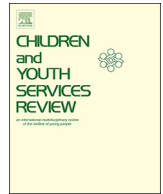




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Risk of serious criminal involvement among former foster youth aging out of care

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ABSTRACT

Prior research suggests there is a link between child maltreatment and out of home care and both adult crime and juvenile delinquency. Using a bevy of administrative data, this article investigates potential risk and protective factors of youth ($n = 1420$) who aged out of foster care without legal permanency in a southwestern state. Findings show that common correlates of crime such as gender, previous delinquency, mental illness and placement instability while in care significantly increase the odds of having a felony adjudication and criminal involvement. Results also suggest that the odds of a felony adjudication are lower among youth who access education training vouchers. This article contributes to previous research through its use of administrative data to support previous findings and by highlighting the negative influence of excessive placements while in care.

1. Introduction

Each year, approximately 20,000 youth age out of the foster care system in the United States (HHS, 2016). Additionally, youth ages 16 and 17 represent 12% of the total population in foster care, signifying the need for youth to be a focus of attention and secured support for preparation for adulthood (HHS, 2016). The difficulties of the transition to early adulthood and the exit from foster care have been documented and include barriers to education, employment, income, housing stability and meaningful social networks (Barth, 1990; Courtney & Dworsky, 2006; Courtney, Piliavin, Grogan-Kaylor, & Nesmith, 2001; Crawford, West-Cahill, & Salehezadeh, 2015). Prior studies of youth formerly in foster care have reported high rates of involvement with the legal system during the transition to adulthood (Barth, 1990; Courtney et al., 2001; Cusick & Courtney, 2007). Given the cumulative disadvantage associated with both felony convictions and aging out of foster care, youth who experience both are likely to be at especially high risk for poor outcomes throughout the life-course. The long-term implications from the denial of right and privileges for individuals with a felony decision suggest it is critical to explore the risk and protective factors associated with serious criminal involvement for youth who have aged out of foster care.

The current study focused only on the serious criminal involvement of an adjudicated felony or a final decision among former foster youth. Specifically, this study uses a bevy of administrative data from several

agencies to examine factors associated with an adjudicated felony for youth who aged out of the foster care system. To adjudicate signals the exercise of judicial authority, or determination judgment rendered by a court in a criminal case (Garner & Black, 2009). The adjudicated felony in criminal court is associated with more serious crimes that can carry a term of incarceration of more than one year. Additionally, felony crimes have significant collateral consequences regarding employment opportunities, denial of access to government benefits and program participation, including housing, student loans, and certain welfare benefits (Berson, 2013). As such, it is important to identify any risk and protective factors associated with and adjudicated felony among youth aging out of care. Many of the studies of criminal justice involvement for youth aging out of foster care and juvenile delinquency look broadly at administrative data or arrest data or relies on self-reporting for a variety of interactions with the justice system (Courtney & Dworsky, 2006; Courtney, Dworsky, Cusick, Havlicek, Perez, and Keller, 2007; Courtney et al., 2011; Dworsky & Courtney, 2009; Jonson-Reid, 2002; Lee, Courtney, & Hook, 2012; Ryan, Hernandez, & Herz, 2007; Saddichha et al. (2014); Shook et al., 2011). This study is unique as it focuses specifically on serious felony crimes committed by youth who aged out of care and utilizes administrative data from several state agencies.

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1.1. Former foster youth and the transition to adulthood

The transition to adulthood is a period of high risk from former foster youth, with multiple factors contributing to the risk. Young people who are exiting the foster care system are likely to have life histories that include family instability, history of substantiated maltreatment, and exposure to adverse childhood experience among multiple other factors (e.g., poverty, substance use, mental health needs) which are all problematic for poor adult outcomes. A review of the current literature suggests that youth who age out of foster care have significant and persistent difficulties in achieving comparative standards of early adulthood compared to peers who were not in the foster care system (Berzin, 2008; Courtney et al., 2007; Courtney & Dworsky, 2006; Courtney, Terao, & Bost, 2004; Hook & Courtney, 2011). Studies of youth who age out of the foster care system show youth are often required to transition to adulthood and exit the foster care system and independence they may not be ready for (Berzin, 2008; Collins, 2001; Courtney et al., 2004; Courtney et al., 2001; McCoy, McMillen, & Spitznagel, 2008). Former foster youth are more likely to experience complex mental and behavioral health care needs (Keller, Cusick, & Courtney, 2007), more likely to experience significant placement instability while in foster care (Cusick, Courtney, Havlicek, & Hess, 2010; Kraus, 1981; Ryan et al., 2007); and have significant challenges with employment and earnings in early adulthood (Buehler, Orme, Post, & Patterson, 2000; Courtney & Dworsky, 2006; Hook & Courtney, 2011; Reilly, 2003). Exposure to foster care and maltreatment is also related to poor educational outcomes (Barth, 1990; Buehler et al., 2000; Courtney & Dworsky, 2006; Reilly, 2003). Barth (1990) found that more than half of the youth who left foster care did so without completing their high school education. Furthermore, only 43% of those youth who left care without a high school degree sought any subsequent education, and only 62% of the entire sample had a high school degree.

1.2. Maltreatment, foster care, and juvenile delinquency

Research is increasingly demonstrating the association between traumatic childhood experience, child maltreatment and the likelihood for juvenile delinquency (Dumaret, Coppe-Batsch, & Couraud, 1997; Keller et al., 2007; Wolff & Baglivio, 2017). Using a sample of > 25,000 juvenile offenders, Wolff and Baglivio (2017) examined juvenile youth recidivism and found that traumatic childhood experiences increase the likelihood of delinquency and recidivism. The findings are similar to the those from a group of 99,602 delinquent youth in South Carolina which found when race and gender are held constant, parental maltreatment and foster care all predict membership in a delinquent sample (Barrett, Katsiyannis, Zhang, & Zhang, 2014). Studies show that youth exposed to maltreatment and out of home care may be at higher risk of poor physical and mental health (Arnou, 2004; Barth, 1990; Courtney & Dworsky, 2006; Dumaret et al., 1997; Felitti et al., 1998; Keller et al., 2007).

Some research has shown that experiencing out of home care is generally associated with an increased risk for committing a crime as an adult (DeGue & Widom, 2009; Jonson-Reid, 2002; Jonson-Reid & Barth, 2000; Ryan & Testa, 2005; Smith & Thornberry, 1995). In a study of 36,653 school age children who reported maltreatment, non-white children with in-home child welfare services and mental health services had the highest risk of juvenile corrections involvement (Jonson-Reid, 2002). However, research has also shown that this relationship can vary based on the youth's experiences while in care. For instance, the number and type of placements youth experience in care have been associated with an increased risk of offending (Cusick et al., 2010; Kraus, 1981). Specifically, Cusick et al. (2010) found that for every additional out of home placement youth experienced, there was a 3% increase in violent offending. Also, they found that youth in group home care committed 80% more crime than youth in traditional foster

care. Having been in foster care and a history of traumatic experiences was both a significant predictor for adult incarceration and homelessness in a large study in British-Columbia (Saddichha et al., 2014).

The relationship between maltreatment and juvenile delinquency is not consistent across all foster care experiences. Ryan et al. (2007) found that the relative risk of being arrested was 2.5 times higher for youth who had at least one group home placement than for those who did not. Ryan et al. (2007) found that among youth in kinship foster care, the relative risk of delinquency varied by race/ethnicity. Although the rates of delinquency were significantly higher for African American and white males, rates of delinquency were significantly lower for Hispanic males and females in kinship homes. While it is difficult to hypothesize that foster care increased the risk of criminal behaviors and criminal justice system involvement, the data is emerging that a history of childhood trauma and adverse childhood experiences in early life render youth vulnerable in the early transition to adulthood.

1.3. Risk of criminal involvement for transitional age adults aged out of foster care

Youth preparing to age out of foster care are potentially the most at-risk for criminal system involvement during the transition to adulthood. Adversity in early adult development can delay or cause problems with normative adult development. Many studies highlight high rates of arrest and legal system involvement among foster youth making the transition from foster care to adulthood (Barth, 1990; Courtney et al., 2001; Cusick & Courtney, 2007). The Midwest Study offers one of the more comprehensive views of young people who transitioned to adulthood from the foster care system in Illinois, Iowa, and Wisconsin. The study found adults from foster care had a significantly higher percentage of criminal justice system involvement including arrests (31–42%), conviction (15%–23%), and incarceration (30%–45%) during early adulthood than peers who were not in the foster care system between ages 19–23 (Courtney et al., 2007; Courtney et al., 2011; Courtney & Dworsky, 2006).

The Midwest study relied on self-reported data for the findings and asked participants to self-report arrest, conviction, and incarceration, but it did not distinguish from lesser offenses (misdemeanors) from more serious criminal involvement (felony), specifically. Cusick and Courtney (2007) found that youth who reached the age of majority in the child welfare system reported higher rates of offending at ages 17 and 18 compared to a national sample of same-aged peers. By age 19, 57% of male foster youth and 34% of female foster youth reported having an arrest compared to only 20% and 3% of males and females in the national sample. A study of adults in Nevada who aged out of foster care found 45% of the total study sample had some type of criminal justice involvement (Reilly, 2003). Males, school status, and limited caregiver closeness were associated with criminal conduct when compared to those with no reported history of criminal conduct (Cusick et al., 2010). A study of 404 former foster youth in Missouri found that 20% of the sample had been arrested by age 19, with 20% reported they were making money illegally, 6% reported assaulting someone, and 5.8% reported selling illegal drugs. (Vaughn, Shook, & McMillen, 2008). Some research has shown that experiencing out of home care is generally associated with an increased risk of committing a crime as an adult (DeGue & Widom, 2009).

However, research also shows that this relationship can vary based on a youth's experience while in care. For instance, the number or type of placements youth experience in care has been associated with an increased risk of offending (Cusick et al., 2010; Kraus, 1981). Specifically, Cusick et al. (2010) found that for every additional out of home placement a youth experienced, there was a 3% increase in violent offending. Also, they found that youth in group care committed 80% more crime than those youth in traditional foster care. Research also finds that those youth who age out of care are at increased risk for engaging in adult delinquency and crime (Doyle, 2008; Ryan et al.,

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