Adult Criminality Outcomes of Former Foster Care Youth: Implications for Policy and Practice

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Abstract
Evidence suggests that children who are involved in the foster care system are more likely to become involved in the criminal justice system as adults. Understanding the many obstacles former foster youth encounter before, during, and after their time in the foster care system is important so that measures can be taken by policymakers and practitioners to combat their likelihood of becoming involved in crime. This research examines and compiles current literature on adult criminal outcomes of adult former foster youth and analyzes the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act) in terms of how it addresses this issue. The purpose of this research study is to draw conclusive information based on prior research that will assist in modification of policies and programming to help deter foster youth from becoming involved in the criminal justice system as adults.

Keywords: former foster care youth, adult criminality, policy, aging out

Introduction
Every day the United States foster care system is responsible for providing services to over 402,000 children residing in out-of-home care, which refers to a variety of settings in which children who have been removed from their parents live: foster homes, group homes, and juvenile detention centers (Children's Bureau, 2014b). Children involved in the foster care system experience a high number of vulnerabilities throughout their daily lives and have a higher incidence of negative life situations as adults (Leve, Harold, Chamberlain, Landsverk, Fisher, & Vostanis, 2012; McGuinness & Schneider, 2007). In order to help these youth, federal-and-state level policies have been developed to improve the quality of life and wellbeing of foster children.

The goal of the foster care system is to provide children, whose parents are unable to care for them, with a safe and permanent home (Child Trends, 2011). Many of the children who come into contact with the foster care system are from homes that suffer from poverty and experience related issues such as substance abuse, mental illness, incarceration, and homelessness (McGuinness & Schneider, 2007). Children entering foster care are more likely to have negative life experiences than the average population, including developmental delays and emotional and behavior problems (Leve et al., 2012). Former foster youth have a higher rate of homelessness, unemployment, juvenile justice involvement, public assistance usage, and significantly lower rates of high school graduation, college attendance, and income potential, among other issues as they age (Courtney et al., 2011; DeGue & Spatz-Widom, 2009; Doyle, 2008; McMahon & Clay-Warner, 2002). Children who are emancipated from the foster care system, or “age-out,” are an additionally vulnerable population. These youths are discharged from the system because their age precludes them from benefits. This emancipated population is more likely to be involved in crime than youth who have spent any amount of time in care (Courtney et al., 2011; Cusick, Courtney, Havlicek, & Hess, 2011).

Recognition of the particular vulnerabilities and needs of foster youth and youth who age out of the system led to the development of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Lee, Courtney, & Tajima, 2014). In this paper, I analyze previous research to assess the link between the incidence of foster care placement and involvement in the adult criminal justice system as well as to examine a recent policy that attempts to combat this issue. I conclude by providing recommendations to improve outcomes of former foster youth throughout their lives.

Literature Review
Prior research demonstrates that nearly half of maltreated youth who have been removed from the home were arrested as an adult, and this population is much more likely to be arrested, convicted, and imprisoned in adulthood as compared to the general population (DeGue & Spatz-Widom, 2009; Doyle, 2008). Individuals who experienced child abuse or neglect (DeGue & Spatz-Widom, 2009; Mersky & Janczewski, 2013; Mersky & Topitzes, 2010) and individuals who were placed in foster care are two to three times more likely to have adult criminal involvement as compared to those who remained in their homes following a child abuse or neglect investigation.
(Doyle, 2008). Placement in non-individualized foster homes (e.g. institutions or group homes) additionally increased the risk for arrest in adulthood (DeGue & Spatz-Widom, 2009).

Children who have experienced family separation (i.e. divorce, separation, or death) near their abuse or neglect incident were almost twice as likely to have been arrested as adults if removed from the home as compared to individuals who remained in the home (J. McMahon & Clay-Warner, 2002). In addition, placement instability has been shown to be a significant contributor to criminal involvement in adulthood (Widom 1991, DeGue and Spatz-Widom 2009). Without a consistent, significant, and positive caregiver children often develop attachment issues that can carry with them throughout their lives (Schwartz, Ortega, Guo, & Fishman, 1994; Unrau, Seita, & Putney, 2008) and lead to low self-esteem (Unrau, Seita, & Putney, 2008) which is a predictor of criminal involvement in young adulthood (Eitle, Taylor, & Pih, 2010). Older age of first placement has also been shown to increase the incidence of adult criminal involvement (DeGue & Spatz-Widom, 2009; Widom, 1991).

The juvenile justice system and the foster care system both serve children who have histories of abuse or neglect, mental health issues, trauma, and instability. Many foster youth have juvenile arrests prior to placement and/or after being placed (Ryan, 2012). The children who are served by both the juvenile justice and the foster care systems are referred to as “crossover youth” (Krinsky, 2010), and they are significantly more likely to be arrested as adults than those who only had contact with one system (DeGue & Spatz-Widom, 2009; Gilman, Hill, & Hawkins, 2015; Shook et al., 2013).

Youth in the child welfare system experience high rates of mental health issues (Burns et al., 2004) including depressive symptoms and low life satisfaction in early adulthood (Mersky & Topitzes, 2010). Unfortunately, these youth receive insufficient mental health services (Burns et al., 2004). Those placed in out-of-home care with mental health service involvement were more likely to spend time in a county jail as adults (Shook et al., 2013).

Educational deficits also play a role. Research consistently has found that former foster youth struggle with academics throughout their lives, are less likely to obtain a high school degree, and are even less likely to obtain a higher education (Pecora et al., 2005; Smithgall, Gladden, Howard, George, & Courtney, 2004). Low rates of educational attainment have been linked to an increased risk for adult incarceration (Löchner & Moretti, 2002) while high school completion can reduce arrests in adulthood (Topitzes, Mersky, & Reynolds, 2011).

In 2013, 10 percent of youth in out-of-home care were emancipated from the foster care system (Children's Bureau, 2014a). These youth are even more likely to be involved in crime than youth who spent some amount of time in care but did not age out, with almost half of females and nearly three fourths of males having an adult arrest (Courtney et al., 2011; Reilly, 2003). Similar to individuals who spent some time in care, placement instability, older age of first placement, juvenile justice involvement, lower educational attainment, and being male increases criminal justice involvement, and youth who age out of care experience many of these factors at a higher rate than those who ever spent time in care (Culhane et al., 2011; Cusick et al., 2011; Lee et al., 2014; McMahon & Fields, 2015; Pecora et al., 2005; Reilly, 2003; Shook et al., 2013).

Policy Analysis

The Fostering Connections to Success and Increasing Adoptions Act of 2008, which, in part, aims to deal with the negative outcomes outlined above, was signed into law October 7, 2008 (P. L. 110-351). It amended Title IV of the Social Security Act to provide children with greater opportunities for success and care. The major goals of this act were to improve the outcomes for older youth in foster care, connect children to relative caregivers and support kinship families, keep siblings together, promote more adoptions of older and disabled youth, and support education permanency and transparency (Shelleby, 2008).

Adoption

The changes to the adoption process and benefits in this act sought to increase the number of children adopted out of foster care. Federal adoption assistance payments were de-linked from a child's birth family's eligibility for welfare services, meaning that all special needs children adopted out of foster care who meet specific Title IV-E requirements are eligible for adoption assistance payments, rather than only those who qualify under their birth family's eligibility as previously. These new provisions provide an incentive for families to adopt this very vulnerable population of children in the foster care system (Fostering Connections, 2013). However, it is important to consider if prioritizing removal of these children, getting them adopted, and subsequently providing funds for such adoptions is in the long-term best interest of the children and the state. It may be possible for certain children to remain in their original homes if provided adequate resources. These children may fare similarly, if not better, by remaining in the home compared to being
placed in foster care and experiencing the traumas associated with being removed from their family. Special needs children are often in care for longer periods of time and are likely to experience placement instability which is linked to criminal justice involvement (Casey Family Programs, 2010; Children’s Bureau, 2011, 2014a; Pecora et al., 2005). Therefore, these children could potentially have a higher risk for criminality as adults and, thus, it might be more productive for policy to focus on family preservation.

**Education**

The Fostering Connections Act requires that plans be made to ensure that children maintain stability in their school enrollment. Because it has been found that children placed in out-of-home care have more school transfers and struggle academically compared to their peers, and because inadequate education is linked to criminal justice involvement, protecting a child’s education is important in reducing later criminality (Lochner & Moretti, 2002; Munson & Freundlich, 2008; Pecora et al., 2005; Smithgall et al., 2004). Although this portion of the Fostering Connections Act does make positive changes, there is still more to be done to ensure successful educational attainment for these children as many are involved in special education systems and struggle academically (Munson & Freundlich, 2008; Smithgall et al., 2004). These academic issues require special services and not simply stable enrollment.

**Health Care/Mental Health**

The Fostering Connections Act also requires that plans for the specific health care needs of each child are developed, which includes health screenings, follow up, and monitoring of physical and mental health (Fostering Connections, 2013). Given the link between mental health problems and a higher incidence of crime, this is a significant provision (Burns et al., 2004; Krinsky, 2010; Shook et al., 2013). However, as of February 2013 many states still have not created comprehensive plans to address these new requirements, and if a plan has been created it is often missing key components (Fostering Connections, 2013). Also, many children are still not receiving the health services to which they are entitled to (Levinson, 2015).

**Kinship**

Children placed in kin (relative) homes have been found to have fewer emotional and behavioral problems and placement transitions (Annie E. Casey Foundation, 2012; Koh, Rolock, Cross, & Eblen-Manning, 2014). One study suggests that kinship placements might possibly lessen later criminal justice involvement (although the findings are inconclusive) (DeCue & Spatz-Widom, 2009). Children in kinship placements typically have had relationships with their kin caregivers prior to placement and experience higher rates of placement stability than those in non kin foster care (Annie E. Casey Foundation, 2012). Having a consistent positive relationship to a caregiver and experiencing placement stability have both been shown to reduce adult criminal involvement (DeCue & Spatz-Widom, 2009; Johnson, Giordano, Manning, & Longmore, 2011; Kapp, 2000). Those in kinship care experience greater school stability, which may improve educational attainment, and subsequently reduce crime.

The Fostering Connections Act places a priority on extending services to kinship families including increasing their access to benefits. Foster care non-safety licensing standards (e.g. number of bedrooms, home standards) have become more flexible, allowing for more kinship families to become licensed, which increases access to foster care payments (Annie E. Casey Foundation, 2012, Fostering Connections, 2013). In addition, states now have the option to use funding to extend guardianship assistance payments to kin who obtain guardianship of a child (Fostering Connections, 2013). Despite these improvements, kinship guardianship payments are only available to licensed kinship households where the child has resided for six consecutive months or more and in situations in which the child cannot return to the home of origin or be adopted. These requirements leave out the portion of kinship placements who want to obtain guardianship of the child in situations where the prospect of the child returning home or being adopted has not been eliminated (Fostering Connections, 2013). Despite this policy effort, it still remains difficult for these families to obtain licensure.

Kinship placements are also encouraged through this policy by requiring child welfare agencies to notify all adult relatives of a child’s entry into care. The law also requires that reasonable efforts are made for siblings to be placed together, and, if a child is eligible for Title IV-E benefits, their sibling/s automatically become eligible if placed together (Fostering Connections, 2013). However, many states have noted challenges and barriers to following through with most of these provisions (United States Government Accountability Office, 2014).

**Older Youth**

The Fostering Connections Act significantly increases the availability of services for those who age out of care. Under this Act, child welfare agencies are required to ensure that a youth-led transition plan is created with the assistance of their caseworker 90 days prior to the date they will age out of
care. This is a positive provision as it requires youth to plan for their future and ensures that child welfare agencies prepare youth for independence. Youth who are actively involved in the development of a transition plan are more likely to follow through with such plan and experience positive outcomes (Wylie, 2014).

The Fostering Connections Act allows states to extend Title IV-E reimbursable guardianship, adoption, and foster care assistance payments to youth beyond age 18 and up to age 21, provided that the youth is involved in education, job training, or work activities (Fostering Connections, 2013). However, despite support from foster families and the child welfare system, many young adults in foster care still struggle to meet these eligibility requirements (Courtney et al., 2011). Thus, these eligibility terms may funnel services to those who are already most likely to succeed while further limiting resources for the most vulnerable population of young adults (Stott, 2013). As of February 2015, only 22 states and the District of Columbia had extended foster care benefits beyond age 18 (National Conference of State Legislators, 2015). Of the 22 states, 17 of them allow children to exit and reenter care after they turn age 18. This provision recognizes the developmental process of youth and allows them to be autonomous in their decision making but does not sever the possibility for future assistance (Courtney, Piliavin, Grogan-Kaylor, & Nesmith, 2001).

This Act also extends independent living services to youth who enter kinship guardianship or are adopted on or after they turn 16 (Fostering Connections, 2013). These services include, but are not limited to, assistance with employment, housing, financial management, emotional support, education. These services also support an Educational and Training Vouchers Program (ETV) which allot up to $5,000 per year to youth for postsecondary education and training (Children’s Bureau, 2012). As of May 2014, most states have extended these services (United States Government Accountability Office, 2014).

Courtney (2009) finds that although this extension is a step in the right direction, the policy leaves out several vulnerable populations who are also likely in need of transition services: youth who exit care at or after age 16 and return to their family of origin, and youth who run away from out-of-home care. When children are returned to their family of origin, they are no longer become eligible for independent living services. However, the families who come into contact with the child welfare system might be unable to provide adequate support to their returning children (Courtney et al., 2001, McGuinness & Schneider, 2007). Although research does not specifically analyze youth who return to their family, Shook et al. (2013) found that adolescents who spend time in care but do not age out have similar if not higher rates of justice system involvement than those who officially age out of care, possibly due to increased services for the youth who aged out in this study. Youth who run away from out-of-home care before they reach the age of majority are also left out of those eligible for these services. These youth may be especially likely to be involved in the criminal justice system (Shook et al., 2013). It is possible that by expanding eligibility to more populations these youth would experience reduced criminal involvement.

Another population that can be left out of eligibility for services are individuals who moved from the foster care system to juvenile justice system and turned 18 while in detention. The language within the Fostering Connections Act leaves these youth at risk of losing the benefits that they would have received if they had remained in foster care until they turned 18. The transition back to foster care from juvenile justice can be difficult to facilitate because of the need for contact between systems, and, depending on the language in state laws, it may or may not be possible. These crossover youths may not have a stable environment to return to or they may not be in contact with trusted adults. Without assistance, many may find themselves back in the justice system, since crossover youth are twice as likely to recidivate as compared to their peers who were only involved in the justice system (Wylie, 2014). Given a strong relationship between foster care, juvenile justice, and adult criminal activity (Gilman et al., 2015; Ryan, 2012; Shook et al., 2013), those who are involved in the justice system until they turn age 18 should be included in those eligible for services.

When foster care is extended to youth past age 18 these individuals are more likely to be working towards an education and are significantly less likely to be perpetrators of crime (Krinsky, 2010). Extended foster care support during the first year after turning 18 is strongly associated with lower arrest rates (Lee et al., 2014), and those who received independent living services were less likely to be in trouble with the law as adults (Reilly, 2003).

**Future Policy and Practice Recommendations**

The existing literature reveals the consistent barriers that former foster youth and crossover youth face as they transition to adulthood. My analysis of current policy shows that the Fostering Connections Act takes some concrete steps towards better serving this particularly vulnerable population. However, it also reveals that several further steps are needed.

**Recommendations in relation to the Fostering Connections Act**

- Address the educational needs of children in foster care and respond
with appropriate methods to promote improved educational outcomes.

- Extend GAP to kinship guardianship placements where children have the possibility of returning to the home of origin or being adopted.
- Continue to find ways to limit barriers to kinship placement licensure standards.
- Extend eligibility for independent living services and ETVs to youth who run away from care and those who return to their families after the age of 16.
- Ensure individual health plans are implemented and children's health needs are being met in appropriate time frames.
- Create a plan for cross-system collaboration to ensure that youth in foster care who cross to the juvenile justice system remain in contact with child welfare services, receive independent living services, ETVs, and can return to foster care placement upon their release if they are under their state's age limit.
- Provide post emancipation follow up to transitioning youth.

**Recommendations for the Child Welfare System**

- Continue to place a high priority on permanency in the home of origin.
- Make placement stability paramount for children who must be removed from the home.
- Assess all relevant family factors and histories when reviewing child abuse and neglect reports to avoid unnecessary removals.
- Create age sensitive provisions within future policy.

**Conclusion**

Children involved in the foster care system are a very vulnerable population with complex histories. Many have moved between placements, changed schools, dealt with educational difficulties and mental health symptoms, and some spend years without a permanent family. The current body of research, although small, points to various factors contributing to adult crime among former foster care youth: placement instability, age of placement, cross-system involvement, family factors, mental and behavioral factors, and others.

More research is needed about the correlation between foster care involvement and adult crime in order to draw comprehensive conclusions on how the foster care system (and other factors) play a role in the adult criminal involvement of youth who have spent time in foster care. Research should focus on not only those who age out of care, but also those who have ever spent time in foster care. Although considerable efforts have been made in improving policies and practices, previous research finds that these children and adults are still struggling. Not only do policymakers need to further address the immediate safety and care of children, they need to evaluate the root causes of why child abuse and neglect is occurring. Many of these families struggle with several other problems that lead to such occurrences. Creating policies that promote strong, stable, and healthy families should be paramount in order for the long-term future of children to remain prosperous.
References


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Allies and the LGBTQ+ Community

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Abstract

This research looks into what is to be an ally to the Lesbian, Gay, Bisexual, Trangender, Queer+ (LGBTQ+) community at the University of Wisconsin-Stout (UW-Stout). It will provide insight into what an ally is and how individuals can work to become an ally to the LGBTQ+ community. At UW-Stout, there exists many strong organizations focused on allies and the LGBTQ+ community. This research delves into what the LGBTQ+ community expects of the allies of these organizations. Qualitative data was collected from a focus group held at the Qube, which is the LGBTQ+ resource center at UW-Stout. These participants were voluntary attendees recruited through public advertising. They provided their experiences of when they felt supported in their identities and what they believe allies are. In its findings, this research will show that the status of an ally to the LGBTQ+ community is something that is given to non-community members by the community through their efforts of respecting queer spaces, acceptance and normalization, education and self-sufficiency, and active engagement in social issues. This paper further outlines how individuals can take on this role and become an ally to the LGBTQ+ community.

Keywords: ally, LGBTQ+, community, Qube

Introduction

UW-Stout is a diverse campus that supports the many identities that its students represent. In recognizing different identities students have, the campus provides specific resources to students who identify within the LGBTQ+ community, such as the LGBTQ program coordinated by Julie Miller, the Qube (LGBTQ+ student resource center), and the Gender and Sexuality Alliance (GSA) (student run organization). While these resources provide an opportunity for members to express themselves and influence the community, at times they generate conflict between the community and non-community members. This may even occur between the community and those who work to be allies of the community. This research provides insight into what is expected of allies by analyzing stories of community members through a voluntary focus group. One of the key features of being an ally was found to be taking on the role of an ally by respecting queer spaces, accep-