

Report to the Legislature

Examining the Needs of Dependent Youth in JR Care

Chapter 332, Laws of 2013
[E2SSB 5405]

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**Examining the Needs of Dependent Youth in JR Care
Juvenile Rehabilitation and Children’s Administration
Senate Bill 5405**

INTRODUCTION

Senate Bill 5405, passed in the 2013 legislative session, directed the Department of Social and Health Services (DSHS) to develop recommendations regarding the needs of dependent youth in the Juvenile Rehabilitation (JR) institutions and how these youth may access services under the extended foster care program. These recommendations are to be reported to the Governor and appropriate legislative committees by September 1, 2013.

The following report has been developed between the Children’s Administration (CA) and Juvenile Rehabilitation (JR) in consultation with involved youth, Representative Mary Helen Roberts, Senator Jeannie Darneille, and representatives from the Administrative Office of the Courts, advocacy organizations, and community stakeholders. The report has three parts: it addresses the background of the Extended Foster Care Program (pp. 1 - 4); provides information about the needs of youth in Juvenile Rehabilitation and “Crossover” youth – those dually involved in child welfare and juvenile justice (pp. 4 – 10); and offers recommendations developed from this consultation (p. 10 - 15). These recommendations identify ways to support the needs of these highly vulnerable youth and how Extended Foster Care (EFC) is a one resource to help them be successful adults. As one of the youth noted, *“It’s not about what you have done, but what you can be.”*

I. Extended Foster Care Program

FEDERAL AND STATE CONTEXT RELATED TO EXTENDED FOSTER CARE

In 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act (Act). The Act provides an option that permits states to use Title IV-E foster care funds for eligible youth who age out of foster care at 18 years old. The state may implement a program that permits continued foster care, until age 21, if the youth is in a secondary or post-secondary program, is employed or in a program to assist with gaining employment, or is unable to participate in one of the other categories because of a medical condition. States have the option of implementing all; none or some of the Act’s extended foster care provisions.

In 2009, the Legislature enacted legislation that expressed an intent to provide extended foster care services – in the future – for youth who exited foster care at age 18. The legislature did not appropriate funds for those services at that time.

In 2011, the Legislature enacted a law that took advantage of one of the federal law's limited options. That legislation permitted youth who age out of foster care at age 18 and who are enrolled in high school on their 18th birthday to remain in foster care and receive foster care services until they finish their secondary education or educational equivalency program. The law provided a six-month grace period, before dismissal of the dependency proceeding, to give youth time to decide whether to participate in the program.

In 2012, the Legislature amended the 2011 law and expanded the extended foster care program to include youth who were enrolled in or who intended to enroll in a college or other post-secondary program.

In 2013, E2SSB 5405 expanded eligibility for foster youth to access the extended foster care program to include the third federal category - youth participating in a program or activity designed to promote employment or remove barriers to employment. Youth who are eligible for the Extended Foster Care program on their 18th birthday must decide whether they want to participate in the program. If the youth elects to participate, the dependency will continue until the youth turns 21 or is no longer eligible for the program. If a youth elects not to participate in the program on his or her 18th birthday, the dependency will be dismissed. E2SSB 5405 allows a youth, whose dependency was dismissed on his or her 18th birthday, an opportunity to participate in the Extended Foster Care program before he or she turns 19 by entering into a Voluntary Placement Agreement with the department.

CURRENT WASHINGTON EXTENDED FOSTER CARE PROGRAM

Currently, to be eligible for the Extended Foster Care program, the youth must be dependent and in foster care on his or her 18th birthday. The youth may be in a licensed, relative or otherwise approved out-of-home placement. The requirement that the youth be in foster care on his or her 18th birthday could include placement in a JR community facility. However, youth that are placed in a JR institution (Camp Outlook, Echo Glen Children's Center, Green Hill School or Naselle Youth Camp) on their 18th birthday are not eligible for this program. Eligibility requirements are defined in RCW and WAC, and are consistent with the federal funding requirements.

The Extended Foster Care program provides:

- Placement resources in licensed care, relative care, suitable person placement or in supervised independent living settings (apartment living, room and board arrangements, college or university dormitories, and shared roommate settings) approved by the social worker or the court.
- Basic needs.
- Independent Living Services.

- Medical Assistance.
- Counseling or Treatment.

When the youth is at least 17 years of age but not older than 17 years and six months, the department must provide youth with written documentation explaining the availability of extended foster care services and detailing instructions about how to access those services when they turn 18.

An adjunct support to dependent youth in JR and EFC is the Children's Administration's Independent Living (IL) Program. This program helps to provide eligible foster care youth with the skills needed to succeed in life on their own. Services are offered through classes and workshops. Eligible youth are between the ages of 15 and 17 years old and currently in foster care as a dependent. Once initial eligibility has been met, youth remain eligible for the IL program until age 21.

The IL program includes information about money management, getting and keeping a job, daily living skills, how to get along with others, building a support network, finding and keeping a safe place to live, doing well in high school or pursuing a GED, [preparing for education or training](#) after high school and self-advocacy.

II. Juvenile Rehabilitation Youth

OVERVIEW OF JUVENILE REHABILITATION YOUTH

Juvenile Rehabilitation (JR) directly serves 3-5 percent of youth involved in the Washington juvenile justice system. Youth committed to JR have been adjudicated for either repetitive or egregious offenses that have exhausted or superseded local jurisdictional sanctions. These youth typically come from disadvantaged backgrounds and present with multiple treatment needs and complex profiles including experience of multiple traumas/Adverse Childhood Experiences. These youth are often assessed as high-risk; they have engaged in maladaptive behaviors, present with limited resources and histories of failure, are in need of mental health services and tend to be exposed to multiple systems. For many of them, JR is the last hope for a rehabilitative approach before adulthood.

NEEDS OF YOUTH IN JUVENILE REHABILITATION

REENTRY

Juvenile Rehabilitation releases approximately 800 youth on average in a fiscal year, of which over 50 percent release without the essential parole services necessary for a safe and successful community reentry (JR ACT, 2013). Many of these 800 youth struggle with educational deficiencies, mental illness, substance abuse issues, unemployment and homelessness.

Many JR youth continue to face increased transition barriers, making it difficult to navigate their way to self-sufficiency. In recently released studies by DSHS-Research and Data Analysis (RDA), JR youth graduate from high school at an alarming rate of 14 percent within six years of their 9th grade year (RDA, October 2012). Employment trends echo a similar story with rates reported at 9.6 percent for youth 18 and older (RDA, January 2013). Nearly 25 percent of JR youth return to the community homeless or with unstable living situations and JR's 18 and older population are three times as likely to experience homelessness upon release (RDA, June 2013). Youth who do receive parole services were less likely to be arrested than those released without parole services. Youth with parole services were also more likely to be employed and they earned more on average during the year following their release than youth released without parole services (RDA, October 2011).

Limited resources force many youth to return to impoverished communities with high crime rates and low performing schools. Youth who have completed their sentence in secure juvenile facilities and are returning to the community face many barriers as they transition that are exacerbated by public access to their juvenile criminal records. Young people with unsealed juvenile criminal histories face long-term and negative consequences because of the ease with which records can be accessed by the public, typically companies who sell background check information to potential housing managers and employers. Public distribution of juvenile records impacts a youth's ability to succeed, to secure jobs and other employment opportunities, as well as housing and schooling, while excluding youth from military service and citizenship. Without these opportunities, youth are more likely to reoffend (WA-PCJJ, Bulletin, January 2013). The current Substitute House Bill 1651 proposes legislation that would seal juvenile court records and prevent public distribution.

According to research, many of these youth have a chance at a healthy life if properly linked to vital services to meet their complex needs. For example, youth are more likely to succeed and thrive outside secure residential settings if they are provided with adequate discharge planning and access to timely and relevant services such as educational support, vocational planning, housing assistance, substance abuse treatment, mental health services and life skills (National Reentry Resource Center, January 2013). In an effort to reduce recidivism and help youth develop productive futures, direct attention must be paid to their basic needs balanced with treatment stabilization. Extended Foster Care is one such resource to aid JR youth who are dependent and meet the eligibility criteria.

EDUCATION

Youth committed to JR receive educational assessments upon intake into JR facilities and they participate in school throughout their time in the juvenile justice system. Most

youth enter JR with a history of truancy, below grade level scores in reading and math, limited exposure to vocational programs, and are behind in school credits coupled with school suspension and expulsion records. Academic test scores show improvements while under JR care and custody; however, sustaining these achievements can be challenging as youth return home. Without support, attempts to reenter community schools or enroll in job training programs are found to be unsuccessful. Academic programming that uses non-traditional approaches and introduces integrated learning is essential to bridging the achievement gap for these youth. Support from Extended Foster Care for a youth to continue educational development upon release from JR is an invaluable opportunity for dependent youth.

EMPLOYMENT

Vocational training and pathways to employment that provide opportunities to earn a livable wage and gain financial independence is vital to our youth and their success. Washington State's young adults, 18 through 24 years old, are slow to recover from the recession with unemployment rates double that of older workers ages 25 to 64. These rates increase for those young people with disabilities, who are economically disadvantaged (Workforce Training and Education Coordinating Board, 2010). While Washington moves forward with strategies to rebuild its workforce, there is a growing demand for our young people to better understand how they fit into the workforce and how their classroom learning relates to work. This is particularly important for JR youth as they navigate through multiple barriers and rejoin their communities. A comprehensive menu of programs and services including job readiness, career exploration, vocational training, entrepreneur programs, apprenticeships, workplace experiences and employment opportunities would help improve the success rate of JR youth returning to their home community. With the expansion of Extended Foster Care to address decreasing and removing barriers to employment, dependent youth leaving JR have an additional level of support to reach vocational goals and employment stability.

LIFE SKILLS

Life Skills are essential for preparing youth to lead fulfilling, productive and prosperous adult lives. Youth transitioning into adulthood must plan for their future needs. An Independent Living program for all youth that is practical, relevant to their needs and timely is essential to preparing JR youth for long-term self-sufficiency, particularly those who are dependent and have no family upon which to rely. Skills for managing attitudes, emotions, behaviors, relationships and life skills are essential to successful reentry from out-of-home placement. Life Skills training needs to address Career Planning, Academics, Daily Living, Home Life, Money Management, Self-Care, Identity and Transportation. (See Life Skills Attachment for more detail on each area.)

Guided and supported opportunities for education and job skills are necessary for all JR youth ending criminal involvement and moving into adulthood. A job with a livable wage is one of the strongest protective factors for JR youth as they leave incarceration and reintegrate back into the community.

III. Crossover Youth

CROSSOVER YOUTH: A NATIONAL PERSPECTIVE

National research on youth who intersect with child welfare and juvenile justice is coming to consensus on common definitions for the term “crossover” youth. Common definitions are essential to be sure that cross-agency planning on the topic focuses on the same population. Children’s Administration and JR are working to develop guidelines for interagency discussion. National definitions include:

1. A youth in child welfare who is subsequently charged with delinquency.
2. A youth entering the juvenile justice system with previous (but not current) contact with the child welfare system.
3. A youth who enters the child welfare system for placement following juvenile justice confinement when no other option is available.

Research indicates crossover youth are younger at entry to the juvenile justice system, more likely to be female and represent a disproportionate minority population (Herz and Ryan, 2008). Crossover youth are likely to have had issues with truancy; they are more likely to reoffend within 24 months and to spend longer in detention than youth without child welfare involvement (Halemba & Siegel, 2012).

Nationally, youth involved in both juvenile justice and child welfare systems represent a unique service challenge. Research collectively shows that, rather than receiving collaborative care from multiple systems, the needs of these youths are often neglected as a result of dividing lines between educational, community behavioral health, child welfare and the juvenile rehabilitation system (Herz & Ryan, 2008).

Research supports the finding that crossover youth are not easily identified. “Child welfare and juvenile justice information systems rarely integrate and most agencies nationwide do not capture whether a youth in their care has current or previous contact with another system” (Herz & Ryan, 2008).

OVERVIEW OF WASHINGTON CROSSOVER YOUTH

Children’s Administration and Juvenile Rehabilitation each utilize separate client case management systems. In order to identify JR youth currently or historically being served by the Children’s Administration as a dependent youth, JR’s data administrators worked with Children’s Administration to match youth currently being served in both systems.

There were 31 JR youth who were dependent at the time of commitment to JR for a point-in-time query conducted in July 2013. On the next page is a comparison of the crossover youth and the nondependent population in JR:

Demographic	Crossover Population (31)	Non-dependent JR Population (558)
Gender		
<i>Male</i>	85%	91%
<i>Female</i>	15%	9%
Race		
<i>Caucasian</i>	70%	41%
<i>Multiple</i>	17%	14%
<i>African American</i>	3%	19%
<i>Hispanic</i>	5%	18%
<i>Native American</i>	5%	4%
Sex Offense	28%	22%
Violent Offense	43%	53%
Mental Health Target	83%	60%
Drug/Alcohol	33%	50%

Note: the racial and gender breakdowns are not generalizable to the larger population because of the small sample size.

INVOLVEMENT WITH CHILDREN'S ADMINISTRATION

Details on child welfare involvement were provided by Children's Administration to better describe the needs of the 31 youth identified in the crossover population query.

- **Foster placements:**
 - 28 youth were placed in foster care. Number of placements ranged from minimum of 1 to a maximum of 20, with a median of 5 foster placements per child.
 - Three youth had no foster home placement.
- **Facility placements.** Facility placements are more restrictive than foster home placements and include group homes, detention and institutions. All 31 crossover youth had at least one facility placement. The number of facility placements per youth ranged from a minimum of 1 to a maximum of 40, with a median of 9 facility placements per child.
- **Runaway episodes:** There were 11 youth with documented runaway episodes. For those 11 youth, the number of runaway episodes per youth ranged from a minimum of 1 to a maximum of 22, with a median of 5 runaway episodes per child.
- **Age of Dependency:** The average age of dependency was calculated for each crossover youth. This calculation does not address previous involvement with CPS, only the age at the first dependency. The average age ranged from 4 months to 17 years, with a median age of 12.
- **Legally Free:** Eight of the youth in the sample were legally free for adoption. All legally free youth had been so for two or more years.

DSHS SERVICE UTILIZATION

DSHS service utilization information provides an additional important level of description of the needs of these youth. The data covers services provided for the youth over his or her lifetime and may include services provided to the youth's family. The list of 31 youth was matched to the Client Services Database maintained by Research and Data Analysis. This database is a compilation of data from each DSHS administration based on client ID. The data represents all known services accessed over time. More analysis of the client-specific data across agencies is recommended. However, the aggregate results demonstrate a high level of service needs in this population.

These crossover youth were served in seven programs within the department – Children's Administration, Alcohol & Substance Abuse, Developmental Disabilities, Economic Services, Juvenile Rehabilitation, Medical Assistance, and Mental Health

Services. There were a total of 53 separate categories of services utilized by this small population. Services accessed include:

- **Mental Health:** 91 percent in outpatient mental health services and 64 percent in crisis mental health services.
- **Medical:** 100 percent were medically eligible for Title 19, 77 percent received outpatient hospital care, 88 percent received dental care and 80 percent received prescription drugs.
- **Substance Treatment:** 38 percent received alcohol and substance abuse assessments, 30 percent received outpatient treatment services and 12 percent received residential substance abuse treatment.
- **Developmental Disabilities:** 9 percent received case management services from Developmental Disabilities.
- **Children's Administration:** 94 percent were managed by CPS, 80 percent received Behavioral Rehabilitation Services and 76 percent received Foster Care Placement services. 6 percent were receiving Adoption Support and 6 percent were receiving Family Reconciliation Services.
- **Economic Services:** 88 percent of crossover youth and families received TANF funds, 65 percent received Working Connections Child Care assistance, 82 percent received Basic Food, and 97 percent were served by child support services.

According to RDA, the cost for the DSHS services provided to these youth and their families over a 12 year period from 2001-2012 were approximately \$10.8 million dollars. Costs in fiscal year 2012 were \$1.8 million. Costs for eligibility determinations (such as Title 19) cannot be calculated and are not included.

IV. Needs and Recommendations

The following needs and recommendations were developed by Children's Administration and Juvenile Rehabilitation in consultation with involved youth, Representative Mary Helen Roberts, Senator Jeannie Darneille, representatives from the Administrative Office of the Courts, advocacy organizations and community stakeholders.

NEEDS IDENTIFIED BY CROSSOVER YOUTH

Youth identified needs that ranged from basic to complex in support of independent living and reentry into the community. A general listing of needs is provided below:

- Help with clothes, food, transportation and a phone.
- Independent living skills such as paying bills, budgeting, taxes, as well as waking up to an alarm clock, cooking, cleaning and doing laundry.

- Assist in providing or accessing housing for young adults. Consider options such as shared housing, apartments and room rentals.
- Assist with enrolling in medical insurance programs and finding health care providers.
- Expand resources and programs available to transitioning young adults, such as Basic Food.
- Provide apprenticeship programs and vocational training in group homes to ensure job skills are present, as well as interview skills, resumes and appropriate clothing.
- Work with education partners to support youth in their return to the community. Facilitate access to community college, adult continuing education and college courses, as well as navigating the financial aid process.
- Use technology to find ways to support youth and reach out to them.
- Ensure youth have access to an adult mentor and an older peer mentor to help them navigate life challenges.
- Promote sibling relationships and connections.
- Provide parole services for all youth transitioning back to the community to ensure access to needed services through trained counselors.

Youth also discussed their ideas specific to the Extended Foster Care program:

- Engage dependent youth early (age 15 and a half was suggested) and regularly in discussions of the program benefits, allowing the youth to “warm up” to the idea prior to the eligibility date.
- Ensure foster parents and mentors understand youth as transitioning adults, not just children, which may require that additional training be provided.
- Ensure that all foster families focus on development of life skills and independent living skills starting at age 16, if not earlier.

One youth stated: *“Many youth have a silver spoon as they become legal adults. Youth with no family or other support at age 18 have a rotten banana peel.”* Supporting youth beyond their 18th birthday who have been dependents of the state and in juvenile rehabilitation helps to even this advantage out.

ACCESS TO EXTENDED FOSTER CARE FOR DEPENDENT YOUTH IN JR FACILITIES

There are several considerations regarding the ability of dependent youth in JR institutional settings to access Extended Foster Care. For a youth to be eligible for the Extended Foster Care program, the youth must be a dependent child on his or her eighteenth birthday, in foster care and meet one of the three categories of eligibility. WAC 388-25-0508(3) specifically provides a youth will be considered in foster care if the

youth is committed to juvenile rehabilitation custody and resides in a foster home, group home or community facility as defined in RCW 74.15.020(1)(a).

Issue 1:

Due to this requirement, dependent youths who are in JR institutional care on their eighteenth birthday cannot be considered in the care and custody of Children's Administration, thus it is unlikely that Children's Administration would receive federal matching funds for these youth. This state requirement is consistent with federal funding requirements that the youth be in the care and custody of the Title IV-E agency (Children's Administration).

Possible solutions:

- For youth who are eligible for EFC and assessed as ready for a JR community facility placement, JR will prioritize these youth for placement and therefore be in the appropriate setting.
- Consider state funding for EFC for the youth who cannot be placed in a JR community facility prior to their 18th birthday, but who are still interested in being in EFC upon release. Several youth noted that they would be willing to participate in EFC, but may not be ready to be in a non-institutional setting on the day of their 18th birthday.
- Advocate for federal changes to the Title IV-E care and custody requirement for crossover youth so that youth in JR institutions have access to effective rehabilitation services upon release.

Issue 2:

There are currently few available licensed homes willing to accept youth recently released from a JR institution.

Possible solutions:

- CA and JR work to actively recruit homes and independent living situations that are able to provide for the specific needs of EFC eligible and willing youth.
- Another alternative would be to open an additional group care facility for extended foster care youth which would provide programming based on the JR model. Eligible youth who have no placement on release from JR would be able to maintain residence in the new facility up to 12 months post-release or until they are able to develop the independent living skills.

Among the potential options discussed related to these cases is the possibility, where appropriate, to transfer eligible youth from institutional care to an appropriate foster home, group home or community facility as defined in RCW 74.15.020. JR and the Children's Administration are further exploring this and other potential options.

MAKING A DIFFERENCE IN THE LONG RUN: RECOMMENDATIONS

ADDRESSING INDIVIDUAL NEEDS

Recommendation	Responsible
Provide comprehensive life skills education to all youth regardless of crossover status. (See Life Skills Attachment for additional detail).	JR/CA
Improve awareness of youth about the existing Independent Living Skills (ILS) program and build the capacity of the program to support additional youth transitioning from residential placement to the community.	JR/CA
Implement a process for crossover youth to develop a joint service plan across JR and CA to reduce service duplication or gaps in services.	JR/CA
Explore additional options for transitional housing programs accessible to crossover youth.	JR/CA
Expand mentoring opportunities with adults and implement a peer mentoring program.	JR/CA
Enhance access and resources towards Reentry Domains to address: Family/Living Arrangements, Peer Groups/Friends, Mental/Behavioral/Physical Health, Substance Abuse, Education/Vocation, Employment and Leisure/Recreation Activities.	JR/CA
Facilitate the process of sealing juvenile records so that youth may have a clean start in reentry to the community.	JR

ADDRESSING SYSTEM NEEDS

Recommendation	Responsible
Evaluate feasibility and costs of connecting the Children’s FamLink system to Juvenile Rehabilitation’s ACT system. An integrated service history and needs assessment system would assist both administrations in better identifying youth and coordinating services. Integrated systems will identify shared clients, support a streamlined eligibility and screening process and facilitate youth access to services	JR/CA
Develop a process to notify youth of eligibility for services under the Extended Foster Care program.	JR/CA
Ensure that staff in JR facilities reviews the Extended Foster Care materials with the youth face-to-face and discuss options.	JR
Facilitate youth movement to JR community facilities to support eligibility requirements for accessing services under the Extended Foster Care program.	JR
Ensure identified youth have access to all services for which they are eligible.	JR/CA

Recommendation	Responsible
Clearly communicate who are the single points of contact in CA and JR who can assist the youth in navigating systems and working through the process for accessing services particularly in the cases where youth are eligible for a VPA. Require that eligible youth are provided that contact information.	JR/CA
Develop data sharing agreements between administrations within the department to share service utilization information about individual clients and to streamline the referral process for new services.	JR/CA
Utilize JR's existing Integrated Treatment Assessment (ITA) tool to identify specific needs to be addressed in the reentry and case management plan. Share the ITA data for the crossover population with the CA case manager.	JR
Expand access to research staff for analysis of client-specific service utilization data for all CA and JR youth regardless of crossover status.	JR/CA
Build upon the CA/JR cross administration liaison position outlined in the existing Memorandum of Understanding that would serve as a subject matter expert for both administrations regarding this population. The liaison would be responsible for ongoing training regarding joint policies, programs and services for shared clients.	JR/CA
Provide additional funds to expand the FTEs for parole services to assist all youth in transition back to community. Parole staff serve as counselors and advocates for youth and as a navigator for service needs. They are also able to identify problems and intervene early.	JR

In summary, Extended Foster Care is an important resource to assist particularly vulnerable youth who have been found dependent and have spent time in a juvenile rehabilitation facility or institution. It will allow youth to be better prepared for their future as a well-supported individual who can be a self-sufficient, crime-free and independent adult. Implementing the recommendations will support the best use of Extended Foster Care for these youth as they transition to adulthood. As one youth noted at the consultation, *“we go from dreaming to reality between the ages of 16 and 21.”*

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