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The Crossover Court: An Integration of Child Welfare and Juvenile Justice, and the Next Step in the Reformation of the Juvenile System in Texas.

Samantha Coleman

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THE CROSSOVER COURT: AN INTEGRATION OF CHILD WELFARE AND JUVENILE JUSTICE, AND THE NEXT STEP IN THE REFORMATION OF THE JUVENILE SYSTEM IN TEXAS

SAMANTHA COLEMAN*

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* 2016 Candidate for LL.M. in Taxation, The University of Florida Levin College of Law; J.D., *cum laude*, St. Mary's University School of Law; BBA in Economics, Texas State University-San Marcos. I would like to extend a special thank you to Judge Lisa Jarrett, who presides over the crossover docket in San Antonio and introduced me to the crossover court. Further, I would like to express much appreciation to the entire crossover team in San Antonio, not only for their patience in answering all of my questions, but for the work they do every day and the vision they have for the future of juvenile adjudication. Thank you to all of the staff-writers and editorial board members of *The Scholar: St. Mary's Law Review on Race and Social Justice*, past and present. I am so proud to have been involved with such an incredible publication and I am excited to see what is accomplished in the future. Finally, thank you to my parents, grandparents, siblings, and friends for their unwavering love, support, and encouragement.

I. INTRODUCTION

She is fifteen years old.¹ Her father is incarcerated.² Her mother's whereabouts are generally unknown.³ She has an infant child and despite all of the love she has for her child, she has no idea how to begin to provide for him.⁴ Who can she trust? Who is there for her to turn to for help? She is angry.⁵ Is she to blame for her anger? Is she to blame for the fact her parents left her to fend for herself and failed to provide her with the skills she needs to survive as an adult and mother?

He is fourteen years old.⁶ The whereabouts of his father are unknown.⁷ He and his mother have been unable to maintain a successful relationship.⁸ He was raised by his grandmother but had been living with a family friend.⁹ After repeated bouts of disruptive behavior, his school suspended him and sent him home.¹⁰ There was no one to pick him up.¹¹ Where is a fourteen-year-old boy supposed to go when he has yet to develop the skills necessary to succeed as an adult? How is he supposed to learn how to behave in various environments when there is no one there to teach him?

The Texas Family Code states one of the goals of the juvenile system is "to provide for the care, the protection, and the wholesome moral, mental, and physical development of children coming within its provisions"¹² The Code further states it will accomplish this goal by providing "a simple judicial procedure through which the provisions of this title are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced."¹³ In the face of these commitments, Texas is failing a specific population of our youth.

1. E-mail from Kimberly S. Burley, Assistant Dist. Attorney, Bexar Cnty. Dist. Attorney's Office to Samantha Coleman (Jan. 2, 2014) (on file with *The Scholar: St. Mary's Law Review on Race and Social Justice*). The following stories are true; however, names have been changed to protect the identity of the children.

2. *Id.*

3. *See id.* (asserting Kathy's mother is not in the state).

4. *Id.*

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.*

9. *Id.*

10. *Id.*

11. *Id.*

12. TEX. FAM. CODE ANN. § 51.01(3) (West 2014).

13. *Id.* § 51.01(6).

Crossover youth are older children who find themselves in both the juvenile justice and the child welfare systems.¹⁴ Child welfare hearings¹⁵ and juvenile justice proceedings are typically held separately for a single child and frequently result in subpar access to information, poor communication amongst the parties, and an inappropriate outcome for the child or children involved.¹⁶ These children continuously fall through the cracks of the judicial system and it is time for the Texas Legislature to fully address the needs of these neglected youth.

There is a formal program being implemented in forty-four counties across the United States called the Crossover Youth Practice Model (CYPM).¹⁷ The CYPM was organized by the Center for Juvenile Justice Reform (CJJR) at Georgetown University and combines the child welfare and juvenile justice systems into one court setting.¹⁸ This creates a broader approach to crossover youth through the involvement of everyone the youth is in contact with, while offering a more specific approach to their individual situations and particular needs.¹⁹

The CYPM is being implemented formally in six counties in Texas.²⁰ Other counties have begun to informally take some kind of approach toward an integrated court, but far from all counties have taken similar approaches.²¹ The child welfare and juvenile justice systems in Texas have individually received a great amount of attention over the last several years, and Texas has become a leader in juvenile system reforms.

14. CTR. FOR JUV. JUST. REFORM, (NOTE: SEE FOOTNOTE 17) CROSSOVER YOUTH PRACTICE MODEL 5 (2013), available at <http://cjjr.georgetown.edu/pdfs/cypm/cypm.pdf>.

15. The terms child welfare system, dependency system, child protective services and the foster care system are substantively interchangeable, and will be used as such.

16. Rachael Pendleton & Allison Green, *Permanency Through Collaboration Between Delinquency and Dependency Courts*, 10 CHILD COURT WORKS, no. 2, 2008, at 1, available at http://www.americanbar.org/content/dam/aba/publishing/child_courtworks/08_05_vol10_iss2.authcheckdam.pdf.

17. See *Participating Jurisdictions: Crossover Youth Practice Model*, CTR. FOR JUV. JUST. REFORM, <http://cjjr.georgetown.edu/pm/cypmparticipants.html> (last updated June 17, 2014) (listing the jurisdictions across the country that are formally participating in the Crossover Youth Practice Model).

18. See generally CTR. FOR JUV. JUST. REFORM, *supra* note 14 (organizing the depth of the Crossover Youth Practice Model, and the blending of the dependency and delinquency systems, into report form).

19. *Id.* at 4.

20. SUP. CT. CHILDREN'S COMM'N BASIC, TRAINING AND TECH. GRANT COMM. MEETING 124 (Aug. 2, 2012), available at <http://texaschildrenscommission.gov/media/264/cipaug2012mtgnb.pdf>.

21. See *Participating Jurisdictions*, *supra* note 17 (listing the participating jurisdictions in the Crossover Youth Practice Model out of Georgetown University). The Texas counties that are participating in the Crossover Youth Practice Model include: Bexar, Dallas, El Paso, McLennan, Tarrant, and Travis. *Id.*

Crossover youth need to be the next focus of the Texas Legislature in continuing to pursue these reforms. Texas needs to continue to be a leader for reform of the juvenile systems by taking action to ensure all counties in Texas are working toward this merged system. The Legislature must set an example for the rest of the country by seeing to it all counties in Texas are taking a holistic approach to these crossover youth instead of allowing them to be forgotten.

II. CROSSOVER YOUTH

A. *Who are Crossover Youth?*

Broadly speaking crossover youth are children and young adults who have experienced abuse and mistreatment at home and have engaged in some kind of law-breaking activity.²² They are considered to be crossover youth regardless if they have been formally involved in either the delinquency or dependency systems.²³ These youth tend to be older and come from underprivileged families and poorer neighborhoods.²⁴ Often they have experienced several different living situations in their lives, sometimes bouncing around among various foster placements and group homes.²⁵ They usually have a low quality education, and often possess mental health issues that go unaddressed.²⁶ Consequently, their job opportunities are minimal and it is quite common for these children to go straight from foster care to homelessness.²⁷ The definition encompasses youth who have experienced abuse and mistreatment and have broken

22. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 7; DENISE C. HERZ & ANIKA M. FONTAINE, CTR. FOR JUVENILE JUSTICE REFORM, FINAL DATA REPORT FOR THE CROSSOVER YOUTH PRACTICE MODEL IN KING COUNTY, WASHINGTON 2 (2012), available at <http://www.modelsforchange.net/publications/466>.

23. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 7 n.2 (stating adjudication results in rendering a formal status as “delinquent” or “dependent.”); HERZ & FONTAINE, *supra* note 22, at 2 (explaining how children from child welfare and the juvenile justice systems can sometimes be involved in delinquent behavior).

24. AM. BAR ASSOC., FEBRUARY 2008 ABA POLICY ON CROSSOVER AND DUAL JURISDICTION YOUTH (2008), available at http://www.njjn.org/uploads/digital-library/resource_671.pdf; Shay Bilchik et al., Webinar Series: Improving Outcomes for Multi-System Involved Youth Who Cross Over Between the Child Welfare and Juvenile Justice Systems, Part 1: Causes, Correlates, and Pathways of Multi-System Youth: Research, Data, and What We Know (July 26, 2012), available at <https://www.nttac.org/index.cfm?event=trainCenter.traininginfo&eventID=22>.

25. Shay Bilchik et al., *supra* note 24.

26. AM. BAR ASSOC., *supra* note 24.

27. *Id.*

the law, regardless of whether they have come to the attention of either the child welfare system or the juvenile justice system.²⁸

Youth—who are considered to be crossover youth—are narrowed into a more specific category known as “dually involved youth.”²⁹ They are then narrowed again into “dually adjudicated youth.”³⁰ Dually involved youth are those who are simultaneously involved in and receiving services from both the child welfare and the juvenile justice systems.³¹ At this level of classification, it does not matter how involved the child is with the system, only that they are involved.³² Dually adjudicated youth are those who are not only in contact with each of these systems but are subject to court-involvement with both child protective services and the juvenile justice department.³³ For dually adjudicated youth, research has shown judges, attorneys, and others involved with the youth perceive they present a higher risk to themselves and society because they are deeply entangled in both systems.³⁴ As a result, they receive consequences based on harsher standards than those who do not fall into the category of crossover youth.³⁵ For example, studies have shown youth who are dually-involved are more likely to be kept in juvenile detention than those who are not dually-involved, despite the similarities of the crimes committed.³⁶ Another example relates to older youth who are closer to aging out of the system and have been in the juvenile detention for a long pe-

28. Denise C. Herz et al., *Challenges Facing Crossover Youth: An Examination of Juvenile-Justice Decision Making and Recidivism*, 48 FAM. CT. REV. 305, 305 (2010).

29. HERZ & FONTAINE, *supra* note 22, at 2.

30. *Id.*

31. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 7; HERZ & FONTAINE, *supra* note 22, at 2; Denise C. Herz et al., *supra* note 28, at 306.

32. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 6.

33. *Id.* at 7; HERZ & FONTAINE, *supra* note 22, at 2; Denise C. Herz et al., *supra* note 28, at 306.

34. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 8.

35. *Id.*

36. See Shay C. Bilchik, *Addressing the Needs of Youth Known to Both the Child Welfare and Juvenile Justice Systems*, in NAT'L CTR. FOR STATE COURTS, *FUTURE TRENDS IN STATE COURTS* 2010 101, 101 (2010), available at <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/famct/id/305> (proclaiming the results of a study that shows children who are involved in a child welfare system are more likely to remain in detention than a child who is not in the system despite the severity of the crime or the previous criminal history of the child); see also Brian Goldstein, “Crossover Youth”: *The Intersection of Child Welfare & Juvenile Justice*, JUV. JUST. INFO. EXCHANGE (Nov. 15, 2012), <http://jjie.org/crossover-youth-intersection-of-child-welfare-juvenile-justice> (referring to a study in 2001 by the Vera Institute Justice in which it was found “the likelihood of detention for foster youth awaiting trial for misdemeanors or minor felonies was [ten] percent higher than non-foster care youth”).

riod of time.³⁷ After their release from detention, it is common for them to become a low priority for services within the child welfare system.³⁸

B. *How Does A Child Become Recognized as Crossover Youth?*

There are four different paths a child may take to becoming involved in both systems and being considered a crossover youth.³⁹ The most common pathway is to originally be involved in the foster care system and then to become a delinquent.⁴⁰ Studies show a child, who has experienced abuse and mistreatment, has an increased likelihood of becoming a delinquent as a child, and committing violent crimes as an adult.⁴¹ The second way a child may qualify is if the youth at one point had a case open within the child welfare system and became involved in the delinquency system.⁴² They are then merged again into the child welfare system and categorized as crossover youth.⁴³ The third way a child becomes a crossover youth is by first becoming a delinquent and then, after their case is examined, they are referred to the child welfare system because of maltreatment at home.⁴⁴ The last way is for a child to be released from

37. DAVID ALTSHULER ET AL., CTR. FOR JUV. JUST. REFORM, SUPPORTING YOUTH IN TRANSITION TO ADULTHOOD: LESSONS LEARNED FROM CHILD WELFARE AND JUVENILE JUSTICE 7–8 (2009), available at <http://cjjr.georgetown.edu/pdfs/TransitionPaperFinal.pdf> (explaining that the needs of youths who are close to aging out of the system are secondary to those who are generally younger).

38. See *id.* at 8 (asserting the notion that youth who are older and have been in the juvenile justice system become low priority within the child welfare system because they are reaching the age of maturity).

39. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 7 (describing the different pathways youth take to become labeled as a crossover youth).

40. *Id.*

41. See Cathy S. Widom & Michael G. Maxfield, *An Update on the “Cycle of Violence,”* RESEARCH IN BRIEF (U.S. Dep’t of Justice Nat’l Inst. of Justice, Washington, D.C.), Feb. 2001, at 1, available at <https://www.ncjrs.gov/pdffiles1/nij/184894.pdf> (summarizing statistics accumulated in research sponsored by the National Institute of Justice (NIJ) which reported “being abused or neglected as a child increased the likelihood of arrest as a juvenile by [fifty-nine] percent, as an adult by [twenty-eight] percent, and for a violent crime by [thirty] percent”); see also JANET K. WIIG & JOHN A. TUELL, GUIDEBOOK FOR JUVENILE JUSTICE & CHILD WELFARE SYSTEM COORDINATION AND INTEGRATION xiv (rev. ed. 2004), available at <http://www.cwla.org/programs/juvenilejustice/jguidebook08.pdf> (referring to the same research statistics conducted by the NIJ).

42. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 7 (highlighting a pathway into crossover youth through previous involvement in the child welfare system and then becoming a delinquent, but this depends on a review of the child’s current circumstances).

43. *Id.*; Denise C. Herz et al., *supra* note 28, at 306.

44. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 7; Denise C. Herz et al., *supra* note 28, at 306 (describing a specific path taken to become a crossover youth).

juvenile detention and have no home to go to.⁴⁵ They are subsequently placed in a home through the foster care system and classified as a crossover youth.⁴⁶

The fifteen-year-old mentioned previously is Kathy.⁴⁷ As a result of exhibiting anger she was asked to leave the place where she and her baby were staying.⁴⁸ She arrived at Child Welfare Services in Bexar County abandoned and angry.⁴⁹ Because she first came into contact with the juvenile justice system when she was twelve for the possession of marijuana, she qualified for the Crossover Youth Practice Model pilot program, currently being implemented in Bexar County.⁵⁰

The previously mentioned fourteen-year-old is Julian.⁵¹ Julian previously struggled with behavioral problems in school.⁵² He became involved in the juvenile justice system as a result of these problems, specifically with truancy.⁵³ After his mother refused to pick him up from school for the second time in a matter of months, he came into contact with Child Protective Services.⁵⁴ When no one was willing to care for Julian, he was placed in a Residential Treatment Center.⁵⁵ Having been in contact with both systems, he became a model candidate for the same crossover court pilot program.

Statistics from the Child Welfare League of America (CWLA) show—through various studies—child maltreatment⁵⁶ is clearly related to delinquency later on in life.⁵⁷ Despite these recognitions, the CWLA asserts

45. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 7; Denise C. Herz et al., *supra* note 28, at 306.

46. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 7.

47. See Burley, *supra* note 1 (name has been changed to protect the identity of minor).

48. See *id.* (explaining how Kathy entered into the CPS system).

49. *Id.*

50. *Id.*

51. *Id.* (name has been changed to protect the identity of the minor).

52. *Id.*

53. *Id.*

54. See *id.* (indicating that “Julian” came into contact with Child Protections Services because of absent parents).

55. *Id.*

56. Child maltreatment includes “all forms of physical and emotional ill-treatment, sexual abuse, neglect, and exploitation that results in actual or potential harm to the child’s health, development, or dignity.” *Child Maltreatment*, WORLD HEALTH ORG., http://www.who.int/topics/child_abuse/en/ (last visited Sept. 29, 2014).

57. AM. BAR ASSOC., *supra* note 24; see also CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 4 (discussing the extensive amounts of research that link abuse and neglect with delinquent behavior). See generally WORLD HEALTH ORG., *supra* note 56 (“Child maltreatment . . . includes all forms of physical and emotional treatment, sexual abuse, neglect, and exploitation that results in actual or potential harm to the child’s health, development, or dignity.”).

that juveniles who find themselves crossing over from the dependency into the delinquency system “too often fall between the cracks.”⁵⁸ In combining these two systems to take a more holistic approach to crossover youth, we are better able to meet the needs of these children, as well as those of the families and communities supporting them.⁵⁹ It is long overdue for the Texas Legislature to universally address the need for a solitary system covering crossover youth who are neither receiving the undivided attention of the courts nor given the support and opportunities necessary for success.

III. THE CROSSOVER YOUTH PRACTICE MODEL

A. *What is the Crossover Youth Practice Model?*

The two primary systems involved with crossover youth are juvenile justice and child welfare.⁶⁰ Each of these systems serves a different function, and each of these systems individually struggles to meet their own goals with regard to the children in their systems.⁶¹ The idea of collaboration between the two agencies has repeatedly been recommended as an improved and coherent solution to the many crossover youth who have been overlooked.⁶²

The primary foundation of the differences between the juvenile justice and child welfare systems is their view of the youth and the interest the system seeks to serve.⁶³ The delinquency system views the youth as a perpetrator and works to correct that behavior, whereas the dependency system sees the child as a victim and aims to protect them.⁶⁴ Assessing and sharing the past successes and failures in each of the systems helps those within each system to learn from the other’s strengths and weak-

58. AM. BAR ASSOC., *supra* note 24.

59. Mary Mentaberry, *NCJFCJ Recognizes and Actively Addresses the Needs of Crossover Youth*, JUDGES’ PAGE NEWSL. (CASA for Children, Seattle, Wash.), Mar. 2010, available at http://www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.5852969/k.9DD2/JP_1__Mentaberry.htm.

60. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 4.

61. See WIG & TUELL, *supra* note 41, at xiii (discussing the different mandates the child welfare system and the juvenile justice system strive to achieve).

62. See AM. BAR ASSOC., *supra* note 24 (expressing the need for organizations to collaborate with one another to better acknowledge the needs of crossover youths); see also CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 8 (discussing how multi-system cooperation helps address the demands of crossover youth); see also WIG & TUELL, *supra* note 41, at 86 (“This effort provides an extraordinary opportunity to build a model system of integration across the child welfare, juvenile justice, and associated youth-serving system that will create improved outcomes for youth and families in state and local jurisdictions throughout the country.”).

63. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 10.

64. *Id.*

nesses.⁶⁵ These efforts to promote information sharing and communication between child welfare services and the juvenile justice department benefit everyone.⁶⁶ The more information known about a child and their circumstances, the better job everyone involved can do in assessing the needs of the youth, and their necessary treatments.⁶⁷ It is undoubtedly more helpful to judges, who can make better decisions for the child when they have a broader picture of their life at home.⁶⁸ The information from child protective services regarding the welfare history of the child can help the team develop a treatment program specific to that child.⁶⁹ The improvements in these treatment programs will be especially helpful to youth who have been victims of maltreatment.⁷⁰

The Crossover Youth Practice Model (CYPM) is a model⁷¹ developed at Georgetown University by the Center for Juvenile Justice Reform and Casey Family Systems to help fill the cracks identified between the child welfare and juvenile justice systems.⁷² The model utilizes the knowledge of each of these systems, along with the research on crossover youth thus far, to create a “breakthrough series collaborative” that aims to serve this neglected population.⁷³ The CYPM brings the probation officers, social workers, attorneys, and judges together to create a unified system that works to take advantage of the strengths of each agency to better serve the needs of the crossover youth.⁷⁴

B. *How to Implement the Crossover Youth Practice Model*

The Crossover Youth Practice Model focuses on dually involved youth, who are currently involved in both the juvenile justice and the child wel-

65. ALTSCHULER ET AL., *supra* note 37, at 10.

66. AM. BAR ASSOC., *supra* note 24.

67. *Id.*

68. Pendleton & Green, *supra* note 16, at 1.

69. WIGG & TUELL, *supra* note 41, at xvi.

70. *Id.* at xvi–xvii.

71. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 9 (“A practice model is a conceptual map and organizational ideology that includes definitions and explanations regarding how staff can partner with families, service providers, and other stakeholders in the delivery of services to achieve positive outcomes for youth and their families.”).

72. Goldstein, *supra* note 36; Bilchik, *supra* note 36, at 101. *See generally* CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 9 (describing extensively the actual model and how to implement it according to the vision of the Center for Juvenile Justice Reform at Georgetown).

73. CTR. FOR JUV. JUST. REFORM, *supra* note 14.

74. *See* Goldstein, *supra* note 36 (“A central feature of the model is to encourage multi-agency collaboration across the child welfare and juvenile justice systems.”). *See generally* CTR. FOR JUV. JUST. REFORM, *supra* note 14 (elaborating on the specific roles each person with each agency provides to the youth according to the vision of the Center for Juvenile Justice Reform at Georgetown).

fare systems.⁷⁵ The CYPM is broken down into three phases, which are made up of five consecutive practice areas.⁷⁶

Phase one consists of the first two practice areas.⁷⁷ The first practice area is when the child gets arrested and it is detected the child is in fact involved in both systems and is a crossover youth.⁷⁸ Quickly identifying a youth entering the delinquency system, who as a child has experienced mistreatment and abuse, is necessary to get their full background and then better have the ability to decide the best consequences for the youth going forward.⁷⁹ The model challenges those implementing it to create a system that enables the immediate detection of not only crossover status, but also information regarding “mental health, substance abuse, gang [involvement], educational needs and other issues” as well as previous assessments made regarding the youth.⁸⁰

The second practice area of phase one of the CYPM focuses on how the youth is going to be charged.⁸¹ This decision affects which system will try the juvenile and what services will be available to the child as a result.⁸² The CYPM asserts the entire crossover team needs to be brought together to consider all of the factors involved before deciding the route to be taken for that particular youth.⁸³ Some of the factors the model works to consider include the offense itself, the home life of the child, any assessments previously made by others working with the family, and the educational position of the child.⁸⁴

75. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 8.

76. *See id.* at 20 (laying out the three phases, made up of five practice areas, very thoroughly and describing how the Center for Juvenile Justices would like for them to be implemented and why); *see also* Bilchik, *supra* note 36, at 102 (summarizing the Crossover Youth Practice Model out of Georgetown and describing the five practice areas the model seeks to focus on).

77. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 20.

78. *Id.*; *see also* Bilchik, *supra* note 36, at 102 (“The first practice area focuses on issues surrounding the arrest, identification, and detention of crossover youth.”).

79. *See* Bilchik, *supra* note 36, at 102 (declaring that judges and others involved in the decision making have a better ability to make recommendations once they are aware that the child is involved in a child welfare program as well); *see also* CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 38 (“Early identification of youths who enter the juvenile justice system from child welfare presents the opportunity to assess their needs and look for ways to divert them from formal juvenile justice processing as early as possible.”).

80. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 21, 38.

81. *Id.* at 22; Bilchik, *supra* note 36.

82. *See* Bilchik, *supra* note 36, at 103 (emphasizing that whether the child is considered a crossover youth and/or whether his case is tried at the juvenile or criminal level determines what services will be available to the child).

83. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 22.

84. *Id.* at 42.

Once it is decided that the youth will not be diverted from the justice system, phase two practice area three, consisting of case assignments, joint assessment, and case planning begins.⁸⁵ The two dominant agencies, child welfare services and juvenile justice, will come together with any other agencies that affect the specific child to create an assessment.⁸⁶ Some of these other agencies are those involved with the child in such areas as: medical, education, mental health, and substance abuse.⁸⁷ After coming together to create an assessment the crossover team will bring the child and their family into the discussion to go over the assessment as well as any other expectations there may be for the youth.⁸⁸ All will then work together to develop a plan to be recommended at the court disposition.⁸⁹ These assessments and plans will be composed of joint referrals and recommended placements.⁹⁰ Joint referrals are recommendations from the crossover team to various community service providers that should be effective in rehabilitating the child and giving the family tools that will help the youth succeed.⁹¹ The placement recommendation may be an alternate placement usually in the form of kinship care, foster care, or a group home.⁹² If placement in a group home is chosen, the home must offer treatment services tailored to the youth and their needs.⁹³ With regard to foster parents, the model recommends “building a pool” of those who would be trained and willing to take in crossover youth.⁹⁴ It also recommends identifying relatives early on in the process who would be willing and able to take the child, so these relatives are able to be involved as much as possible in the entire process.⁹⁵

In phase two practice area three, the CYPM also takes the opportunity to address the three approaches to a consolidated court.⁹⁶ These three approaches include a dedicated docket, one family/one judge, and pre-

85. *Id.* at 46. *See generally* Bilchik, *supra* note 36, at 101 (indicating joint case plans help establish collaboration and a “relationship between the child welfare and the probation agencies for coordinated supervision”).

86. *CTR. FOR JUV. JUST. REFORM*, *supra* note 14, at 23; *see* Bilchik, *supra* note 36 (identifying that crossover youth and their families are often involved in two or more systems and it is most efficient and effective to get all of the information available).

87. *CTR. FOR JUV. JUST. REFORM*, *supra* note 14, at 23; Bilchik, *supra* note 36.

88. *CTR. FOR JUV. JUST. REFORM*, *supra* note 14, at 23; Bilchik, *supra* note 36, at 103.

89. *CTR. FOR JUV. JUST. REFORM*, *supra* note 14, at 23. *See generally* Bilchik, *supra* note 36 (discussing practice area three of the Crossover Youth Practice Model in which everyone involved comes together to create a plan for the child to present to the judge).

90. *CTR. FOR JUV. JUST. REFORM*, *supra* note 14, at 24.

91. *Id.*

92. *Id.*

93. *Id.*

94. *Id.*

95. *Id.*

96. *Id.* at 48.

court coordination.⁹⁷ A dedicated docket, the approach highly recommended by the model,⁹⁸ uses one court and specific people who have been cross trained in each of the agencies, to address all of the crossover cases.⁹⁹ The one family/one judge approach recommends that one judge hear both the dependency and delinquency matters involving all children and youth within a family.¹⁰⁰ In many jurisdictions that follow this approach counsel is required to be the same for both matters.¹⁰¹ Either of these first two approaches are favorable because the single judge will know the child more holistically and hopefully, the child will feel more comfortable with a familiar judge.¹⁰² The pre-court coordination approach involves the entire team coming together prior to any appearances in court and developing a case plan for the youth.¹⁰³ Once the case plan has been developed, they will use it as a recommendation to all of the courts involved.¹⁰⁴ As previously mentioned, the model recommends using the dedicated docket approach but makes clear implementing any of the approaches is better than not having a unified and holistic commitment to crossover youth.¹⁰⁵

Phase three of the CYPM incorporates the fourth and fifth practice areas, which respectively involve implementing the case plan developed in phase two and creating a plan for the child while ensuring the child's transition into a placement.¹⁰⁶ Practice area four focuses on how the crossover team is going to approach the supervision of the youth and their progress.¹⁰⁷ It is especially important in this practice area the probation officer and the child protective services case worker have developed a relationship and continue to work together toward the success of

97. *Id.* at 48–49.

98. *Id.* at 48.

99. *Id.*

100. *Id.* at 49.

101. *Id.*

102. See Kiley Shaumleffel, *Dual Jurisdiction in California: How the Juvenile Courts are Failing Crossover Youth*, 17 U.C. DAVIS J. JUV. L. & POL'Y 77, 99 (2013) (noting that a judge, with whom a child is familiar and more likely to open up to, will be able to gain a more complete picture of the youth and thus be able to make more educated decisions regarding the child's future).

103. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 49.

104. *Id.*

105. *Id.*

106. *Id.* at 25–26; Bilchik, *supra* note 36, at 104.

107. See CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 25 (requiring the crossover team to determine at this phase who is going to be the lead supervisor of the case and how the team is going to approach the supervision of the youth).

the child.¹⁰⁸ The model requires meetings at least monthly between the child welfare representative and the probation officer.¹⁰⁹ Also required are family meetings which should include at minimum: parents and/or alternative care givers, the social worker, the juvenile justice representative, the youth, educational representatives, extended family, and members of community groups.¹¹⁰ During this stage of the process, Joint Court Reports must be submitted to each court¹¹¹ involved and each must describe the progress being made by the youth and their family along with any modifications recommended if the current plan is not working as hoped.¹¹² Any court proceedings throughout this process will require both the juvenile justice officer and the child welfare representative to be present.¹¹³ The fifth practice area of the model is a plan for placement, transition, and case closure.¹¹⁴ In this final practice area, an effective plan for placement, transition, and case closure incorporates the child welfare and juvenile justice system partnering around mental health supports, employment, housing, health care, and educational support needs.¹¹⁵

C. *What Should a Jurisdiction Be Aware of When Implementing the Model?*

The Crossover Youth Practice Model draws attention to several issues that it recommends a team consider when organizing a crossover program in their jurisdiction.¹¹⁶ These issues include “organizational change/system of collaboration, infrastructure, data, messaging, training, and leadership.”¹¹⁷ The CYPM stresses the importance of attention toward the organizational culture already in place in each of these agencies when planning the implementation of a crossover model.¹¹⁸ While considering the individual cultures of each agency, it is necessary to remove any barri-

108. Bilchik, *supra* note 36, at 104. (holding a key component of the success of implement the case plan step of the Crossover Youth Practice Model is the relationship between the probation officer and the case worker). *Id.*

109. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 25.

110. *Id.* at 28–29.

111. Burley, *supra* note 1 (discussing the different approaches to a crossover court, and while one solitary court is the recommended approach, it is possible to have one crossover team working with more than one court).

112. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 25.

113. *Id.*

114. *Id.* at 75; Bilchik, *supra* note 36, at 104.

115. See CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 4–5; Bilchik, *supra* note 36, at 104.

116. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 11.

117. *Id.*

118. *Id.* at 12.

ers to a holistic approach that are in place between the two systems.¹¹⁹ This includes barriers to communication as well as barriers to information and data sharing.¹²⁰ The people working to implement the crossover program need to have the necessary support and a stable infrastructure in order to succeed.¹²¹ It is imperative to the success of a crossover program that everyone involved understand exactly who the youth are that are involved in the program.¹²² This includes the training of attorneys, caseworkers, judges, and anyone else involved in implementing the program.¹²³ Training needs to be across both systems and ongoing, because this is a new program and more needs to be learned.¹²⁴

There are promising benefits from the model with regard to the efficiency of the courts. Currently, courts do not have the resources to deal with such complex cases as those involving children who are in contact with both the juvenile justice and the child welfare systems and the systems have not generally worked well for the benefit of crossover youth.¹²⁵ While the crossover hearings tend to take longer, only one lengthy hearing is needed instead of as many as four or five different ones.¹²⁶ Attempts to improve the effectiveness and efficiency of these hearings are made by reducing the redundancy of cases across both the child welfare and juvenile justice systems.¹²⁷ The goal of the CYPM is to ensure that all attorneys involved have experience in both of these systems.¹²⁸ The CYPM reduces the number of hearings families have to attend, creating a

119. SUP. CT. OF TEX. PERMANENT JUD. COMM'N FOR CHILDREN, YOUTH, AND FAMILIES, SEPTEMBER 14, 2012 MEETING NOTEBOOK 24 (2012), available at <http://texaschildrenscommission.gov/media/481/ccsep2012.pdf>.

120. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 15.

121. *Id.* at 14.

122. Goldstein, *supra* note 36.

123. *See id.* ("Law enforcement officials, judges, and child welfare practitioners are beginning to collaborate on how to best meet the needs of this unique population."); Shaumleffel, *supra* note 102, at 101 (providing that attorneys who have training in both the child welfare and juvenile justice systems will be able to represent the child continuously throughout the entire process).

124. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 16.

125. Ernestine Gray, *The Leadership Role of the Judge in Coordinating the Juvenile Justice and Child Welfare System to Achieve Effective Outcomes*, JUDGES' PAGE NEWSL. (CASA for Children, Seattle, Wash.), Mar. 2010, available at http://www.casaforchildren.org/site/c.mtJSJ7MP1sE/b.5852965/k.F692/JP_3_Gray.htm.

126. Pendleton & Green, *supra* note 16, at 1.

127. Bilchik, *supra* note 36, at 103.

128. *Id.*

less chaotic and overwhelming experience for families, and thus may increase the likelihood of everyone involved being present.¹²⁹

IV. TEXAS HAS BECOME A LEADER IN JUVENILE SYSTEM REFORMS

“There is no greater insight into the future than recognizing . . . when we save our children we save ourselves.”¹³⁰

A. *The Child Welfare System in Texas*

There are over seven million children in the state of Texas and, at any given time as many as 30,000 children are involved in the child welfare system.¹³¹ The child welfare system in Texas, Child Protective Services (CPS), is a state-based system rather than a county-based system.¹³² CPS is an agency of the Department of Family and Protective Services (DFPS) and is governed by statutes enacted by both the Texas Legislature and the United States Congress,¹³³ which work to ensure timely progress throughout child welfare cases.¹³⁴ The Texas Family Code gives the DFPS not only the responsibility of protecting children and families,¹³⁵ but also the ability to terminate a parent-child relationship if they find it necessary.¹³⁶ CPS workers have a duty to investigate any reports of child

129. SUP. CT. OF TEX. PERMANENT JUD. COMM'N FOR CHILDREN, YOUTH, AND FAMILIES, SEPTEMBER 14, 2012 MEETING NOTEBOOK 27 (2012), available at <http://texaschildrenscommission.gov/media/481/ccsep2012.pdf>.

130. TEX. JUV. JUST. DEPT., STRATEGIC PLAN 2013–2017 2 (2012), available at <http://www.tjjd.texas.gov/publications/reports/TJJD%20Strategic%20Plan%20-%20FINAL%20-%20JULY%202012.pdf>.

131. See SUP. CT. OF TEX. PERMANENT JUD. COMM'N FOR CHILDREN, YOUTH, AND FAMILIES, 5 YEARS: 2007–2012 9 (2013), available at <http://texaschildrenscommission.gov/media/16247/FirstPrintARtoSC.pdf> (asserting that of the more than seven million children in Texas there are as many as 30,000 children under the protection of the Department of Family and Protective Services at a given time).

132. TEX. DEP'T OF FAM. AND PROTECTIVE SERVICES, SELF-EVALUATION REP. 16 (2013), available at http://www.dfps.state.tx.us/About_DFPS/Legislative_Presentations/DFPS/2013_SER/2013_SER_Full_Report.pdf.

133. See generally Adoption and Safe Families Act of 1997, 42 U.S.C. §§ 5633, 5661 (1997) (providing an overview of Texas statutes applicable to the promotion of family services).

134. Pamela Kemp Parker, *A Few Things you Should Know About CPS Litigation*, 38 THE PROSECUTOR 3 (2008). See generally *Investigations*, TEX. DEP'T OF FAM. AND PROTECTIVE SERV'S, http://www.dfps.state.tx.us/Child_Protection/About_Child_Protective_Services/investigation.asp#time (last visited Sept. 29, 2014) (establishing that the caseworker should make all attempts to complete their initial investigations within 30 days from when the report was filed).

135. TEX. HUM. RES. CODE ANN. § 40.002(b) (West 2013).

136. TEX. FAM. CODE ANN. § 161.001 (West 2014) (listing circumstances where the court may terminate the parent-child relationship).

maltreatment or neglect and determine whether the children in the home are safe.¹³⁷ If it is concluded that the parents are not willing or unable to keep the children safe, the child will be taken into the custody of the state and protective services will commence.¹³⁸ The Legislature also gave the DFPS Council, along with the DFPS Commissioner,¹³⁹ the ability to create policy when they find it necessary.¹⁴⁰

In 2008, the Texas Supreme Court created the Texas Children's Commission (TCC) to establish a partnership between the judicial and executive branches.¹⁴¹ The partnership focused on the gaps in our child welfare system.¹⁴² The TCC was created in response to a hearing where various child welfare representatives testified in front of the Texas Supreme Court as to these gaps and the role the court could play in helping solve these issues.¹⁴³ The Supreme Court Permanent Judicial Commission for Children, Youth, and Families, the body created to oversee the process and the changes, has proven its worth over the past five years in finding and mending the holes in the Texas child welfare system.¹⁴⁴ The TCC holds various meetings throughout the year to ensure that it is addressing the most crucial issues within the Texas juvenile systems.¹⁴⁵ The TCC focuses its attention on specific factors of the child welfare system.¹⁴⁶ These factors include getting the child in court using technology, education of youth in foster care, the psychotropic medication practices within the system, and the training available to anyone in contact with the system.¹⁴⁷ The Texas Children's Commission is working to make sure training is available to all those involved in these various areas of concern.¹⁴⁸ As the knowledge increases in each of these areas, the amount of training available should increase as well.

137. *Investigations*, TEX. DEP'T OF FAM. AND PROTECTIVE SERV'S, *supra* note 134 (explaining that caseworkers will consider different ways the family interacts in determining whether the child is safe at that home).

138. *Id.* (explaining that CPS caseworkers assess the degree of the threat inside the home and make a determination based on the parent's ability to adequately manage those threats). In addition to placing the child in protective services, the caseworker may also file a petition to end parental rights. *Id.*

139. TEX. HUM. RES. CODE ANN. § 40.021(a) (West 2013).

140. *Id.* § 40.002(e).

141. SUP. CT. OF TEX. PERMANENT JUD. COMM'N FOR CHILDREN, YOUTH, AND FAMILIES, 5 YEARS: 2007-2012, *supra* note 131, at 6.

142. *Id.* (explaining how the partnership is seeking to improve the lives of children in the welfare system via judicial leadership).

143. *Id.* at 7.

144. *Id.*

145. *Id.* at 6.

146. *Id.* at 7.

147. *Id.* at 7, 11, 16, 19.

148. *Id.* at 9.

Evidence has shown children who are involved in their assessment and planning have an increased likelihood of staying on track and succeeding under the developed plan.¹⁴⁹ As a result, courts and teams involved in both child welfare and juvenile justice have begun to recognize the importance of bringing the children into their hearings and involving them in the decision-making process.¹⁵⁰ The TCC has even started to work with The Office of Court Administration (OCA) to set up video conferencing in treatment centers and courts across the state, to help facilitate this involvement.¹⁵¹ Thus far there has been equipment set up in forty-five Residential Treatment Centers (RTCs) and ten courts.¹⁵² Through this new form of technology, the child is given more of an opportunity to be in court and convey their own feelings toward their situation.¹⁵³ The judge is then better able to communicate with the child, observe the child's demeanor, and get the overall, holistic perspective of the youth necessary to make a proper ruling.¹⁵⁴

Creating a partnership between the child welfare system and schools to benefit children in the dependency system is critical.¹⁵⁵ The TCC recognized children in the child welfare system are "more likely to be suspended or expelled, score[] lower on statewide standardized tests, [are] more likely to repeat a grade, [are] less likely to graduate, and [are] more likely to drop out."¹⁵⁶ Because these children often find themselves in multiple placements, they also frequently change schools.¹⁵⁷ In February of 2013, the TCC held its first Foster Care and Educational Summit in Austin to help improve the experiences foster children are having in school.¹⁵⁸ The TCC recognizes that developing these relationships will not be easy but is crucial to assuring the success of the children that the

149. ALTSHULER ET AL., *supra* note 37, at 17.

150. *See* SUP. CT. OF TEX. PERMANENT JUD. COMM'N FOR CHILDREN, YOUTH, AND FAMILIES, 5 YEARS: 2007–2012, *supra* note 131, at 10 (relating Judge Angela Ellis's insight that she did not fully appreciate "the value of bringing children and youth to court,"). The Judge out of Houston recognizes an increase in success since inviting the youth in to help in the decision making process of their case plans. *Id.*

151. SUP. CT. OF TEX. PERMANENT JUD. COMM'N FOR CHILDREN, YOUTH, AND FAMILIES, 5 YEARS: 2007–2012, *supra* note 131, at 11.

152. *Id.*

153. *Id.*

154. *Id.*

155. ALTSHULER ET AL., *supra* note 37, at 33.

156. *See* SUP. CT. OF TEX. PERMANENT JUD. COMM'N FOR CHILDREN, YOUTH, AND FAMILIES, 5 YEARS: 2007–2012, *supra* note 131, at 14 (citing studies by the National Working Group on Foster Care and Education that compare foster children to the general population).

157. Bilchik et al., *supra* note 24.

158. SUP. CT. OF TEX. PERMANENT JUD. COMM'N FOR CHILDREN, YOUTH, AND FAMILIES, 5 YEARS: 2007–2012, *supra* note 131, at 14.

Texas Department of Family and Protective Services works so hard to serve.¹⁵⁹ Teams should also work to build relationships with educational services such as community colleges and vocational training institutions so these youth will have opportunities for higher and more specialized education.¹⁶⁰

In addition to a child's presence in court and the education of foster youth, the Texas Children's Commission has set out to address the psychotropic medication¹⁶¹ practices in the child welfare system.¹⁶² In 2005, Texas created the Psychotropic Medication Utilization Parameters (The Parameters) to serve as guidelines for the use of these medications.¹⁶³ Since implementation of the Parameters the use of psychotropic drugs by children in foster care has decreased by ten percent from 2004 to 2012 and the United States Administration for Children and Families has recognized Texas as a pioneer in creating the medication guidelines.¹⁶⁴

To continue these significant strides, the Department of Family and Protective Services has initiated measures to move toward a "trauma-informed" system.¹⁶⁵ This would create a focus on the root of the issue in the life of the youth that has caused the behavioral issues and an attempt to address the issue in a non-pharmacological fashion.¹⁶⁶ The Family Code requires the judge to review the medical treatment that is being given to the youth and directs him/her to determine whether they think it is appropriate.¹⁶⁷ The child is given the ability to share their own feelings

159. See generally ALTSHULER ET AL., *supra* note 37 (asserting that relationships between the child welfare system and children can enhance the safety, stability, and well-being of a child's future).

160. *Id.* at 33.

161. NAT'L INST. OF MENTAL HEALTH, U.S. DEP'T OF HEALTH AND HUMAN SERV'S, MENTAL HEALTH MEDICATIONS 3 (2012), available at <http://www.nimh.nih.gov/health/publications/mental-health-medications/nimh-mental-health-medications.pdf> (defining psychotropic medications as those used to treat the symptoms of mental disorders such as schizophrenia, depression, bipolar disorder, anxiety disorders, and attention deficit-hyperactivity disorder (ADHD)).

162. SUP. CT. OF TEX. PERMANENT JUD. COMM'N FOR CHILDREN, YOUTH, AND FAMILIES, 5 YEARS: 2007–2012, *supra* note 131, at 17.

163. *Id.* at 16.

164. *Id.* (stating the number of children in foster care who are prescribed psychotropic medication has declined from 42% in 2004 to 32% in 2012).

165. *Id.*

166. See *id.* (identifying the plan that DFPS has created to "move toward a trauma-informed system of care which will focus on treating the root cause of many mental health and behavioral problems and ensure that non-psychotropic medication is prescribed").

167. TEX. FAM. CODE ANN. § 266.007(a) (West 2014); SUP. CT. OF TEX. PERMANENT JUD. COMM'N FOR CHILDREN, YOUTH, AND FAMILIES, 5 YEARS: 2007–2012, *supra* note 131, at 17.

on the current medical treatment,¹⁶⁸ and if the judge determines it is not in the best interest of the child, further investigation into alternate solutions should be ordered. Additionally, the Texas Children's Commission has formed The Psychotropic Medication Workgroup to evaluate alternate approaches for child legal, and advocacy teams in Texas to work together to continue this decrease in administering these medications.¹⁶⁹

B. *The Juvenile Justice System*

A juvenile is a youth between the ages of ten and seventeen who has committed a delinquent act, or exhibited conduct that requires supervision.¹⁷⁰ As opposed to the child welfare system, which aims to nurture children, delinquency systems typically serve to remedy delinquent behavior.¹⁷¹ Recently, Texas has moved away from this focus on the remediation of behavior, toward a system that alternatively works toward rehabilitating juveniles.¹⁷² The main focus of the adult criminal system is public safety and punishment.¹⁷³ While public safety and punishment should both be factors in creating an effective juvenile justice system, the focus needs to be on rehabilitation of the youth.¹⁷⁴ These youth—who find themselves within juvenile justice systems—depend on the services, which are provided by associated agencies, to address the underlying issues that landed them there in the first place.¹⁷⁵ The correctional facilities should serve to protect the youth from any future harm they may do to themselves and society, while educating them on personal discipline and values, so they may have the opportunity to succeed once they are on their own.¹⁷⁶

168. TEX. FAM. CODE ANN. § 266.007(c) (West 2014).

169. See SUP. CT. OF TEX. PERMANENT JUD. COMM'N FOR CHILDREN, YOUTH, AND FAMILIES, 5 YEARS: 2007–2012, *supra* note 131, at 17 (announcing the workgroup created by the Texas Children's Commission known as The Psychotropic Medication Workgroup that will “examine how judges, the child welfare agency, and other advocates and interested persons could work together to further decrease the administration of psychotropic medications to Texas’ foster youth”).

170. *How Offenders Move Through TJJD*, TEX. JUV. JUST. DEP'T, http://www.tjjd.texas.gov/about/how_movethru.aspx (last visited Sept. 29, 2014).

171. CTR. FOR JUV. JUST. REFORM, *supra* note 14.

172. *Overview of the Juvenile Justice System in Texas*, TEX. JUV. JUST. DEP'T, <http://www.tjjd.texas.gov/about/overview.aspx> (last visited Sept. 29, 2014).

173. *Id.*

174. *Id.*

175. See ALTSHULER ET AL., *supra* note 37, at 8 (addressing the need of youth within the juvenile justice system to have access to services that will assist in addressing the underlying behavioral health, mental health, and other issues of the youth that led them into the delinquency system).

176. *Overview of the Juvenile Justice System in Texas*, TEX. JUV. JUST. DEP'T, *supra* note 172.

“I got a call a few months ago from a judge who said: ‘Chief, I would like you to see the faces behind those files.’ And so I sat in on Judge Jeanne Meurer’s court and observed a day in the lives of families dealing with juvenile offenders. *The experience would change you.*”¹⁷⁷

In his State of the Judiciary in 2011 Chief Justice Jefferson of the Texas Supreme Court directed the attention of the Texas Legislature to the juvenile justice system in Texas and its continuing need for reform.¹⁷⁸ He stressed the need for a system that will provide these youth the tools to succeed in life and asserted that if not given access to education and mental health services these children would be on the fast track to becoming adult criminals.¹⁷⁹

Prior to 2011 the delinquency system in Texas consisted of the Texas Juvenile Probation Commission (TJPC) and the Texas Youth Commission (TYC).¹⁸⁰ The TJPC was the state’s organization in charge of overseeing all of the county probation departments in Texas.¹⁸¹ The TYC was the state’s agency in charge of overseeing all of the correctional facilities in Texas, and any children the counties committed to such confinement.¹⁸² In 2011 the Texas Legislature eliminated both of these systems and created a new system known as the Texas Juvenile Justice Department (TJJD).¹⁸³ The TJJD was assigned all of the responsibilities of both the TJPC and TYC¹⁸⁴ and given the priority of developing a collaboration and strong line of communication with local juvenile justice departments.¹⁸⁵ The Legislature found it ideal for a solitary agency to have contact with the youth throughout their entire experience with the juvenile justice system, in hopes of providing full support to the youth and

177. Wallace B. Jefferson, Chief Justice, Supreme Court of Tex., State of the Judiciary (Feb. 23, 2011), available at <http://www.supreme.courts.state.tx.us/advisories/pdf/SOJ.pdf> (emphasis added).

178. See *id.* (identifying the need for the judiciary to eliminate straight-ticket voting for judicial selection and the need to extend terms for state judges).

179. See *id.* (discussing the value of education to reducing juvenile delinquency).

180. TEX. JUV. JUST. DEP’T, COMPREHENSIVE REP.: YOUTH REENTRY AND REINTEGRATION 1 (2012), available at <https://www.tjjd.texas.gov/publications/reports/2012ReentryReintegrationReport.pdf>.

181. Senate Comm. on Government Organization, Bill Analysis, Tex. S.B. 653, 82nd Leg., R.S. (2011). There were 165 juvenile probation departments in Texas. *Id.*

182. *Id.*

183. Tex. S.B. 653, 82nd Leg., R.S. (2011); TEX. JUV. JUST. DEP’T, COMPREHENSIVE REP.: YOUTH REENTRY AND REINTEGRATION, *supra* note 180, at 1; TEX. JUV. JUST. DEP’T, STRATEGIC PLAN 2013–2017, *supra* note 130, at i.

184. Tex. S.B. 653, 82nd Leg., R.S. (2011); TEX. JUV. JUST. DEP’T, COMPREHENSIVE REP.: YOUTH REENTRY AND REINTEGRATION *supra* note 180, at 1.

185. TEX. JUV. JUST. DEP’T, STRATEGIC PLAN 2013–2017, *supra* note 130, at ii.

continuing reforms started by the TYC to develop initiatives to divert youth from confinement.¹⁸⁶

The need for such a reformation began in February of 2007 when allegations of the sexual abuse of youth in correctional facilities by two senior Texas Youth Commission administrators began to circulate.¹⁸⁷ Texas Rangers, with many other investigators and law enforcement officers, were sent to every correctional facility¹⁸⁸ and a hotline was set up to receive complaints regarding the allegations.¹⁸⁹ The hotline received over 1800 calls with almost 300 alleging “staff-on-inmate and inmate-on-inmate sexual misconduct” and over 350 alleging “physical assaults by staff members on juveniles.”¹⁹⁰ This eventually led to a release of hundreds of incarcerated youth.¹⁹¹ Many of these youth had already fulfilled their court ordered sentences but had been kept at the correctional facility for a longer period of time at the discretion of the facility superintendents.¹⁹² Since these incidents the state of Texas has closed nine of its fifteen state correctional facilities.¹⁹³ The money used to fund the closed facilities has been reallocated to counties to enable youth with less serious offenses to be kept closer to home.¹⁹⁴

186. Senate Comm. on Government Organization, Bill Analysis, Tex. S.B. 653, 82nd Leg., R.S. (2011); TEX. HUM. RES. CODE ANN. § 201.002 (West 2013); TEX. JUV. JUST. DEP'T, STRATEGIC PLAN 2013–2017, *supra* note 130, at i. See generally TEX. HUM. RES. CODE ANN. § 201.003 (West 2013) (asserting that one of the goals of the TJJD is to “enhance the continuity of care throughout the juvenile justice system”).

187. See TEX. JUV. JUST. DEP'T, STRATEGIC PLAN 2013–2017, *supra* note 130, at 30 (“In February of 2007, two former senior TYC administrators from the West Texas State School in Pyote, Texas were accused of sexually abusing youth in 2005.”). See generally Brandi Grissom, *Trial Run for Revised Juvenile Justice System*, N.Y. TIMES (June 27, 2013), <http://www.nytimes.com/2013/06/28/us/trial-run-for-revised-juvenile-justice-system.html> (summarizing that the current reforms underway in the Texas juvenile justice system began when the staff at youth correctional facilities were found to be physically and sexually abusing those in custody).

188. TEX. JUV. JUST. DEP'T, STRATEGIC PLAN 2013–2017, *supra* note 130, at 22.

189. See *id.*; Sylvia Moreno, *In Texas, Scandals Rock Juvenile Justice System*, WASH. POST (Apr. 5, 2007), http://www.washingtonpost.com/wp-dyn/content/article/2007/04/04/AR2007040402400_pf.html (citing over 1,800 calls concerning complaints of misconduct made in 2007).

190. Moreno, *supra* note 189.

191. *Id.*

192. See *id.* (reporting the extension of incarceration for 292 youths who completed their sentence).

193. Grissom, *supra* note 187.

194. *Id.* See generally Nick Hudson, *Houston Senator John Whitmire Gets National Attention for Juvenile Justice Reforms in Texas*, BURNT ORANGE REP. (Aug. 6, 2013), <http://www.burntorangereport.com/diary/13899/houston-senator-john-whitmire-gets-national-attention-for-juvenile-justice-reforms-in-texas> (noting that in a speech given by the Houston Senator, John Whitmire, he addressed the decreased use of state facilities for juvenile delinquents); TEX. HUM. RES. CODE ANN. § 201.003 (West 2013) (providing that one of the

Unlike the child welfare system, the individual counties in Texas are given more freedom to control the services provided through their juvenile courts.¹⁹⁵ Counties also prosecute these juvenile cases through their local district attorney's office.¹⁹⁶ The Texas Juvenile Justice Department recognizes that each youth is unique and each needs to be individually assessed based on their own particular journey.¹⁹⁷ Generally, the juvenile system attempts to begin its process with the youth with the least amount of intervention possible.¹⁹⁸ The amount of sanctions and intervention will increase as necessary to help the youth gain the skills imperative to stay out of the criminal system as an adult.¹⁹⁹

When a child comes before a juvenile court for a delinquent act, the prosecutor and judge have only a few possible outcomes available to them during sentencing.²⁰⁰ One possibility is the child may be sentenced to only probation, which tends to include specialized treatments and counseling.²⁰¹ Alternatively, the juvenile may be sent to the Texas Juvenile Justice Department with either an indeterminate or determinate sentence.²⁰² If the youth is sent to the TJJD they are typically given a minimum length of stay between nine and twenty-four months.²⁰³ According to the TJJD, the length of stay is determined by "the severity of the youth's offense and the risk he or she poses to the public."²⁰⁴ An indefinite sentence, though typically reserved for felony offenses,²⁰⁵ is the most common sentence for youth who are sent to confinement.²⁰⁶ If given a determinate sentence, the court decides in advance how long the juvenile will spend in the correctional facility.²⁰⁷ Once the youth is within the juvenile delinquency system in Texas, they may remain there until they are nineteen.²⁰⁸ While most juveniles who are sentenced to the

goals of the TJJD is to develop county based systems enabling the youth to stay within the home).

195. *See Overview of the Juvenile Justice System in Texas*, TEX. JUV. JUST. DEP'T, *supra* note 172. ("In Texas, individual counties provide services to all youth referred to the juvenile courts.")

196. *Id.*

197. *Id.*

198. *Id.*

199. *Id.*

200. *Id.*

201. *Id.*

202. *Id.*

203. *How Offenders Move Through TJJD*, TEX. JUV. JUST. DEP'T, *supra* note 170.

204. *Id.*

205. *See Grissom, supra* note 187 (emphasizing most of the youth in the Texas Juvenile Justice Department have committed felonies).

206. *How Offenders Move Through TJJD*, TEX. JUV. JUST. DEP'T, *supra* note 170.

207. *Id.*

208. *Id.*

TJJD are placed in strict correctional institutions, some are placed in a facility with less structure, such as a medium security facility or a halfway home.²⁰⁹ The TJJD makes it a priority for the juvenile to be placed as close to home as possible and to be provided necessary treatments, such as individual and group counseling, education, and various other skill building groups.²¹⁰

As the Texas Children's Commission continues to make progress in the child welfare system the Texas Juvenile Justice Department is working to improve the effectiveness and efficiency of the juvenile justice system. Currently, the TJJD is implementing a model called CoNEXTions, which works to serve all of the youth's needs.²¹¹ It has processes in place that work to assess treatment programs, skills training, and family services as well as re-entry and reintegration programs.²¹² These assessments are then used by placement specialists to find the best program and the most effective rehabilitation plan for each youth.²¹³ The system recognizes that the influential factors are constantly changing and regularly conducts reassessments and reevaluations.²¹⁴ The TJJD, like the Texas Children's Commission, recognizes that the involvement of the youth in their own case plan is crucial and necessary to the success of the plan.²¹⁵

In the most recent Texas Legislative Session, reforms continued to take place with the passing of Senate Bills 1419 and 1356. Senate Bill 1419 focused on truancy.²¹⁶ The analysis for the bill points out that truancy is a Class C misdemeanor and results in adjudication for the minor.²¹⁷ Truancy offenses often begin the downhill slope for some juveniles who cannot seem to escape the grasp of the juvenile justice system.²¹⁸ This Bill

209. *Overview of the Juvenile Justice System in Texas*, TEX. JUV. JUST. DEP'T, *supra* note 172.

210. *How Offenders Move Through TJJD*, TEX. JUV. JUST. DEP'T, *supra* note 170; see TEX. JUV. JUST. DEP'T, STRATEGIC PLAN 2013–2017, *supra* note 130, at 19–20 (affirming the necessity of placement facilities geographically closer the needs that can support the youth).

211. TEX. JUV. JUST. DEP'T, STRATEGIC PLAN 2013–2017, *supra* note 130, at 28–29.

212. *Id.* at 36.

213. *Id.* at 29.

214. *Id.*

215. See *id.* at 38 (quoting a former TJJD youth). The youth stated: "Having the goal of going home made me want to work harder. I focused on the program, and my case managers really help me. They were always positive." *Id.*

216. Tex. S.B. 1419, 83rd Leg., R.S. (2013); Senate Comm. on Jurisprudence, Bill Analysis, Tex. S.B. 1419, 83rd Leg., R.S. (2013).

217. Senate Comm. on Jurisprudence, Bill Analysis, Tex. S.B. 1419, 83rd Leg., R.S. (2013).

218. See Senate Comm. on Jurisprudence, Bill Analysis, Tex. S.B. 1419, 83rd Leg., R.S. (2013) (suggesting alternative methods for adjudicating juveniles for truancy offences as opposed to a Class C misdemeanor).

dictates truancy offenses be dealt with before a court order and subsequent adjudication is necessary.²¹⁹ Funds received from truancy fines have been allocated by the bill to truancy prevention and intervention.²²⁰

Senate Bill 1356 recognizes the trauma that nearly half of Texas's juvenile delinquents have experienced, which has led to their involvement with the juvenile justice system.²²¹ Children with these experiences have reactions to discipline within juvenile justice facilities, which may be seen as over-reactive and abrasive, instigating further and more severe disciplinary actions.²²² The bill analysis points out the cycle this could cause and asserts that the bill aims to create awareness of the trauma these youth have faced.²²³ The bill creates mandates within the Texas Human Resources Code, requiring the TJJD to provide training for the staff in their correctional facilities on how to recognize behavioral indicators and how to successfully work with and care for these youth.²²⁴

As shown above, awareness of the many issues confronting children within the child welfare and delinquency systems has increased.²²⁵ This awareness "has produced an army of judges, lawyers, child advocates, and social workers," working to become better equipped at dealing with these cases.²²⁶ These teams have the motivation and commitment to come together to develop new processes able to better aid the communities they serve.²²⁷ While teams in each of these systems grow stronger, the dually involved youth find it beneficial for each of these systems to learn to communicate and share their knowledge. Allowing these systems to remain separate and failing to create an open stream of communication can only harm our juvenile system.

219. Tex. S.B. 1419, 83rd Leg., R.S. (2013); Senate Comm. on Jurisprudence, Bill Analysis, Tex. S.B. 1419, 83rd Leg., R.S. (2013).

220. *Id.*

221. Senate Comm. on Criminal Justice, Bill Analysis, Tex. S.B. 1356, 83rd Leg., R.S. (2013).

222. *Id.*

223. *Id.*; Tex. S.B. 1356, 83rd Leg., R.S. (2013); *see also* Tex. S.B. 1356, 83rd Leg., R.S. (2013) (discussing the purpose of Texas Senate Bill 1356).

224. Tex. S.B. 1356, 83rd Leg., R.S. (2013); TEX. HUM. RES. CODE ANN. § 221.0061 (West Supp. 2013); TEX. HUM. RES. CODE ANN. § 242.009(b) (West 2013).

225. Parker, *supra* note 134, at 3.

226. *Id.*

227. *See* Mentaberry, *supra* note 59 (discussing how judicial leadership and collaboration continues to benefit the children and families involved in these cases).

V. THE NEXT STEP IN JUVENILE SYSTEM REFORMS IN TEXAS
IS THE CROSSOVER COURT

In her first experiences with the crossover court, Kathy did not seem to be responding.²²⁸ She would sit with her head down and answer questions with short remarks.²²⁹ She once responded to a ruling she did not like by screaming in the hall once she left the courtroom.²³⁰ Her child had been taken away and was in foster care.²³¹ Understandably, Kathy did not feel like she could trust anyone.²³² She felt alone.²³³ Because these systems do not individually have all of the resources that they have combined, the anger would be the only thing seen by any of them.²³⁴ As a result, Kathy may have quickly lost her parental rights on the CPS side and been given stricter sentencing on the delinquency side.²³⁵

Today, Kathy raises her head and looks at the person when she is speaking to them.²³⁶ She smiles.²³⁷ She gets to visit her child once a week and her team is working to increase these visits as she progresses.²³⁸ Her team in the crossover court is working hard to create a connection and gain her trust.²³⁹ If not for the cooperation of everyone in her crossover corner, she may have had a very different outcome.²⁴⁰

When Julian was given the opportunity to speak in a crossover court hearing, he expressed himself “in a way that made it real for all those who were listening.”²⁴¹ He voiced his disappointment in the current facility in which he had been placed.²⁴² Even for a child who has not known a stable home, getting thrown into a completely new living environment cannot be easy. His crossover team heard him and because both agencies are working together with Julian, the amount of placement options had increased, giving them the opportunity to move him sooner rather than

228. Burley, *supra* note 1.

229. *Id.*

230. *Id.*

231. *Id.*

232. *Id.*

233. *Id.*

234. *See id.* (discussing the possibility that this could have been a regular CPS case, in which case Kathy would not have had the opportunity to connect in a positive manner with the different organizational members that participate in the Crossover system).

235. *Id.*

236. *Id.*

237. *Id.*

238. *Id.*

239. *Id.*

240. *Id.*

241. *Id.*

242. *Id.*

later.²⁴³ Today, his entire team is working hard to get him into a placement with a relative and out of the foster care system.²⁴⁴ It is speculated that this relative is open to taking Julian in now because they see the support he is getting from both agencies as well as the court.²⁴⁵ Once again, if not for the crossover court and the integration of both agencies, this outcome for Julian may not have been possible.²⁴⁶

A. *House Bill 1629*

Texas has recently made and is continuing to make significant progress with regard to the juvenile justice and child welfare systems individually. With these great changes happening across the board in the juvenile system in Texas, the eighty-first Texas Legislature passed House Bill 1629 in hopes of furthering this reform. Prior to House Bill 1629 statutes did not exist in Texas that addressed youth who specifically have come into contact with both the juvenile justice and the child welfare systems.²⁴⁷ The Texas Legislature recognized the involvement of the youth in both systems created significant complications that were not being properly addressed and as a result the needs of these youth were remaining unmet.²⁴⁸ House Bill 1629 set out some guidelines for which the medical, legal, and procedural care of the child were to be addressed by the Department of Family and Protective Services in conjunction with the Texas Juvenile Justice Department.²⁴⁹

Significant changes were made to the Texas Family Code in hopes of ensuring that these youth—who are not just under the supervision of Child Protective Services but also that of the Texas juvenile justice system—were receiving the same level of services as youth who are not in contact with the juvenile justice system.²⁵⁰ The bill stressed the importance of ensuring that the youth receive services, such as medical, dental, psychological, and surgical treatments.²⁵¹ While a youth is in the custody of the juvenile justice department, the bill requires CPS hold review hear-

243. *Id.*

244. *Id.*

245. *Id.*

246. *Id.*

247. House Comm. on Human Services, Bill Analysis, Tex. H.B. 1629, 81st Leg., R.S. (2009).

248. *Id.*

249. *Id.* Since House Bill 1629 passed the Texas Youth Commission and merged with the Texas Juvenile Probation Commission to create the Texas Juvenile Justice Department. Tex. S.B. 653, 82nd Leg., R.S. (2011).

250. House Comm. on Human Services, Bill Analysis, Tex. H.B. 1629, 81st Leg., R.S. (2009); Tex. H.B. 1629, 81st Leg., R.S. (2009).

251. House Comm. on Human Services, Bill Analysis, Tex. H.B. 1629, 81st Leg., R.S. (2009); Tex. H.B. 1629, 81st Leg., R.S. (2009).

ings regarding the child's placement and the legal custody of the child on a continual basis.²⁵² The bill further authorizes the presence of the child at these hearings, and if they are not able to be there in person, telephone or videoconference technology may be used.²⁵³

House Bill 1629 requires an evaluation of whether the juvenile justice system is meeting the child's needs while in their custody prior to every hearing regarding the child's placement or permanency.²⁵⁴ When presented to the judge, the evaluation must include whether the child's needs for education and treatment are being met, what progress the child has made since the last hearing, and if there are any changes to be made regarding the programming and planning for the child.²⁵⁵ The bill additionally requires any information that would typically be held available to a youth's parents while the youth is involved in the juvenile justice system, be available to Child Protective Services.²⁵⁶

In enacting House Bill 1629 the Texas Legislature asserted the juvenile justice organizations and the executive commissioner of the Health and Human Services Commission come together to create rules regarding this specific group of youth.²⁵⁷ These rules would be necessary to ensure the crossover youth population is receiving the services available to them through contact with both the child welfare and juvenile justice agencies.²⁵⁸ It is especially important these youth who are involved in multiple systems receive the same services these courts are specifically in place to facilitate.²⁵⁹ These rules would require the cooperation of both

252. House Comm. on Human Services, Bill Analysis, Tex. H.B. 1629, 81st Leg., R.S. (2009); Tex. H.B. 1629, 81st Leg., R.S. (2009). The review hearing may include designating an agency as a "permanent managing conservator" in place of the child's parents. *Id.*

253. House Comm. on Human Services, Bill Analysis, Tex. H.B. 1629, 81st Leg., R.S. (2009); Tex. H.B. 1629, 81st Leg., R.S. (2009); *see also* SUP. CT. OF TEX. PERMANENT JUD. COMM'N FOR CHILDREN, YOUTH, AND FAMILIES, 5 YEARS: 2007-2012, *supra* note 131, at 10 (referring to one of the goals of the Texas Children's Commission to get children in court for their hearings and the use of technology to fulfill this goal).

254. House Comm. on Human Services, Bill Analysis, Tex. H.B. 1629, 81st Leg., R.S. (2009); Tex. H.B. 1629, 81st Leg., R.S. (2009).

255. House Comm. on Human Services, Bill Analysis, Tex. H.B. 1629, 81st Leg., R.S. (2009); Tex. H.B. 1629, 81st Leg., R.S. (2009).

256. House Comm. on Human Services, Bill Analysis, Tex. H.B. 1629, 81st Leg., R.S. (2009); Tex. H.B. 1629, 81st Leg., R.S. (2009).

257. House Comm. on Human Services, Bill Analysis, Tex. H.B. 1629, 81st Leg., R.S. (2009); Tex. H.B. 1629, 81st Leg., R.S., (2009).

258. House Comm. on Human Services, Bill Analysis, Tex. H.B. 1629, 81st Leg., R.S. (2009); Tex. H.B. 1629, 81st Leg., R.S., (2009).

259. Bilchik, *supra* note 36, at 101; *see also* Shaumleffel, *supra* note 102, at 98 (concluding that when certain children are in need of more services, they should be given access to those services).

departments in overseeing the implementation of the services for the child.²⁶⁰

In response to this requirement in H.B. 1629, the Department of Family and Protective Services passed Rule § 702.425 under Title 40 of the Texas Administrative Code.²⁶¹ This rule is organized as a Memorandum of Understanding between the DFPS and Texas Juvenile Justice Department.²⁶² This provision lays out the responsibilities and obligations of each department with regard to the purpose of ensuring children who are in contact with both DFPS and TJJD are receiving the services that they are supposed to be according to the recent legislation.²⁶³ Rule § 702.425 goes so far as to list out the specific information each agency is supposed to provide to the other, as well as which aspects of the youth's adjudication representatives from each agency need to be involved and how.²⁶⁴ It further asserts the Child Protective Services worker and the juvenile justice officer need to hold monthly meetings regarding the youth, and more often if necessary.²⁶⁵

B. *The Texas Legislature Needs to Take Further Action for Crossover Youth*

While the attempt of H.B. 1629, and subsequently Rule § 702.425, to begin to close the gap between the child welfare and juvenile justice system in Texas is admirable, the bill and as such, the Texas Legislature has fallen short. The bill does not require but merely authorizes the juvenile court hearing the youth's delinquency case to communicate with the court overseeing the custody matters regarding the youth.²⁶⁶ The bill *allows*, not *requires*, all parties involved in the suit affecting the parent-child relationship to participate in the hearing regarding the delinquent conduct.²⁶⁷ The Rule was at least a better attempt than the Bill at bringing these organizations together. The Rule even mirrors many of the recommenda-

260. House Comm. on Human Services, Bill Analysis, Tex. H.B. 1629, 81st Leg., R.S. (2009); Tex. H.B. 1629, 81st Leg., R.S. (2009).

261. 40 TEX. ADMIN. CODE § 702.425 (2014) (Tex. Dep't of Family And Protective Services Memorandum of Understanding Concerning Interagency Cooperation for Continuity of Youth Care Between the Department of Family and Protective Services (DFPS) and the Texas Youth Commission (TYC)).

262. *Id.*

263. *Id.*

264. *Id.* § 702.425(c)(1).

265. *Id.* § 702.425 (2014).

266. House Comm. on Human Services, Bill Analysis, Tex. H.B. 1629, 81st Leg., R.S. (2009); Tex. H.B. 1629, 81st Leg., R.S. (2009).

267. House Comm. on Human Services, Bill Analysis, Tex. H.B. 1629, 81st Leg., R.S. (2009); Tex. H.B. 1629, 81st Leg., R.S. (2009).

tions from the Crossover Youth Practice Model.²⁶⁸ This is obviously not enough. Children are still falling through the cracks of our child welfare and juvenile justice systems. The Texas Legislature needs take this one step further and bring every issue in which the child is involved into the same court. The Texas Legislature must address this failure in its next legislative session so these youth will not continue to be overlooked.

Not only in Texas, but also across the country, it is rare to find integrated child welfare and juvenile delinquency systems.²⁶⁹ In 2010 Travis County began working with Georgetown University's Center for Juvenile Justice Reform (CJJR) to implement the Crossover Youth Practice Model as a pilot project.²⁷⁰ The CJJR brought together the Travis County Juvenile Probation Department and the local Child Protective Services office to create the first formal crossover court in Texas.²⁷¹ In the previous two years, Travis County has been joined by five more Texas counties in implementing the model: Bexar,²⁷² Dallas,²⁷³ Tarrant,²⁷⁴ McClennan,²⁷⁵ and El Paso.²⁷⁶

268. Compare 40 TEX. ADMIN. CODE § 702.425 (2014) (Tex. Dep't of Family And Protective Services Memorandum of Understanding Concerning Interagency Cooperation for Continuity of Youth Care Between the Department of Family and Protective Services (DFPS) and the Texas Youth Commission (TYC)) (listing requirements that must be provided to TYC after the child is committed, including medical and academic records), with CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 23–26.

269. See Herz et al., *supra* note 28, at 306 (pointing out that not only are most child welfare and juvenile justice systems in the United States not integrated, but they also do not have any way of detecting whether the youth had previous contact with one or both systems); see also Denise Herz & Joseph Ryan, *Building Multisystem Approaches in Child Welfare and Juvenile Justice*, in BRIDGING TWO WORLDS: YOUTH INVOLVED IN THE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS 43 (2009), available at <http://cjjr.georgetown.edu/pdfs/wingspreadpart3.pdf> (discussing the results of a study conducted in which ten percent of the counties who responded and nineteen percent of the states that responded had some kind of an integrated information system between the two agencies).

270. TEX. DEP'T OF FAM. AND PROTECTIVE SERVICES, *supra* note 132, at 24; SUP. CT. OF TEX. PERMANENT JUD. COMM'N FOR CHILDREN, YOUTH, AND FAMILIES, JANUARY 11, 2013 MEETING NOTEBOOK 6 (2013), available at [http://texaschildrenscommission.gov/media/18170/Mtg%20Notebook%20\(Jan%202013\).pdf](http://texaschildrenscommission.gov/media/18170/Mtg%20Notebook%20(Jan%202013).pdf).

271. TEX. DEP'T OF FAM. AND PROTECTIVE SERVICES, *supra* note 132, at 24.

272. *Participating Jurisdictions*, *supra* note 17 (listing Bexar County Juvenile Probation Department, the 436th District Court and Texas Department of Family and Protective Services as implement the crossover court in Bexar County).

273. *Id.* (asserting that Dallas County is implementing the crossover court with the help of Dallas County Juvenile Department, Texas Department of Family and Protective Services and the 305th Judicial District Court).

274. *Id.* (establishing that the crossover court in Tarrant County is made possible through the cooperation of the Tarrant County Juvenile Services, Texas Department of Family and Protective Services—Child's Protective Regional Office and the 323rd District Court).

The Crossover Youth Practice Model recommends teams take their time in implementing a program, and use what other teams have learned to create a practice model specific to their jurisdiction.²⁷⁷ The model also recommends developing a system in which the various jurisdictions implementing a program can come together to share the knowledge each has obtained.²⁷⁸ What has worked and not worked for each team is helpful in moving the entire program forward.²⁷⁹ Texas has done a great job of this so far. They had their first meeting in Austin on May 4, 2012.²⁸⁰ The meetings are in place to facilitate the collection of data as well as to work to develop strategy to “build capacity at the state and local level to support the expansion, explore legislative strategies that will help the [Crossover Youth Practice Model] into 2014, identifying opportunities at Judicial, DFPS, and TJJD conferences or trainings.”²⁸¹

The Texas Children’s Commission finds “the [Crossover Youth Practice Model] is built around a core set of principles and is designed specifically to improve outcomes for ‘crossover youth’ . . . by creating greater efficiencies and levels of effectiveness through the collaborative efforts of these two systems.”²⁸² The Texas Children’s Commission has played a small role thus far in the implementation of the Crossover Youth Practice Model in Texas.²⁸³ They serve as the host for the Crossover Youth Practice Model meetings held in Austin throughout the year between the various counties implementing the model.²⁸⁴ The TCC is also working to bring cross agency training to all those involved in these crossover cases.²⁸⁵

275. *Id.* (declaring that the work by McLennan County Juvenile Probation, the 74th District Court and the Texas Department of Family and Protective Services has helped to make the integrated court possible in McLennan County).

276. TEX. DEP’T OF FAM. AND PROTECTIVE SERVICES, *supra* note 132, at 24.

277. CTR. FOR JUV. JUST. REFORM, *supra* note 14, at 20.

278. *Id.*

279. *Id.*

280. SUP. CT. OF TEX. PERMANENT JUD. COMM’N FOR CHILDREN, YOUTH, AND FAMILIES, SEPTEMBER 14, 2012 MEETING NOTEBOOK 4 (2012), available at <http://texaschildrenscommission.gov/media/481/ccsep2012.pdf>.

281. *Id.* at 56.

282. *Id.* at 124; SUP. CT. OF TEX. PERMANENT JUD. COMM’N FOR CHILDREN, YOUTH, AND FAMILIES, JANUARY 11, 2013 MEETING NOTEBOOK 59 (2013), available at [http://texaschildrenscommission.gov/media/18170/Mtg%20Notebook%20\(Jan%202013\).pdf](http://texaschildrenscommission.gov/media/18170/Mtg%20Notebook%20(Jan%202013).pdf).

283. *See* SUP. CT. OF TEX. PERMANENT JUD. COMM’N FOR CHILDREN, YOUTH, AND FAMILIES, MAY 3, 2013 MEETING NOTEBOOK 56 (2013), available at [http://texaschildrenscommission.gov/media/18173/Mtg%20Notebook%20\(May%202013\).pdf](http://texaschildrenscommission.gov/media/18173/Mtg%20Notebook%20(May%202013).pdf) (“The Children’s Commission role is primarily one of logistical assistance and support for CJJR.”).

284. *See, e.g., id.* (transcribing the minutes from meetings held by the Children’s Commission).

285. *Id.* 17–18.

The 84th Legislature is the fourth legislative session the Texas Children's Court will be involved in and the legislature has begun to view the TCC has a useful source for resource materials and guidance.²⁸⁶ The Texas Legislature needs to take a page out of the books of the counties progressively trying to incorporate the crossover youth model into their juvenile systems. The Legislature must ensure all counties in Texas begin to implement such a program to prevent this forgotten population of youth from continuing to be overlooked.

The goal of the next legislature should be to implement a program that brings the Texas Juvenile Justice Department and the Child Welfare Services of each county together to create an integrated court to serve the needs of these youth.²⁸⁷ Additionally, these programs need to have a medium which can be used to share information and knowledge gained from each of the counties implementing the program.²⁸⁸ The program should be an expanded version of what is being implemented now in the six counties participating in the Crossover Youth Practice Model.²⁸⁹

The Texas Legislature must address this hastily. It must consider the various challenges that will be presented at the onset and through the implementation of such a statewide program. Most are resistant to change especially when the current program is consistent with the norm.²⁹⁰ The norm in this state, however, should not be to continue to allow these youth to be overlooked and fall through the cracks. Texas needs to take this opportunity to set an example for juvenile justice and child welfare programs across the country. These two agencies are very different at their core, and their approach to policy and protection of youth in their system presents significant challenges in creating such a program.²⁹¹ It is going to take a strong hand from the Legislature as well as agency leaders in order to break through these traditional approaches and create a cross-system collaboration.²⁹² Furthermore, the legislature needs to ensure a supportive culture is created between these two systems, because a culture that operates through blame will not likely succeed.²⁹³ An appropriate balance is necessary to gain support while compelling counties to make this move toward an integrated court and Texas must continue to be a pioneer in the reforms of juvenile systems.

286. *Id.* at 26.

287. *Id.* at 24.

288. *Id.*

289. *Id.*

290. ALTSHULER ET AL., *supra* note 37, at 21.

291. *Id.* at 5.

292. *Id.* at 10.

293. Goldstein, *supra* note 36.

While the significant progress made in the juvenile justice and child welfare systems individually is incredible, it is time for the Texas Legislature to focus on making progress for dually involved youth. These older youth are in contact with both of these agencies and, as a result, have higher rates of recidivism.²⁹⁴ This is not a new concept. It is not a new concept that youth who enter the court system are likely to have more than one issue needing to be addressed. It is not new evidence that supports the likelihood children who have been abused and mistreated have a higher chance of ending up in a delinquency system. It is however, a new concept to bring all of the resources available together, in one court, to make a unified, holistic decision with regard to children who are involved in both the juvenile justice and the child welfare systems.

It is a new concept to allow children to speak for themselves with the support of the various representatives, who make up their crossover team, to help determine what their best plan for recovery and integration should be. With the absence of parents most children have to fend for themselves their entire lives. They have learned to be independent and to take care of themselves. It follows that involving them in the decision-making process can only benefit the child. Their involvement seems crucial to their success in working with the crossover team to create a plan and achieve the goals set out in that plan. It is time that the Texas Legislature take all they have been working toward in the last decade in each of these agencies and create an integrated system that will address the crossover youth who have been overlooked for too long. It is time to give youth like Kathy and Julian a second look. Now is the time to give them the necessary attention and skills to grow into their potential, instead of a life of being overlooked and forgotten.

294. Pendleton & Green, *supra* note 16, at 1.