchers conducted 27 interviews with data entry staff, child protective workers, and other staff from ACS's office of quality improvement and the office of management, development and research. In addition, Vera analyzed a dataset from the CCRS which included foster care records as of March 31, 2001.

Vera's analysis revealed that time pressures on the data entry staff accounted for a substantial part of the missing data. Data entry personnel received files from placement, but the files and the data entry screens were not coordinated. This meant that data entry staff needed to sift through the paper file to locate the individual pieces of information that the CCRS required. When faced with a backlog of work, data entry staff chose to delay entering "non-essential" information until after the backlog declined. Data entry staff rarely had the opportunity to retrieve these files at a later date and complete the data entry process.

Moreover, data entry staff described having to routinely follow up with caseworkers to clarify basic demographic information when opening cases in the CCRS. Many seemed to take for granted that this back-and-forth communication was a part of the process of creating a new CCRS record. Several of our interviewees indicated that

there is not a single, consistent form in a child's file that data entry staff can refer to identify demographic information.

Nonetheless, by emphasizing the importance of entering demographic data, ACS greatly reduced the amount of missing data in the CCRS since this project began. Data on foster care entries during the first three months of 2001 show that the frequency of missing or unknown ethnicity data shrunk to 5 percent. These efforts also cut the percentage of missing or unknown religion data in half, but as of March 31st 2001, but a substantial proportion of new entries still do not have this information.

Improving this data is a significant accomplishment, but there is more that can be done to sustain this progress. This technical memo concludes with a series of recommendations for how ACS can continue to improve the quality of demographic data in the CCRS. These include recommendations for increased training, using simple standardized intake forms, and modifying some of the CCRS codes.

ADOLESCENT PATHWAYS: EXPLORING THE INTERSECTIONS BETWEEN CHILD WELFARE AND JUVENILE JUSTICE, PINS, AND MENTAL HEALTH

By Molly Armstrong

Executive Summary

In 1997, the Vera Institute of Justice began a collaboration with the Administration for Children's Services (ACS) to study the flow of adolescents into ACS care through other government systems. Specifically, ACS was concerned with teenagers entering care through the juvenile justice, mental health, and PINS ("persons in need of supervision") systems. This concern was heightened by an apparent rise in the number of adolescents arriving at the Emergency Children's Services Center (ECS).

Vera worked with staff at ACS and several other local and state agencies to map the movement of juveniles between these agencies and to estimate the numbers moving along each pathway. In most cases, no precise measurement was possible, but a combination of agency data, interviews, observation, and original data collection produced reasonable estimates.

The analysis reveals a large number of teenagers moving between these government agencies, but not always in the expected patterns. For example, ACS staff initially believed that many adolescents entered their care through the juvenile justice system, but the analysis shows that the majority of the adolescents received from the juvenile justice system were actually being returned to ACS. Most had been in ACS care at the time of their arrest.

The study also documents pathways that are well known to people in the agencies but have not previously been measured. For example, teenagers start in the PINS system, but are voluntarily placed in ACS care by their parents before the PINS case is completed. Another example is the flow of children from the mental health system into ACS placements.

Finally, the study documents a lack of mutual understanding and cooperation between the agencies. The result is overuse of ACS placements in some situations and under use in others. In addition, the analysis identifies duplication of services, unnecessary transaction costs, and poor results for some of the most troubled adolescents in the city's care. The crisis at ECS that spurred interest in this study is a symptom of the inefficiencies and poor coordination that characterize the movement of adolescents between these systems.

The report recommends strengthening interagency partnerships in three specific areas. Coordination should be improved in the PINS system between the diversion program, ACS field offices, and the Family Court. A partnership between ACS and the juvenile justice system should aim to eliminate the costly and unnecessary detention of ACS adolescents. Finally, the partnership between ACS and the mental health system should be strengthened with the addition of more therapeutic foster beds for adolescents.

72-HOUR CHILD SAFETY CONFERENCE PROGRAM

By Dylan Conger

Executive Summary

In June 1998, the Administration for Children's Services (ACS) launched the 72-hour child safety conference program, which is designed to include families and other community service providers in making decisions about moving children into and out of foster care and providing services to their families. By including these individuals, ACS aims to improve the quality of the decisions and increase community and family satisfaction with the agency.

ACS began the program in pilot form to test the program procedures on a small scale. For three months, the agency held conferences with parents from Queens whose children had been removed from them and placed into foster care. In addition to families, their friends and relatives, the conferences included representatives from ACS offices and other agencies responsible for preserving families, protecting children from abuse and neglect, and providing foster care to children removed from their homes. During these conferences, ACS discussed with the families their strengths and needs and sought to develop consensual service plans. ACS and the families then presented these services plans to Family Court.

At the request of ACS, the Vera Institute of Justice evaluated the implementation of the three-month pilot, generated ideas for improving it, and prepared the groundwork for an outcome evaluation. The implementation evaluation focused on the following criteria: the number of cases receiving conferences; the number and roles of participants; the timing, duration, and structure of conferences; the specificity of service plans; conference documentation; and coordination with ACS's legal staff. Data were collected through interviews with ACS administrators and front-line staff as well as reviews of conference-related documents and administrative databases.

The evaluation found that parents attended the majority of conferences to which they were invited and ACS and the families reached consensus in all of them. Further,

multiple levels of ACS staff responsible for several aspects of the cases were present in all conferences. Most of the staff members who participated in the conferences reported that they often reduced the tension between ACS and the families and allowed for an early and comprehensive exchange of information.

The pilot also revealed several aspects of the program that require further attention before ACS implements a full demonstration in other parts of the City. These include clarifying the program's goals, creating and documenting procedures to reflect these goals, and enhancing staff training. Specifically, because most cases were not referred for conferences, ACS is reconsidering the exclusion criteria, such as domestic violence cases, and clarifying procedures to minimize other exclusions made by staff, such as when the parents cannot be reached. And because staff reported that two conferences were informative despite the parent's failure to appear, ACS is considering holding conferences when parents are unable or unwilling to attend so as to increase communication with other family-serving agencies. Because none of the conferences was held within 72 hours of the referrals, ACS is revisiting the resources and instructions given to staff to achieve this goal. Also, because staff had different understandings of the program's purposes, ACS is enhancing staff training and revising the procedures manual to incorporate a detailed description of the purpose of the conferences and of each participant's roles within them. Finally, ACS has improved coordination with the Division for Legal Services in order to increase the use of conference service plans in Court.

To evaluate the program once it is in full demonstration, the report suggests a quasi-experimental comparison group design in which the program group is selected from the current pilot site and the comparison group is selected either from previous cases in that site and/or cases in nearby communities. The report also recommends methods of data collection that would help to overcome the current difficulties with tracking the court and service outcomes of cases.

The 72-hour child safety conference program has the potential to be a very powerful and family-focused intervention. Continued evaluation of its implementation and impact would benefit both ACS and other child and family-serving agencies throughout the country.

A STUDY OF THE PINS SYSTEM IN NEW YORK CITY: RESULTS AND IMPLICATIONS

By Eric Weingartner, Andrea Weitz, Ajay Khashu, Rob Hope, and Megan Golden.

Executive Summary

When parents feel unable to control children who routinely skip school, run away, or are constantly disobedient, they sometimes turn to government for help. Across the country, local child welfare agencies, juvenile justice agencies, and family courts struggle to respond to the needs of these children and their parents—children who in New York are called "persons in need of supervision," or PINS.

Most families who seek help in New York City are referred to community-based agencies for a needs assessment and services and are able to remain intact while they work on their problems. However, a significant minority follow a very different path through the PINS system. At the wishes of their parents, these children often are brought to family court on a warrant and are remanded to foster care group homes while their court cases are pending. Their parents enter the PINS system believing this is the best solution to the family's problems but are disappointed later on because foster care group homes are not equipped to address their family's needs. And group home care is the most expensive aspect of the PINS system, costing much more than community-based services.

Beginning on July 1, 2002, 16- and 17-year-olds statewide will be able to enter the PINS system, which currently accepts only juveniles younger than 16. In the summer of 2001, the Vera Institute studied the likely impact of the change for New York State. The resulting report, *Changing the PINS System in New York: A Study of the Implications of Raising the Age Limit for Persons in Need of Supervision (PINS)*, concluded that the number of children coming into the system is expected to double, and that the most expensive part of the system, foster care, is also the least satisfying. This report and the additional demand on counties statewide has focused attention on how the PINS system operates and how it could be improved.

At the request of the New York City Administration for Children's Services, Vera took a close look at 200 PINS cases in Brooklyn and Queens to see how agencies in these New York City boroughs respond to families in crisis and which children spend time in foster care as part of the process. We found that almost half of PINS cases lead to family court cases and that more than a third of these children spend time in foster care group homes—four months on average—while their court case is open. Yet in nearly all the cases that involve foster care, either the judge dismisses the case or the parents stop pursuing it. In other words, the vast majority of children who are sent to foster care go home, but without the services they need to change their behavior. Among the 34 children in our study who were remanded to foster care, only seven were placed in foster care at the end of their court case.

We found that when families seek remedies in court—instead of completing a needs assessment—and especially when parents use warrants to pressure their children to come to court, the children are more likely to be remanded to foster care. In these cases, parents usually demand that judges remove their children from the home, and with few other options, judges tend to honor their wishes. We also found that girls are more likely than boys to be involved in these cases.

These findings suggest that making the PINS system more useful and efficient in preparation for the influx of new cases depends first on identifying children who are likely to be remanded to foster care as they enter the system. It also depends on informing their parents about the limitations of foster care and offering them an alternative, such as respite care, that would provide a short break from their children and intensive services to help families address their problems and quickly reunify.

CHANGING THE PINS SYSTEM IN NEW YORK: A STUDY OF THE IMPLICATIONS OF RAISING THE AGE LIMIT FOR PERSONS IN NEED OF SUPERVISION (PINS)

By Ajay Khashu and Jesse Souweine

Executive Summary

Under a new law, troubled 16- and 17-year-olds across New York State will shortly begin to enter the PINS (Persons in Need of Supervision) system—a system already striving to deal with younger children who skip school, leave home, or disobey their parents. For decades, New York has limited its system to children under 16. But last year the New York State legislature passed a bill that raises the PINS eligibility age to 18. The Governor signed this legislation to assist and support families seeking help with their troubled older children. The law will take effect on July 1, 2002.

This study examines the strengths and weaknesses of the current system and provides the first comprehensive projections of how many more children will enter under the new law. Vera researchers analyzed statewide data kept separately by the courts, probation departments, and social service agencies, as well as more detailed data from ten counties across the state, including all five counties of New York City. To place the resulting statistics in context, Vera staff conducted interviews and focus groups with children, parents, social workers, and government officials familiar with all aspects of the PINS system. Finally, Vera staff compared New York law and practices with those of other states, most of which already serve 16- and 17-year-olds in their equivalent systems.

The results suggest that absent any changes in current procedure, older teens will enter the system in large numbers. Our estimates, based on national patterns and data from New York, suggest that the new law will increase the number of cases coming into the system by between 69 and 105 percent. This increase could be costly to New York taxpayers, with a large proportion of the new costs going to pay for out-of-home placements. But there is encouraging news as well. The results suggest that the most

expensive parts of the current system — group homes and foster care — are also the least satisfying for parents and children; and that some New York counties, as well as a few other states, have already successfully reorganized their systems to virtually eliminate these unsatisfactory features.

The report concludes that state and local officials must choose among several options for handling the additional cases they will see under the new law. The options range from the simple but expensive solution of expanding the current system to the more complex but economical solution of substituting family services and short-term respite care for the detention, supervision, and foster placement of these children by the Family Court.

BRIDGING CHILD WELFARE AND JUVENILE JUSTICE: AN IMPLEMENTATION EVALUATION OF PROJECT CONFIRM

By Timothy Ross and Dylan Conger, with Molly Armstrong

Background

The Overlap Problem

During the 1990s, New York City’s Department of Juvenile Justice (DJJ) noticed an increase in juvenile detention (see New York City Mayor’s Management Reports, 1990 to 1998).¹ Despite a decline in juvenile arrests, judges sent an increasing number of arrested youth to secure detention facilities to await their trials rather than release the children to their parents or legal guardians. This increase in juvenile detention prompted several concerns related to both the economic and social costs incurred when children are detained. Research conducted by the Vera Institute suggested that foster children constituted a disproportionate share of these juvenile detainees. Though foster children comprised less than 2% of the New York City youth population, they accounted for approximately 15% of youth admitted to DJJ detention facilities in 1997.² Vera coined the term “overlap problem” to refer to the intersection of the child welfare and DJJ populations.

A review of case records showed no evidence that foster children commit more crimes or crimes of greater severity than nonfoster children – factors that could have explained differential detention rates. Instead, conversations with judges, probation officers, police officers, and DJJ workers suggested a different explanation. These interviews revealed multiple organizational barriers separating the child welfare and juvenile justice agencies. An arrest requires an array of frontline workers to coordinate their efforts—police, probation, and detention officers from the juvenile justice system, and caseworkers and foster care providers from the child welfare system. Many obstacles, however, prevent these professionals from working together. Frontline workers are not always aware that children are involved in the other systems. When informed of a child’s

¹ DJJ is the New York City agency that operates all juvenile detention facilities. These facilities house teens awaiting trials, not those sentenced to juvenile prison. The Office of Children and Family Services, a state-level agency, oversees juvenile prisons.

involvement, they may not know how to contact appropriate representatives in the other agencies. Even when equipped with the necessary contact information, frontline workers may not know their legally mandated responsibilities and roles with respect to the other agencies.

These problems surface the instant a foster child is arrested. Police and probation officers may or may not ask if a child is in foster care. When they do ask, officers may not have the time and information needed to locate the names and phone numbers of foster care providers or caseworkers who could perform the functions of a legal guardian, and foster children often do not provide such information. When children are arrested for minor crimes while court is closed, the police have only a few hours to locate guardians authorized to take custody. When the police cannot reach guardians, children must spend at least one night in detention until their court hearings the following business day. Guardians may not appear at these court hearings either. Probation officers, prosecuting attorneys, and defense counsel have even less time than the police to locate guardians before the first hearing, and may fail to do so. With little information about a child and no one to take custody should release appear warranted, prosecutors are more likely to refer a case to court, and judges are more likely to detain a child even when they pose little or no threat to the community. Over time, police and probation officers learn not to rely on child welfare personnel to appear on behalf of arrested children, choosing to use detention facilities instead of foster care placements for shelter and supervision.

An important part of the problem is that child welfare workers often do not understand their role in the legal process. When told of a child's arrest, some foster care caseworkers believe—incorrectly—that they no longer have responsibility for a child. Interviews with Family Court employees, ACS caseworkers, and other informed parties suggest that this problem is especially prevalent when child care workers themselves initiate the arrest by calling the police. Indeed, foster children may face a higher risk of arrest than nonfoster children for similar behavior due to their foster care status: child care workers, for example, may be more likely than biological parents to call the police for fighting or stealing incidents. On some accounts, staff in some congregate care facilities intentionally use arrest as a way to remove difficult children from their settings.

² This statistic comes from matching DJJ and ACS databases.

Example of the Overlap Problem

The following example is a composite sketch of several cases that Project Confirm encountered during its first year. Jason and Bill meet in junior high school, and become fast friends. One evening, the police arrest the two 13-year olds for possessing a joint of marijuana. Bill calls his mother to pick him up from the station house. She promises the police that Bill will appear in court the next day, and the police release him to her custody. Like many adolescent foster children, Jason lives in a group home. Embarrassed by his foster care status and fearful that the group home staff will react negatively to his arrest, Jason does not tell the police that he is a foster child. When the police ask him whom they should contact to pick him up, Jason gives his biological mother's phone number. The police call, but Jason's mother refuses to pick him up. Because they cannot legally keep Jason longer than three hours at the precinct station, the police send him to a DJJ locked detention facility for the night. The group home staff notice Jason's absence, but conclude that he went AWOL (absent without leave). Jason's caseworker plans to file a missing-person report after 24 hours.

The next day, Bill and his mother meet with the probation officer and the prosecuting attorney, and both mother and child promise that Bill will be on his best behavior and appear at any court hearings needed. The prosecuting attorney decides to release Bill to his mother's custody and continues investigating the case to decide whether to press charges. After Bill appears in court two more times, prosecutors drop Bill's case two months later.

Jason is not so fortunate. After spending the night in detention, he goes to the courthouse and meets with a probation officer. The probation officer also asks for a phone contact. Jason tells the probation officer he is a foster child. The probation officer calls the child welfare agency to find out who Jason's caseworker is, but after several calls, she cannot locate anyone who has the information. With no caseworker available to consult, the probation officer refers Jason's case to a prosecutor. Given the nonviolent nature of the offense, the prosecutor wants to release Jason and schedule a future court date. Since no one has appeared to take custody of Jason, however, the prosecutor has little choice but to bring the case before a judge. Jason's court-appointed attorney, given

minimal preparation time and little information concerning his client, still tries to provide a convincing argument for Jason's release. Lacking a child welfare representative to accept him, the judge orders Jason to return to detention to await his next hearing.

Jason goes to court two more times. Each time, the judge sends him back to detention because his guardian is absent. After his third court appearance, a week later, the judge orders his release to ACS, and an ACS transport vehicle takes Jason to the agency's emergency placement unit. Like all private foster care placements in New York City, Jason's group home receives payment on a per diem basis, and after three days of absence, the agency places another child in Jason's bed. With no existing bed for Jason, the placement office scrambles to find a new group home for him. Jason's arrest makes placing him difficult, and he spends two nights in the placement office before moving to a new group home known for taking "hard to place" children.

Consequences of the Overlap Problem

Several consequences flow from the overlap problem, and for many policy makers, increased cost is one of the most important. Secure detention costs New York City over \$250 a day per bed compared to between \$17 and \$150 for foster care. In addition, while the federal government pays for 50% of foster care costs, no corresponding funding match applies to secure detention. After release from detention, ACS often incurs additional costs to find a new placement for the child because the previous placement is no longer available—as noted above, foster care agencies usually fill open beds after three days. Before Project Confirm, ACS had no way to identify those agencies using arrest as a surrogate way to expel problem children from their care. Emergency placements under any circumstances generate costs and other negative consequences, but the overlap population is especially expensive because most arrested foster children are adolescents. Since adolescents are harder to place than young children, they often end up in emergency placement offices or temporary beds awaiting placement. In 1997, increases in the number of foster care adolescents spending nights in the emergency placement office forced New York City to spend \$7 million to build new placement offices that can house up to 100 children.

Cost constitutes only one element of the problem. In addition to a basic loss of liberty, pretrial detention can harm the educational attainment and income of juvenile defendants if it keeps them from school and work (Sampson and Laub 1993). Foster care status magnifies these problems if detention results in replacement upon release. New placements may require school transfers, and new locations may force employed youth to leave their jobs. Moreover, adolescents in detention cannot demonstrate their ability to obey the law or display other positive behaviors that could lead judges to order less severe dispositions (the Family Court equivalent of sentences). Indeed, detention may increase negative behaviors: the youth jail culture itself can promote further infractions in many circumstances, especially when almost 70% of the nation's detained children reside in overcrowded facilities (Rust 1999).

While the use of pretrial detention to prevent crimes by juveniles has been upheld in two U.S. Supreme Court decisions, researchers and policy makers still question whether the benefits to society outweigh the serious costs to defendants (Fagan and Guggenheim 1996). Observers debate the efficacy of detention as a crime-prevention tool, but most agree that unwarranted detention—detaining foster children because of their foster care status rather than their potential to commit further crimes—violates basic principles of justice. To address this problem, the Vera Institute, in coordination with the eight government partners listed above, decided to design and implement a program to eliminate the problems created by the overlap problem.