



Resolution regarding Judicial Oversight of Children Under Court Jurisdiction in Group Facilities

WHEREAS, judges recognize that each child under court jurisdiction is unique, valued and entitled to individualized attention;

WHEREAS, judges in child welfare cases are responsible for overseeing the safety and well-being of children under court jurisdiction;

WHEREAS, the NCJFCJ believes that the well-being of children under court jurisdiction is best served when children live in a family setting whenever possible;

WHEREAS, the NCJFCJ acknowledges that quality group facility care is necessary for children who have been appropriately assessed and found to be in need of this intensified level of care, or whose treatment needs have not been met through less restrictive approaches;

WHEREAS, the NCJFCJ understands that not all residential facilities are comparable. A group facility that utilizes family-like evidence based or evidence-informed practices is better suited to provide quality care. In the absence of quality care, children may experience negative outcomes, including, but not limited to:

- a diminished likelihood of achieving permanence;
- a higher risk of crossing over from child welfare to juvenile justice, especially when the group facility summons law enforcement to respond to a child exhibiting behaviors that are typically managed or treated within a quality group facility. Adjudication into the juvenile justice system is often an inappropriate consequence for such behaviors;¹

WHEREAS, the NCJFCJ recognizes that once in the juvenile justice system, foster youth:

- are at a higher risk for negative outcomes such as incarceration, hospitalization, homelessness and substance abuse;²

¹ Herz, D., Lee, P., Lutz, L., Stewart, M., Tuell, J., and Wiig, J. *Addressing the Needs of Multi-System Youth: Strengthening the Connection between Child Welfare and Juvenile Justice* (2012), available at <http://cjjr.georgetown.edu/pdfs/msy/AddressingtheNeedsofMultiSystemYouth.pdf>.

² Culhane, D.P., Byrne, T., Metraux, S., Moreno, M., Toros, H., Stevens, M. *Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care in Los Angeles* (2011), available at http://works.bepress.com/cgi/viewcontent.cgi?article=1125&context=dennis_culhane

- are more likely to be prescribed psychotropic medications to manage or treat behaviors;³
- are at higher risk for recruitment into commercial sexual exploitation;⁴
- are at increased risk of disconnecting from the academic environment and developing lower levels of academic achievement;⁵

WHEREAS, a disproportionate number of children in group facilities are children of color;⁶ and

WHEREAS, the NCJFCJ believes, given the greater vulnerability of children who are placed in group facilities, that the court should be initially apprised of and continually updated with respect to the following:

- the need for a group facility rather than a less restrictive family setting;
- why the particular group facility and the location of the group facility was selected;
- the child's specific and comprehensive case plan along with goals and timelines of stepping the child down to a more family-like setting;
- if a child is receiving psychotropic medication(s), the identity and qualifications of the physician prescribing those medications; the identity of those responsible for administering the medication(s) and monitoring the effect;
- the child's school status, including whether school change is necessary, whether a child has been immediately enrolled in school, or how they will be; whether school records have been transferred, the effect, if any, on school credits and whether the child is entitled to and receiving services to address disabilities;
- the impact on other services the child is already receiving and whether additional or new services will be provided;
- the program's capacity and efforts to engage the family and/or future caregiver and include them in the child's treatment program;
- the impact on family reunification, permanency, and family visitation, including sibling visitation and contact;
- the progress made towards implementation of the case plan.

³ Ryan, J. P., et al., (2008), Juvenile delinquency in child welfare: Investigating group home effects, *Children and Youth Services Review*, doi:10.1016/j.childyouth.2008.02.004

⁴ Frances Gragg et al. *New York Prevalence Study of Commercially Sexually Exploited Children: Final Report*, at ii (2007), available at <http://www.ocfs.state.ny.us/main/reports/csec-2007.pdf>; See e.g. California Child Welfare Council CSEC Work Group, Prevalence of Commercially Sexually Exploited Children, available at <http://www.chhs.ca.gov/CWCDOC/CSEC%20Fact%20Sheet%20-%201.pdf>.

⁵ Parrish, T., DuBois, J., Delano, C., Dixon, D., Webster, D., Berrick, J., and Bolus, S. (2001).

Education of group home foster children, whose responsibility is it? Study of the education placement of children residing in group homes—Final report (Final Report). Palo Alto, CA: American Institutes for Research.

⁶ Dworsky, A., White, C., O'Brien, K., Pecora, P., Courtney, M., Kessler, R., Sampson, N., Hwang, I. (2010) Racial and ethnic differences in the outcomes of former foster youth. *Children and Youth Services Review*, 32 (6), 902-912

NOW, THEREFORE, BE IT RESOLVED:

The NCJFCJ encourages the further study of, and the continued analysis of, data on the appropriate use of group facilities and outcomes for children in their care.

The NCJFCJ shall promote and encourage the exercise of comprehensive judicial oversight over children in group facilities.

The NCJFCJ shall promote the exercise of judicial leadership to convene and engage system stakeholders in their jurisdictions on how to best exercise this comprehensive oversight. Those stakeholders should include representatives of the families of youth in the justice system.

The NCJFCJ remains committed to educating judges and others with all available information and data on the benefits and disadvantages in the use of congregate care for children.

The NCJFCJ shall continue to educate judges and others on the best practices to promote the placement of children in family settings that can effectively meet their needs whenever safely possible.

Adopted August 8, 2016 by the NCJFCJ Board of Directors