



Department of Social Work

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**‘Cross-over Kids’: Young People in Youth Justice
and Child Protection Systems**

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Who are 'cross-over kids'?

- **'Cross-over kids' are children and young people, aged 10-17 years, in the Australian youth justice system, who have current or previous statutory child protection system involvement. This includes children and young people who are subject to community-based or custodial court orders; and, who are subject to child protection orders or investigations (AIHW 2015a; 2015d).**

Complex needs of 'cross-over kids'

- **Australian youth justice system over-represented by children and young people from the child protection system.**
- **Negligible research about 'cross-over kids', yet have multiple complex needs, with significant challenges**
- **Annual 'snapshot surveys' by the Victorian Department of Human Services (DHS), of all children and young people in custody reveals average of 35% had previous child protection involvement, with 17% of this population on current child protection order**

Complex needs of 'cross-over kids'

- **Young people subject to youth justice orders:
12% were parents themselves
64% were suspended or expelled from school
43% had mental health issues - 28% had a history of self-harm or suicidal ideation
29% presented with issues concerning their intellectual functioning
14% were registered with Disability Services
85% had alcohol or other drug use related to their offending**



System over-representation

- **AIHW (2012) analysed data from youth justice, child protection and supported accommodation systems in Victoria and Tasmania.**
- **(1) Compared to the general population, young people involved in any one of the three systems were more likely to become involved in another of the systems**
- **(2) young people with a child protection history entered youth justice supervision at a younger age than those without such a history (AIHW 2012).**
- **Well-established links between involvement in statutory child protection, increased likelihood of involvement in youth justice, between childhood experiences of child abuse and increased likelihood of offending behaviour**

System over-representation

- **Placement in out of home care doubles the risk of subsequent offending**
- **Evidence that out of home care can exacerbate rather than protect against offending behaviour and involvement in the youth justice system**
- **At the sharp end of the youth justice continuum – in custody – the cross-over between child protection and youth justice system populations is particularly prevalent**
- **Females and Indigenous youth, recognised as vulnerable groups, are especially over-represented in this cross-over population**



System over-representation

- **Lack of information about who are ‘crossover kids’ and why children and young people subject to child protection orders have such a high propensity to become involved in youth justice.**
- **One explanation is that young people in out of home care referred to police for relatively minor matters**
- **Other explanations revolve around the trauma of family separation, multiple placements, lack of engagement with school and negative peer groups**
- **The NSW Department of Human Services (2007) found children in care are 68 times more likely to appear in the Children’s Court than other children (McFarlane 2010, p. 346).**
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The 'Cross-over kids' study

Study funded by the Criminology Research Council and Victorian Government, in conjunction with the Children's Court of Victoria

Aims to discover the extent to which children and young people who appear before the Children's Courts in Victoria for criminal matters have current or prior statutory child protection involvement.

Investigate what factors distinguish this cohort of children and young people.

Do they have a long history of child protection?

Involved in out of home care?

The 'Cross-over kids' study

Multiple placements?

Kind of placements?

Level of parental involvement?

Engagement with school or work?

Nature of offending?

Role child protection plays in detecting and reporting offending?

Patterns associated with repeat offending compared to 'one-off' offenders?

The study process

- **Study commencing July 2016 (Ethics approvals ongoing)**
- **A prospective court record survey over 18 month period of case history of each child or young person between 10 and 17 years, appearing in the Melbourne metropolitan Children's Courts and the regional court of Morwell, Gippsland.**
- **These courts hear both youth offending and child protection matters.**

The study process

- **Melbourne Children's Court includes Youth Koori Court**
- **Morwell Court hears a significant number of Criminal Division matters, from a diverse population of social and economic disadvantage, from CALD and Indigenous communities.**

The study process

- **Mixed methods study to build demographic and statistical profile of ‘cross-over kids’**
- **To discover from court records and magistrate decision sheets how a child or young person’s current or prior child protection involvement might be taken into account and whether or not this might affect the court’s decision-making and directions for youth justice case management.**
- **Key stakeholders from Youth Justice, Child Protection, Legal Aid Victoria, the Children’s Court Clinic, Police Prosecutors and Children’s Court Magistrates will inform study**

The study sample

- **Availability sample, drawn from cases listed during study period. Identified case files surveyed for data about:**
 - (a) nature of current and previous youth justice and child protection matters;**
 - (b) child's personal details and family composition**
 - (c) child's entry into the youth justice system**
 - (d) involvement of youth justice, child protection and other relevant agencies and professionals**
 - (e) each court appearance for the case**
 - (f) any recommendations for the child**
 - (g) outcomes of the court.**

Data collection

- **Data both quantitative and qualitative**
- **Three data collection sheets developed for study:**
 - 1. brief data collection sheet for magistrates to record the case number**
 - 2. case survey data collection sheet**
 - 3. interview schedule for the focus groups.**

Data collection

- **Focus groups and interviews with key stakeholders.**
- **Drawn from youth justice workers, police prosecutors, magistrates from the Children's Courts, child protection workers, and relevant non-government agency youth workers**
- **Semi-structured interviews with individual key policy makers and judicial officers. All of whom have a significant role in responding to 'cross-over' kids.**

System responses

- **New Zealand's Youth Court introduced the 'Crossover List' for children and young people in the criminal justice system who also have concurrent child protection proceedings**
- **in New Zealand, this is 73% of the young people charged with criminal offences**
- **In Victoria, Crossover List to be introduced at Broadmeadows Court to co-ordinate "what is happening for young people in both courts"**

In conclusion

- **The study proposed is unique**
- **First Australian study of its type that examines children and young people involved in both the youth justice and statutory child protection systems**
- **Seeks to identify and develop effective responses to managing the issues that surround ‘cross-over kids’.**
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