

# Children Dually Involved with Statutory Child Protection and Juvenile Justice in Australia: A Scoping Review

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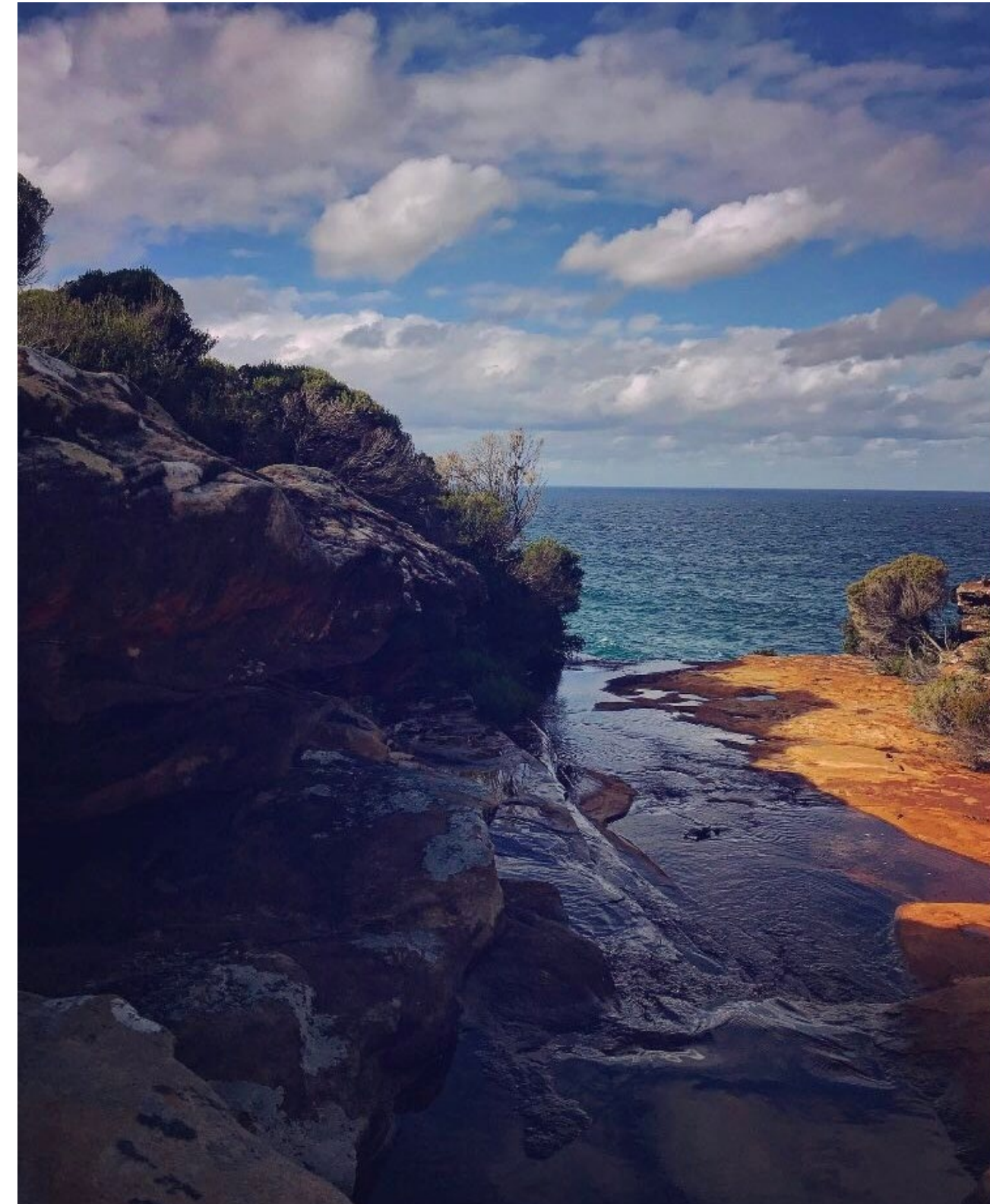


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# Acknowledgment of Country

I would like to acknowledge the Traditional Custodians of the land we are on today, and pay my respects to Elders past, present and emerging and extend that respect to all First Nations people present today.

Always was, always will be Aboriginal Land



# Who Am I

- PhD Candidate, UNSW
- Youth Justice NSW Practice & Implementation Team
- Interested & passionate about improving practice in Child Protection and Youth Justice systems & supporting young people to achieve their full potential
- Background:
  - Undergrad in Scicence/ Arts (Psychology & Criminology), Honours in Psychological Science, Master of Development Studies
  - Child Protection & OOHC Casework; Dual Client Casework

# Published Article

## A developmental cascade framework



Scan me!



### Children dually involved with statutory child protection and juvenile justice in Australia: A developmental cascade framework

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#### ABSTRACT

Children who experience dual involvement by child protection and juvenile justice statutory systems have poorer life outcomes attributable to higher levels of disadvantage and more complex needs compared to single system involved children. Literature regarding dual involved children in high income, western, and democratic nations are largely based on US studies. Whilst child protection and juvenile justice systems across the United States, United Kingdom, Canada, New Zealand, and Australia have somewhat similar legislative systems, cohort outcomes and relationships between risk factors and offending trajectories for dual involved children are influenced by differing legislative, geographic, and demographic contexts. Compared to international literature, significant gaps exist regarding the Australian context. Further, within Australia, there are no evaluated specific responses and/or strategies directed towards supporting this highly vulnerable cohort towards increased long-term positive outcomes. This is the first comprehensive review of Australian studies that examines the characteristics of children who have had dual involvement with juvenile justice and child protection agencies within Australia. Using a thematic analysis twenty-five studies with dual involved samples were analysed, examining the individual, familial, environmental, and systemic factors that contribute to the likelihood of children becoming involved in both child protection and juvenile justice systems within Australia. Six thematic factors emerged that characterised the trajectories of dual involved children: cumulative and destabilising adversity; maltreatment timing and type; offending onset and context; educational disadvantage and disengagement; co-occurring challenges; and First Nations overrepresentation. Our findings are applied to Developmental Systems Theory, extending on previous literature to depict an Australian first developmental cascade framework illustrating the context specific pathways of dual involved children and opportunities for intervention in Australia. The discussion highlights and compares differences between Australian and international contexts with the intention of emphasising key areas for future research, and policy and practice reform. This is important because of the nuanced differences between dual involved characteristics across different legislative and geographic contexts, with particular relevance to the experiences of First Nations children and families. Future research, policy and practice would benefit from continued reforms that focus resources on co-ordinated system responses and cohort specific services; namely, culturally appropriate diversion strategies that promote behavioural de-escalation and educational engagement.

#### 1. Introduction

The national Australian expenditure on child protection and related services in 2022–23 financial year was \$9.4 billion (AGPC, 2024). Despite this, Australian children who have had child protection involvement have poorer life outcomes compared to children who do not have child protection histories, including: higher rates of mental health concerns, homelessness, early parenthood, and poorer education

and employment outcomes (Baidawi & Sheehan, 2019a). Australian children who come to the attention of child protection agencies are at least twelve times more likely than other children to offend and come under subsequent supervision of juvenile justice departments (AIHW, 2018). Moreover, First Nations children are sixteen times more likely than non-First Nations children to be involved in both the child protection and juvenile justice systems (AIHW, 2018). This phenomenon is commonly referred to as the ‘care to custody’ pipeline (Baidawi &

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# Overview & Background

- Children who experience dual intervention by child protection and juvenile justice statutory systems
- **'Care to Custody Pipeline'** in Australia (Baidawi & Sheehan 2019a)
- **'Crossover Kids'** (Cashmore 2011)
  - Children who receive statutory child protection intervention are at least twelve times more likely to offend (conviction) (AIHW 2018)
  - First Nations children who receive statutory child protection intervention are at least sixteen times more likely to offend (conviction) (AIHW 2018)
- Clear link between maltreatment & delinquency has been established
- Distinct Youth Justice cohort, however only minority of child protection cohort



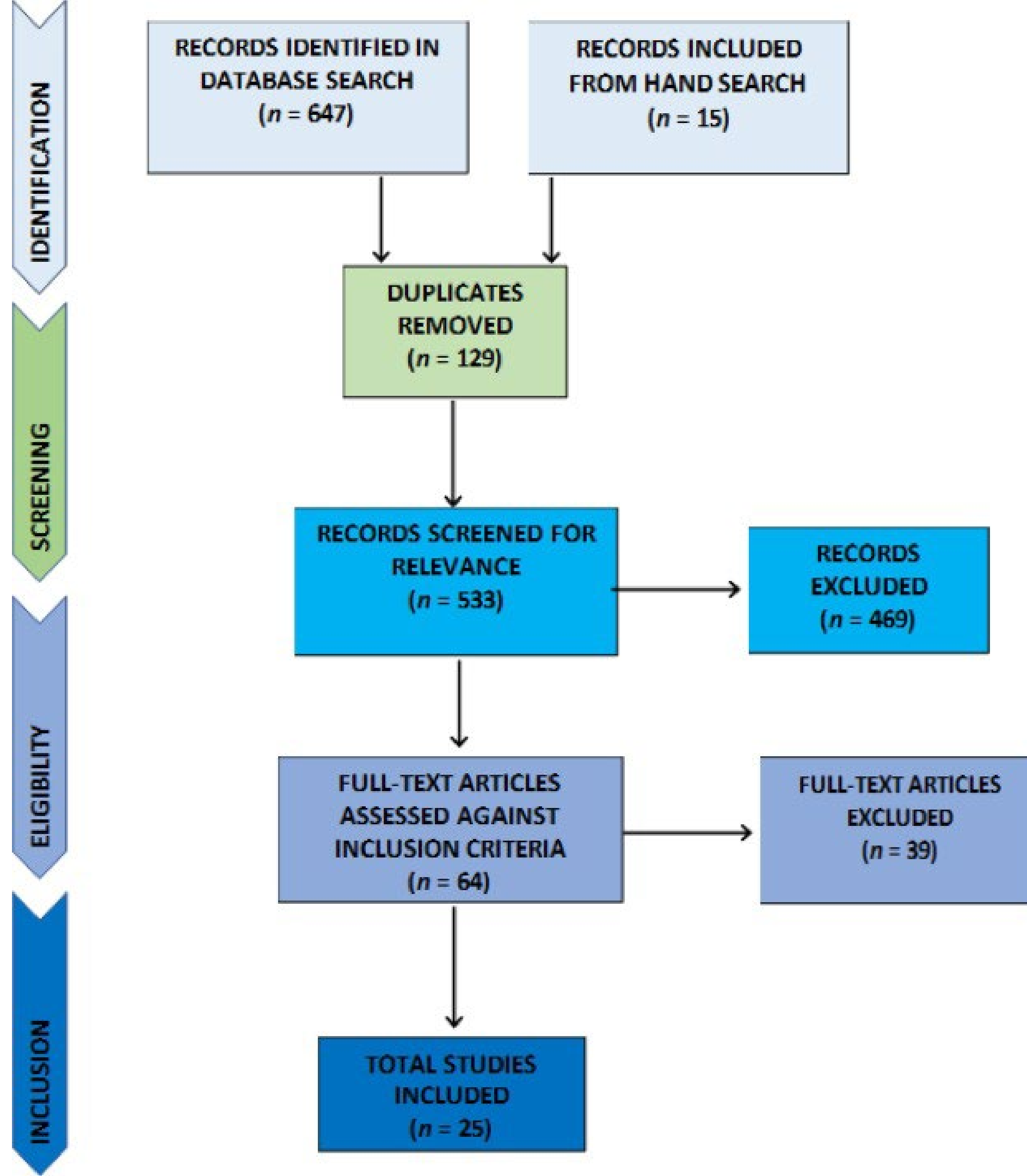
# Research Questions

What are the characteristics of children who are dual clients of juvenile justice and child protection agencies within Australia?

How might these characteristics inform future policy and practice responses?



# Method

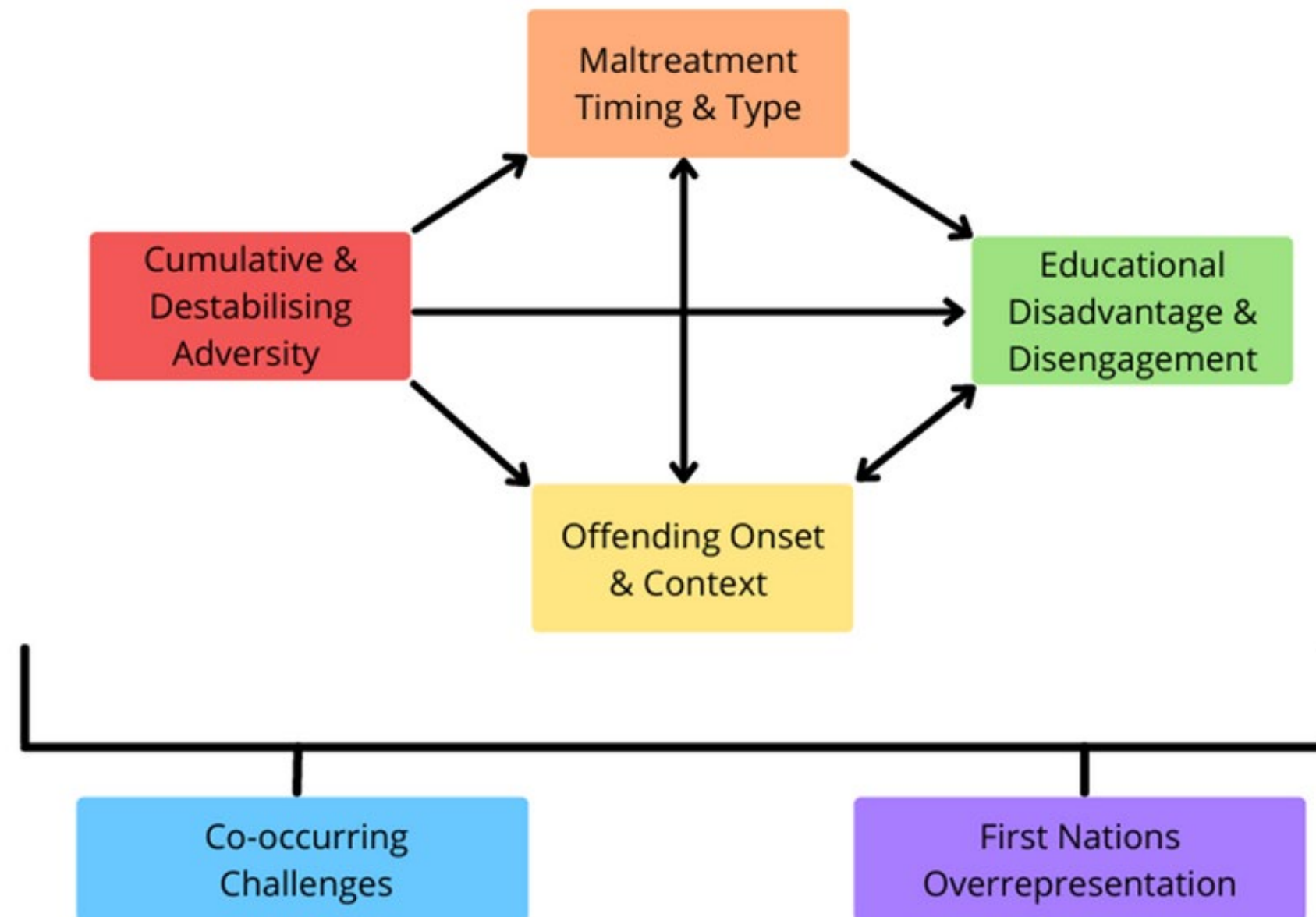


# Thematic Analysis

Review of the Australian cohort literature established six key thematic factors that illustrate the dual system trajectory within Australia

## Key Takeaways:

- Ongoing exposure to traumatic experiences and disadvantage
- Experiences of increased disadvantage and adversity further entrenches these young people in Youth Justice and Child Protection systems
- With increased system entrenchment, dual-system YP's complex needs are exacerbated by system responses





# Cumulative & Destabilising Adversity

## Increased maltreatment and adversity highlighted by high Adverse Childhood Experiences (ACE) scores

- Most children experience between 1 - 4 types of ACE (about 61% of adults report at least 1 type of ACE) (Asmundson & Afifi 2019)
- Victorian crossover cohort experienced, on average, 5.4 ACE; ~65% of this cohort experience 5+ ACE's (Baidaiwi & Sheehan 2019b)

## Destabilising environments are common in childhood

- Family violence
- Household substance abuse
- Familial mental illness
- Familial CJS involvement
- Extraordinary amounts of bereavement and loss in childhood



# Maltreatment Type & Timing

Findings support international research

- Likelihood of offending increases when experiencing multiple types & instances of harm and persistence of maltreatment into adolescence
- Within AUS, **residential OOHc cohort** are most at risk of becoming entrenched in CJS

## Type

- Neglect and/or physical abuse
- Poly – Victimised most at risk
- Limitations

## Timing

- Risk of offending increases with cumulative harm and CP notifications/involvement
- Risk of offending is high for YP experiencing persistence of maltreatment into adolescence
- Risk of maltreatment increases during adolescence - key transition points or instability



# Offending Onset & Context

## Onset

- Earlier
- Delinquency increases before and after transition points
- More violent

## Context

- Adolescent Family Violence
- Residential Care Settings
- Group Settings

Responses to assault offences in the context of adolescent family violence or residential care settings exacerbate and/ or perpetuate offending behaviour

- 'Care Criminalisation' in residential context (McFarlane 2018)

Group based offending theoretically linked to desire for connection and belonging

- Vulnerable to Child Criminal Exploitation (Baidawi, Sheehan & Flynn 2020)



# Educational Disadvantage & Disengagement

## **Educational disadvantage and disengagement are key barriers to achieving positive outcomes**

- Education systems are well placed for early identification and support engagement
- Provisions for re-engagement with educational systems show positive results

## **Disadvantage**

- Unmet protective, mental health, and disability needs
- Complex family & care environments

## **Disengagement**

- Transitions points & destabilising events
- Exacerbated by truancy, suspension & expulsion



# Co-occurring Challenges

## Overrepresentation of children with:

- Behavioural disorders
- Severe mental health diagnoses &/ or concerns
- Substance use & diagnosis
- Neuro-diversity & cognitive impairment

**Children experiencing neuro-diversity, cognitive impairments and behavioural disorders are at an increased risk of experiencing child protection and youth justice involvement** by way of:

- Higher instances of caregiver abuse, neglect and relinquishment (Baidawi & Piquero 2020; Barrett et al., 2014)

Growing evidence to suggest that some neuro-developmental and intellectual disabilities have similar/ common aetiological pathways to PTSD and trauma related disorders



# First Nations Overrepresentation

## Severely overrepresented within dual -system cohorts

- Most severe at the most serious point of child protection system: **residential OOHC**

First Nations crossover children experience increased levels of maltreatment and disadvantage in the form of:

- Family violence
- Substance abuse
- CJS involvement

**However, higher levels of disadvantage do not wholly explain overrepresentation** (Doolan et al., 2013)

- First Nations dual-system children **receive police charges at a younger age** than non-First Nation dual-system children
- First Nations dual-system children have a **higher likelihood of conviction** compared to non-First Nations dual-system children

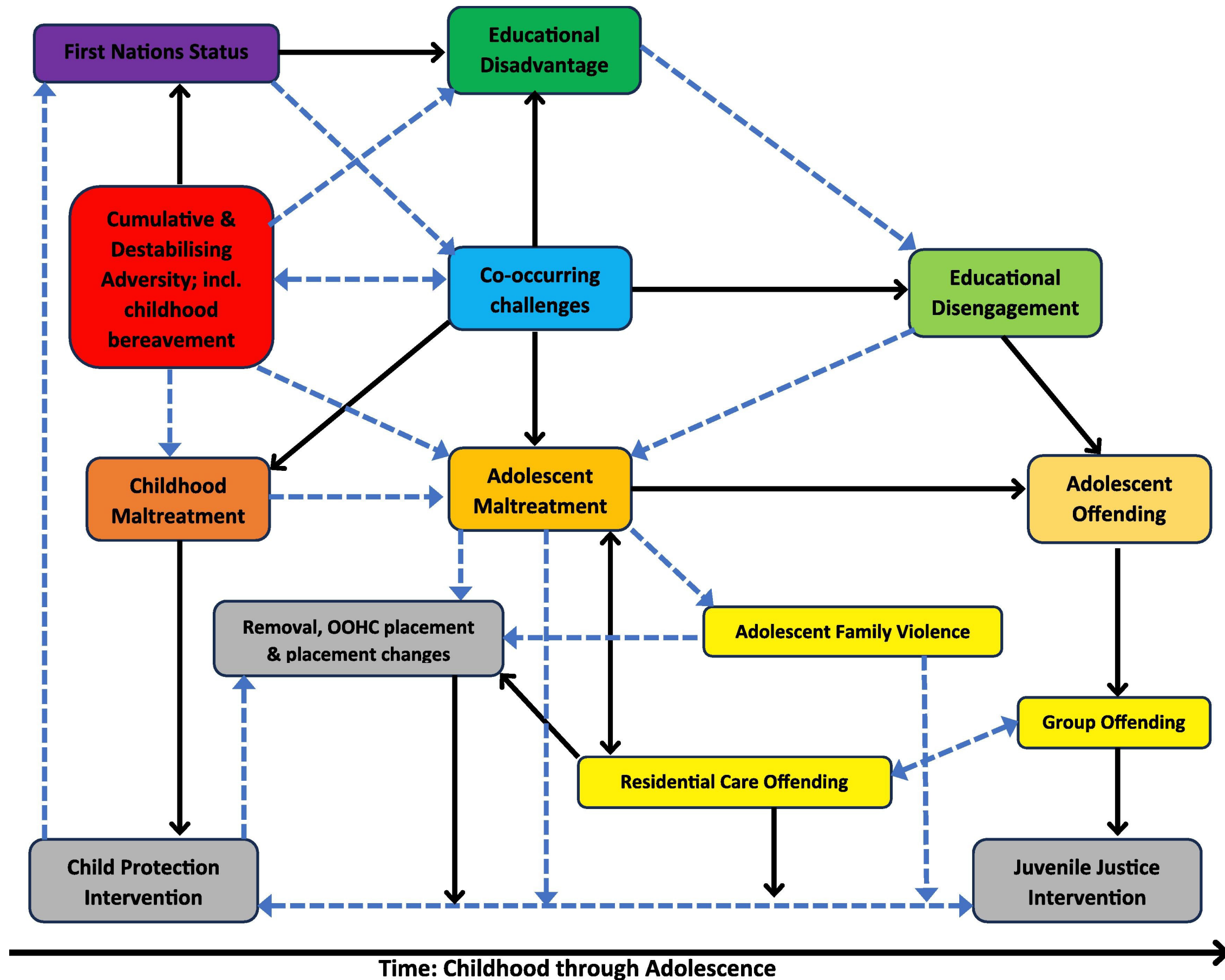
## Intergenerational & Historic Trauma

- First Nations dual-system children commonly have familial ties to the Stolen Generation
- Ongoing harm caused by systemic over-policing & inappropriate child protection responses



# Developmental Cascade Framework

- Depicts key opportunities for pathway disruption
- **Solid arrows** indicate high risk pathways
- **Broken blue arrows** indicate risk pathways that provide key opportunities for disruption by way of system change



# Pathway disruption – Key opportunities

## 1. Destabilising events & adversity; maltreatment type & timing; and offending onset and context

- Indicated by higher ACE scores, increased maltreatment types and placement in OOHC (particularly residential OOHC)
- Pathway disruption: at point of AFV & RCO, trauma informed responding, system change in police and JJ intervention, diversion

## 2. Group Offending

- Indicated by cumulative risk impacts, ongoing violence, maltreatment in the family context, desensitised to violent and aggressive behaviour
- Pathway disruption: Early intervention linked to educational engagement

## 3. Educational Disengagement

- Indicated by disadvantage (high risk)
- Pathway disruption: coordinated responses to identifiable needs, identify disadvantage early, promote engagement particularly during transition periods

## 4. First Nations Overrepresentation

- Indicated by poor cultural practices and lack of workforce capacity in applying culturally appropriate services
- Pathway disruption: systems reform SA and ACT examples, culturally safe and effective services





# What does this mean in practice?

## Prevention

**Identify harm early**

**Family & Cultural support**

**Increase positive attachment**

**Increase capacity**

**Decrease relinquishment**

**Identifying & support co-occurring challenges early**

## Diversion

**De-criminalisation**

**Sensitivity to adolescent development & transition points**

**Aligned & collaborative practice**

**Increased educational support**

**Cultural Diversion**

## Responding

**Individual, environment & systems**

**Paid & unpaid stakeholders who are aligned by collaborating**

**Culturally safe & appropriate**

**Trauma informed**

**Child centered & specific**



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# Thank you!

## Questions?

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