



North Dakota's Statewide Dual Status Youth Initiative
An Evaluation of Its First Year

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Executive Summary

This report documents the first year of the North Dakota statewide Dual Status Youth Initiative. Dual Status Youth (DSY) are young people who are simultaneously Involved with both the child welfare and juvenile justice systems. Research has shown that these youth have a very poor prognosis for success in later life. North Dakota is the first jurisdiction to implement a statewide program to attempt to improve outcomes for DSY youth. The initiative is based on a protocol negotiated by the stakeholder state entities following a research report from the Robert F. Kennedy Foundation. It is overseen by an Executive Committee made up of representatives of its various stakeholder groups; staffing is provided by the North Dakota judicial branch and the North Dakota Department of Human Services. A written protocol outlines procedures for staff of both the social services and courts to follow in information sharing and programmatic planning for each DSY youth.

The initiative identifies DSY youth by matching new referrals to either social services or the courts to existing records in the other system. Youth with active cases in both systems are designated “Involved.” Youth with a previous, but now closed, case in the other system are designated “Identified.” The initiative provides information on both categories of DSY youth to the field for information sharing among the staff of the two systems. Involved youth cases are the subject of an additional requirement for the convening of a meeting of all interested parties to discuss and develop a plan for the Involved youth.

The initiative moved to the implementation phase in January 2019. After the first two months of working out the programmatic details, the initiative formally started its evaluation phase in March 2019. The North Dakota Department of Human Services gets reports of new referrals to both the child welfare and juvenile court systems, searches the other system’s database and generates reports of matches. These youth – with a new referral to one system and previous involvement in the other – are considered DSY youth.

The initial look back period for these searches was ten years. Based on feedback from the field, the Executive Committee shortened the look back period to five years; this change took effect on October 24, 2019.

The judicial branch staff disseminate the information on newly identified DSY youth in weekly emails to social service and court staff in the county where the most recent referral to either the social services or court system took place. Court staff, using data provided by their social service counterparts, report extensive data on every DSY case to the judicial branch staff. In order to have comparison data for evaluation purposes, the North Dakota Department of Human Services compiled a data base of information on all 2015 cases that met the DSY

definition of an “Involved youth”¹ opened during a six month period commencing in March 2015. This “baseline” database contains the same elements that are tracked for the DSY Initiative, including all subsequent history on these cases through the end of February 2016 – a period comparable to the data gathering period for the DSY Initiative itself. The baseline database differs only in that it pertains only to cases commenced during the six month period March – August 2015 while the DSY Initiative database contains all information for cases commenced from March 2019 through February 2020 as that information appeared at the end of April 2020.

The evaluation shows that North Dakota successfully launched the DSY initiative. It negotiated the agreements required to support it and organized an Executive Committee which functions effectively to provide guidance for it. The Executive Committee developed a training program for both court and social service staff, which was presented live for affected staff and is available on the judicial branch website for viewing. It developed and disseminated a “hard card” for judges to use on the bench as a reference to the recommended procedures for these cases.

The North Dakota Department of Human Services developed a software application that searches both the Child Protective Services FRAME data system and the court system’s Case Management System (CMS) to match prior cases in either system with a currently referred youth. The output of those searches is transmitted to the judicial branch staff which reviews and sorts it for weekly dissemination to court and social service staff in the appropriate county. The judicial branch added a flag to its Odyssey Case Management System to identify DSY cases for judges and juvenile court staff. A “test screen” was added to the CMS system for the purpose of reporting data about DSY cases. All of these automated tools and processes actually work – no small accomplishment when trying to pull and integrate data from multiple systems.

While the initiative protocol set forth exactly what actions the field staff of both branches of government were required to perform, it did not explicitly articulate the theory by which those actions were to result in improved results for DSY youth. The Kennedy Foundation staff were very clear about what they hoped would stop happening – “we need to stop treating these cases like hot potatoes.” Because these youth were often the most difficult to deal with, each branch was happy if the other branch assumed responsibility. So the field staff were required

¹ An Involved youth is one who is already Involved in both systems. An Identified youth is one who (1) has a current juvenile court case and has just been referred to social services for an assessment or (2) has a current social services case or one that was closed sometime within the last ten years and has just been referred to the juvenile court.

to work together, share information, and jointly make decisions in a way that they had not done heretofore.

However, it was not clear how the ultimate goal of the closer cooperation was to be achieved. Was it by preventing Identified youth from becoming formally involved in the other system?² Was it by preventing youth already formally involved in both systems from penetrating more deeply into those systems? Was it by directing more and better targeted services to these youths to reduce their subsequent referrals? Or was it by some combination of these objectives? At least to some extent, , this lack of clarity contributed to the inconsistent implementation of the initiative's requirements in the field, which, in turn, led to mixed results in achieving the initiative's performance objectives.

The relevant protocol requirements are two-fold – 1) immediate information sharing between the court and social services staff upon notification that a DSY youth has been identified and 2) the conduct of a Multidisciplinary Team Meeting (MDT) or Family Centered Engagement (FCE)³ for every Involved youth case. The protocol requires an initial contact within two days and information sharing within a week. The MDT/FCE – which includes the youth and parent(s) as well as court and social service workers and other treatment professionals – is to take place within seven to ten days.

The data shows that information is shared in most cases. When information is shared it is found to be useful. The field staff believe it is more useful in “Involved youth” cases than in “Identified youth” cases. Limitations of the data have prevented us from being able to assess whether the data transfers have been conducted within the timeframes called for by the protocol.

Compliance with the requirement for MDT/FCE meetings has been far less consistent. Over the first year of the Initiative they have been held for only 45% of the referrals that led to the inclusion of an Involved youth in the initiative. The DSY database calls for a reason why an MDT/FCE was not held for that initial referral. A reason is missing in 16% of the cases. The DSY staff considers only 6% of the reasons that were given for not holding an MDT/FCE to be

² This was most unlikely, because the protocol does not require field staff to convene a Multi-disciplinary Team Meeting for Identified youth cases.

³ An FCE is an evidence-based process for bringing youth, parents, custodians, treatment providers, and court and welfare workers together with a trained facilitator to identify a youth's needs and to work out an agreed plan for addressing them. It is provided by a contractor to the North Dakota Department of Human Services and, during the period covered by this evaluation, was available in only selected North Dakota counties. An MDT is a similar approach to be facilitated by court or social services staff designed specifically for this initiative. Staff in counties where FCE facilitators are available can use either process. Where FCE services are not available staff are expected to use the guides included in the protocol to conduct the process.

sufficient. 44% of the reasons given are insufficient. The remaining 50% are not clear enough to be determined sufficient or insufficient. The frequency of insufficient reasons has declined over the period of the initiative. When the rate of compliance is adjusted to give credit for sufficient reasons for not holding an MDT, and to remove the cases with ambiguous reasons from the calculation, the percentage compliance increases to 58% -- more than half of, but still far short of, the protocol requirement. As explained in the body of this report, some of the non-compliance may have resulted from field staff's conclusion that the initiative's objective of minimizing further penetration into the system had already been met, obviating the need for a meeting.

As the data shows, there were a great many subsequent referrals in both the Involved youth and Identified youth cases. The application of the protocol to these subsequent referrals is unclear. The data spreadsheet maintained by the initiative staff does not include a place to record whether an MDT/FCE was held for a subsequent referral. MDT/FCEs were sometimes held for these subsequent referrals. When that happened, the date of the MDT/FCE was entered for the original referral. But the MDT/FCE requirement does not apply to subsequent referrals.

The significance of this feature of the program arises from the seeming arbitrariness of the focus on the referral that brought an Involved youth within the scope of the DSY initiative. This was not the first encounter this youth had with the two systems; all Involved DSY youth were already formally involved in both systems. It was not necessarily the most serious referral for this youth. It was simply the first referral for that youth that occurred after March 1, 2019. It is entirely reasonable to require special focus on each DSY youth at this point because it signals that North Dakota is now focusing special attention of this category of youth. But these Involved youth averaged more than one additional referral during the first year of the initiative, with two dozen of them having more than five additional referrals. It is not clear why or when the MDT/FCE requirement should be applied to these subsequent referrals.

Compliance with the MDT/FCE requirement differed widely from county to county. Although none of them had more than two Involved youth cases, five counties -- Bowman, Dickey, Grant, LaMoore, and Wells -- had MDTs or FCEs in every referral that brought a case into the initiative. Stark County (with 39 MDT/FCEs in 44 Involved youth cases) had the best record -- 87% -- of courts with a significant number of cases. All three of the largest North Dakota counties performed at or above the state average, with Burleigh holding meetings in 57% of its cases. Nineteen counties held no meetings in cases with Involved youth despite having as many as six Involved youth cases. MDT/FCEs were held in 58 cases with Identified youth -- cases in which such meetings are not required, but, of course, are permitted.

As with the initial information sharing process, it has not been possible to assess the timeliness of the holding of MDT/FCEs due to limitations of the data. It is also clear that many of the MDT/FCEs have been held as a result of subsequent referrals, not initial referrals. The court and social service staff may have decided that the originally Identified case did not warrant the convening of an MDT or FCE (even though it was required by the DSY protocol); but as the youth accumulated additional charges they decided to hold one. The program data spreadsheet does not distinguish between these two situations, recording an MDT/FCE whenever it takes place for a youth as if it were for the original referral. This phenomenon undoubtedly led to under-counting of the number of MDT/FCEs since the spreadsheet only records one MDT/FCE per youth regardless of how many were held. In computing the number of MDT/FCEs required by the protocol, we have assumed that the protocol only required one per DSY Involved youth case, not one per referral.

Input from parents who participated in the MDT/FCEs that were held is very positive – bolstering the decision to require them in the protocol. The Executive Committee for the Initiative also obtained on line and in person feedback from judges, court staff and social services staff during the course of the Initiative and took that feedback into account by changing the “look back” period from ten to five years and providing further guidance on the Protocol itself. That feedback is summarized in the body of the report.

The programmatic outcomes for the first year are, with one important exception, positive, even though comparisons of the baseline and program data does not produce differences that reach the generally accepted level for statistical significance. Compared with 2015, North Dakota DSY youth today are:

- Less likely to be removed from their homes and placed in foster care;
- More likely to have their cases diverted or dismissed; and
- Less likely to be ordered into the custody of the juvenile corrections system or the social service system.

On the other hand, DSY youth in 2019-20 received more subsequent referrals than those in 2015-16 (an average of 1.31 subsequent referrals compared to 1.15 in 2015-16). And the subsequent referrals in 2019-20 were for more serious offenses than for the comparable subsequent referrals in 2015-16.

If the theory of the initiative was to minimize deeper penetration into the systems, it was met. But minimizing penetration did not lead to fewer or less serious subsequent referrals.

Youths coming into the DSY Initiative in 2019 were charged with more serious offenses than comparable youth brought into the system in 2015. They were twice as likely to have been charged with a crime against the person (18.8% compared to 9.4%). Nevertheless, they were more likely to be diverted and less likely to be committed than comparable youth in 2015.

In 2015, youths who reoffended were more likely to be committed to foster care or a juvenile correctional institution than youths coming before the court for the first time. During the DSY Initiative, while youth were somewhat more likely to reoffend, they were less likely to be committed to the custody of the Division of Juvenile Services or the Department of Social Services for a subsequent referral than for the original referral.

It is not possible to attribute the reduced penetration results to the holding of MDT/FCEs, given the inconsistency with which they were held. But it can be the product of increased attention to the needs of DSY youth, to increased cooperation between the staffs of the social services and juvenile court systems, and of a general sense that judges should give heightened attention to these DSY cases.

The national importance of this effort and the extent of its positive results during its first year warrant continuation of the North Dakota DSY initiative. As with many new programs, its execution can be improved. This evaluation has identified a number of possible areas of improvement. We recommend the following:

- Explicit articulation by the Executive Committee of the theory (or theories) by which the initiative's activities are intended to benefit DSY youth such as:
 - Reducing the frequency of formal involvement of Identified youth in a second system
 - Encouraging minimally intrusive consequences for DSY youth in the resolution of new referrals, such as discouraging placing them under the custody of either system and encouraging the use of diversion or dismissal as the means of disposing of the referrals
 - Making more thorough assessments of the needs of DSY youth by bringing to bear the knowledge and experience of staff of both branches of government
 - Making maximum use of the resources available to both systems to address the identified needs of DSY youth
 - Making treatment plans based on evidence-based assessments of the suitability of specific services to the needs of particular DSY youth.
 - Some combination of these mechanisms.

- Determining whether the future success of the DSY initiative will be based on reducing the number and seriousness of subsequent referrals
- Determining if and when MDT/FCEs will be required for Identified youth referrals and for subsequent Involved youth referrals
- Publishing a list of acceptable reasons for not holding an MDT/FCE for a particular referral, which eliminates all ambiguity concerning the instances in which they are and are not required
- Redesigning the data gathering spreadsheet (or a substitute mode of recording information) and the rules for entering information into it, to ensure the collection of all information needed to assess the effectiveness of the initiative going forward
- Replacing the “test page” with a more flexible means of conveying information about case events for entry into the spreadsheet (or another data gathering application).
- Addressing the special needs of Native American youth and ensuring that program data can be used to determine the effectiveness of those efforts.

Introduction

The North Dakota Dual Status Youth Initiative grew out of a multi-year study by the Robert F. Kennedy Foundation that found that the lifetime prospects for youth in North Dakota are significantly impaired if they are simultaneously in the state’s child welfare and juvenile delinquency systems. Youth in this situation are referred to as “dual status youth.” While a number of counties in the United States have pursued programs to address the special needs of their dual status youth populations, North Dakota is the first state to implement a statewide initiative for this purpose.

The initiative is a collective effort of the North Dakota Department of Human Services (which is responsible for the child welfare system), the North Dakota Division of Juvenile Services (responsible for juvenile corrections), the North Dakota Supreme Court, and the North Dakota Association of Counties. It consists of three components:

- a computer program that searches FRAME (the social services automated information system) and CMS (the state court system’s automated case management system for these cases) to learn whether a youth referred within the last 30 days to one of the systems has had contact with the other system. During the first eight months of the evaluation period⁴, the system “looked back” ten years and Identified the youth as an

⁴ The “look back” process was shortened to five years, effective on October 24, 2019, in response to consistent feedback from the field that the ten year look back produced too many “stale” cases in which records had been required to be destroyed.

“Involved youth” if s/he had a currently active case in both systems or as an Identified youth if s/he is currently in one system and has had any prior contact with the other system. A typical example of an Involved youth is one with a current juvenile court matter who has just been referred to social services as a possible subject of abuse or neglect. When a match is found, the information is sent to the DSY initiative staff at the Administrative Office of the Courts which sends weekly emails to the child welfare offices and court units in the counties in which the most recent referral has arisen,⁵

- a requirement that the office with the current referral contact its counterpart within two working days to obtain information about the counterpart’s experience with the youth and the youth’s family, and
- a requirement that the office with the current referral convene a Multi Disciplinary Team meeting (MDT) or a Family Centered Engagement (FCE) for each Involved youth case to include the youth, her or his parents, guardian or other family member, representatives of any entity or program in which the youth has been placed, workers from both social services and the courts, and any mental health or other treatment specialists working with the youth. The meeting is to discuss with the youth and parents or guardians the youth’s situation and programmatic and dispositional alternatives, and develop a plan of action to recommend to the entity that will act on the current referral. This meeting is to take place before any court hearing on a new delinquency referral or emergency petition to remove a child from the home.⁶

The MDT meeting is modelled on an existing program developed by the North Dakota Department of Human Services called Family Centered Engagement (FCE), which has been implemented in several pilot counties and is conducted by a contractor, The Village. The only significant difference between the two approaches is that The Village provides a neutral, trained facilitator for FCEs, while a staff member from either social services or the courts (whichever has had the most significant contact with the youth) presides over the MDT. An exception will be made if the agency with the most prior contact with the youth feels that its staff have an adversarial relationship with the youth or the family. An FCE can only be held if the parent(s) agree to participate; there is no such requirement for holding an MDT. An FCE cannot be held if the youth has already been put into an out-of-home placement; there is no such limitation for holding an MDT.

⁵ Creation and operation of this system, which is performed in the North Dakota Department of Human Services, required the negotiation and execution of a Memorandum of Understanding between the two branches of government which includes an agreement for sharing otherwise confidential information.

⁶ These steps are set forth in a formal protocol that the personnel of all participating entities are to follow.

The initiative has been staffed by three persons in the Administrative Office of the Courts; they are funded from the federal Court Improvement Program designed to support improvements in the court processes for handling of child abuse and neglect cases. The Administrative Office of the Courts chose Greacen Associates, LLC , to evaluate the program, based on its performance in evaluating a judicial branch mandatory custody mediation program.

The protocol went into effect on January 1, 2019. The initiative's Executive Committee decided to delay the start of formal data collection and evaluation until March 1, 2019 in order to give the process a two month "break in" period. Data for the program is maintained by the AOC staff in a spreadsheet with extensive data on each DSY case, based on information drawn from FRAME and CMS, supplemented with data entered by local Juvenile Court Officers into a CMS "test screen" designed specifically for the support of this initiative. The spreadsheet is updated with information on subsequent referrals of DSY youth. The North Dakota Department of Human Services has produced a "baseline database" for use in this evaluation containing the same information for all cases of Involved youth initiated in both systems between March 1, 2015 and August 31, 2015. This baseline comparison records all events that transpired in these cases through February 29, 2016.

This is the fourth report provided by Greacen Associates. The first report covered the first two months of the program, reporting that the required MDT/FCEs had been held in only 15% of the cases with Involved youth. It provided a similar analysis at the end of the fourth month, at which point the percentage of Involved youth cases with MDT/FCEs had risen to 20%. The third covered the first six months of the initiative; by then the percentage of cases in which MDT/FCEs had been held had increased to 30% (or 47 % if the courts are given credit for case is which there was a good reason not to hold one). All of these reports were disseminated to the field.

The Administrative Office of the Courts distributed three types of surveys to obtain input on the initiative from parents, from court and social services staff, and from juvenile court judges and referees. The chair of the Executive Committee and two staff persons conducted feedback sessions with groups of court and social services staff in counties in the northeastern, southeastern, central and western parts of the state at the beginning of the fifth month; John Greacen participated in the meetings in the central and western parts of the state.

Greacen Associates prepared preliminary summaries of the data for the first six months of the program for a meeting of the Executive Committee on October 3, 2019. The summary included a report on the input from parents, court and social services staff, judges and referees. During

that meeting the committee decided to reduce the “look back” period for FRAME from ten to five years.

The DSY Initiative is being conducted during a period of significant upheaval in the North Dakota Department of Human Services. The Department is engaged in an organizational “Redesign” which will convert its traditional county-based structure to a regional structure. It is also introducing performance standards and evaluating its staff based on those standards. Of particular significance for the DSY Initiative is a new standard – initially implemented in selected areas of the state – that 50% of all new abuse and neglect referrals must have a finding of “Services Required” or “Services Not Required” within 25 days of the receipt of the referral.

During the last legislative session two actions were taken that will affect the DSY initiative and its evaluation. Effective August 1, 2019 the minimum age of culpability was raised from seven to ten years. The Department of Human Services received spending authority to expand the Family Centered Engagement program statewide.⁷

Finally, the coronavirus was beginning to affect public services and private lives in February 2020 – the twelfth month of the Initiative’s first year. Most public facilities were closed during the month of March. Court staff were given until the end of April to complete data entry for cases Identified in February. However, the data shows a significant decrease in the number of MDT/FCEs held in cases Identified in February – an indication that the disruption of the COVID 19 pandemic did not spare the North Dakota DSY initiative.

The Evaluation Design

This evaluation will simply assume that DSY youth will benefit individually from improved and less intrusive services from the social services and juvenile court systems. We did not measure the educational performance of youth Involved in the DSY initiative, their drug and alcohol use, mental health indicators, changes in family dynamics, ability to form and maintain interpersonal relations, success in obtaining and maintaining employment, etc. That research has been done in other jurisdictions; we will simply assume that the benefits from reducing further penetration into the juvenile justice and child welfare systems and increasing services to DSY youth will accrue in North Dakota as they have elsewhere.

⁷ The North Dakota Department of Human Services’ statewide expansion of the FCE program was completed effective July 1, 2020. During the twelve month period covered by this evaluation the only expansion was to authorize nearby counties to take advantage of unused capacity in the counties covered by the FCE pilot program.

A recent study by the North Dakota Division of Juvenile Services has reported that 80% of North Dakota youth currently in correctional custody are dual status youth – with histories including involvement in both the abuse and neglect and juvenile delinquency systems in North Dakota.

The evaluation focused on whether the protocol was implemented – whether information sharing and MDT/FCE meetings took place. It gathered data on three outcome measures – changes in dispositions, removals from home after a youth has become “Involved,” and subsequent court referrals after a youth has become part of the DSY initiative.

The process evaluation addressed these questions:

1. Was an effective governance/management process implemented and maintained?
2. Was a DSY protocol adopted and were its contents clear to all participants?
3. Was the information sharing MOU negotiated and implemented?
4. Did preliminary information sharing take place regarding Identified DSY youth?
5. Did MDT/FCE meetings take place? Did parents feel Involved and listened to?
6. Did training take place? Was it evaluated as effective?
7. Was regular reporting implemented and data collected?

The outcome measures will be addressed by comparing dispositions, removals from the home and subsequent referrals for cases initiated during the first six months of the DSY initiative with the 2015 baseline data set. While it addresses only the first six months’ cases, it tracks them for the entire first year of their involvement both in 2015 -16 and 2019 – 20. Although comparisons with the baseline are limited to the cases Identified during the first six months of the Initiative, this evaluation otherwise includes all data gathered about cases Identified during the first twelve months of the Initiative, including all activities in those cases reported by court staff by April 30, 2020.

The evaluator was asked to remain alert to the possibility that other changes might occur during the implementation of the program, such as changes in the demographics of DSY youth.

Limitations of the Data

The data collected for the project is maintained in an Excel spreadsheet with a single row for each youth Involved in the initiative. A youth is entered into the spreadsheet when s/he is first Identified in an email to the field. This occurs when s/he has received a referral to either the

child welfare or juvenile delinquency system and is matched with a current or previous involvement in the other system. If s/he receives an additional referral to either system, this is recorded as a “subsequent referral” – not as an additional DSY case – and information on the subsequent referral is recorded on the same row as the initial referral. A second row is never created for the same youth.

The date of the initial email to the field is recorded as the date of commencement of the case. This date is never altered and serves as the start date for completion of the steps called for in the protocol.

Information about the progress of the case, including completion of the steps called for in the protocol and the ultimate disposition of the initial and all subsequent referrals is reported to the Initiative staff by the juvenile court officer Involved in the case. The JCO uses a CMS “test screen” to enter and report the data. The Initiative staff then enter the data from the test screen into the data spreadsheet. The spreadsheet is the place where all data concerning the initiative is maintained and data is only entered into the spreadsheet by Initiative staff to maintain consistency.

A test screen once submitted cannot be edited, but it can be erased and re-entered in its entirety. Juvenile court officers therefore have an incentive to wait for the events associated with a referral to be completed before preparing a test screen for that referral. This has led to a lag in the reporting of information about case events. However, the staff gave the field two months – from the end of the first year at the end of February until the end of April – to complete data entry for purposes of this evaluation. This period coincided with the onset of the coronavirus pandemic, which complicated all processing. And the data shows that DSY Initiative activities slowed considerably in February 2020.

Additional test screens are submitted for subsequent referrals associated with the same youth. It is not unusual for staff in the field to take initial referrals less seriously and subsequent referrals of the same youth more seriously. If, for instance, the staff conclude that an initial referral does not warrant an MDT/FCE (despite the protocol requirement for holding one) they may hold one at the time of a subsequent referral. There is only one field in the spreadsheet for entry of information about an MDT/FCE. Initiative staff have followed a practice of entering MDT/FCE information for the case whenever it occurs – for the first or for a subsequent referral. This produces complete information on the holding of an MDT/FCE for the DSY youth. However, information on the timeliness of the MDT/FCE – based on the elapsed time from the date of the initial email to the date of the MDT/FCE – is no longer accurate because the initial

email date is no longer the appropriate point from which to measure the MDT/FCE's timeliness. If it was held in conjunction with a subsequent referral.

Similarly, if information about the date of initial contact between social service and court staff is taken from a test screen for a subsequent referral, the elapsed time from the date of the initial email is no longer an appropriate indicator of the timeliness of the initial contact.

There are similar lags in the entry of information about child welfare services into the North Dakota Department of Human Services FRAME system. When this occurs for new abuse or neglect referrals, the case can be Identified as a DSY case – and child welfare workers notified by email of its DSY status – well after the child welfare workers have received, investigated and acted on the child abuse and neglect report. Child welfare staff raised this “late notice of DSY status” as an issue during the July feedback sessions. The data entry time lag also produces anomalous data for the date of first contact, which is frequently reported to be as much as two months prior to the date of the initial email – reflecting the fact that child welfare staff actually first contacted juvenile court staff to seek information concerning a case well before they received an email alerting them to the youth's DSY status.

When the DSY initiative staff first began sending DSY status emails, they simply sorted and sent information about all cases referred by the North Dakota Department of Human Services as a result of its matching software program. As the staff became more familiar with the process, they began to look into the history of the referred cases and cull out cases that did not fully meet the DSY definition. This resulted in fewer numbers of “Identified youth” cases being taken into the initiative. The October 24, 2020 change in the look back period from ten to five years led to an additional reduction in the number of Identified youth cases included in the initiative for the last four months of the evaluation period.

The staff has also reclassified some of the youth from the status of Identified to that of Involved. For instance, the spreadsheet used to produce the six month report contained 881 cases in which notice had been sent to the courts and child welfare workers during those first six months. The spreadsheet for the first year – on which this twelve month report is based -- contains only 868 cases initiated during those same six months; there are 49 more Involved youth cases and 62 fewer Identified youth cases. The numbers of cases initiated in a given month for which an MDT/FCE has been held also changes from report to report. As noted earlier, a subsequent referral, rather than the initial referral, may motivate field staff to conduct an MDT/FCE in a case. So a case that did not have an MDT/FCE for an earlier report may have one for this report. And the date an MDT/FCE was held is not reliably related to the date a case is entered into the system. Greacen Associates has not attempted to identify the

specific changes in the database, accepting that this is an always evolving initiative which is served best by an information collection process that updates information as appropriate. Consequently, the data for the six month report is not necessarily consistent with the data on which this twelve month report is based.

Because of these data limitations, this report does not contain information on the timeliness of DSY initiative events. It notes these and other data limitations that should be taken into account in interpreting specific data in the report.

Data on the source of a referral and the location from which the referral was made is included in the spreadsheet for each case. However, the only source for this information is from the records of the juvenile court. The source of a social services child abuse and neglect report is confidential. Consequently, the referral source and referral location data will not relate to the referral that generates the DSY case if that referral is to social services. It will instead relate to the matched juvenile court referral which could have been some time in the past. Consequently, this evaluation does not report on the source or location of referrals.

Finally, the spreadsheet contains a juvenile court disposition for every referral – whether the initial referral or a subsequent referral, even though the actual initial referral may have been to the child welfare system. Child welfare system “services required/services not required” determinations are not documented in the spreadsheet; decisions to place a child in foster care are included. Every subsequent referral is a juvenile court referral, with a seriousness rating and a court dispositional decision.

Greacen Associates conducted tests for the statistical significance of differences for the two variables that appeared most likely to produce a significant result -- the differences between the baseline and DSY data for out of home placements and initial referral dispositions. Neither proved to be statistically significant (with p values of .693 and .092, compared to the generally accepted standard of $p < .05$). Given the negative results for these two most likely candidates and the difficulty of creating testable variables for subsequent referrals⁸, we did not conduct other statistical significance analyses.

⁸ Subsequent offenses are included in the spreadsheets for both the baseline and the DSY data for each youth, not for each offense. The data appears in twelve different sets of data elements – first subsequent offense, second subsequent offense, etc., through twelfth subsequent offense. For each subsequent offense, a separate column exists for the referral’s nature, date, source, location, and disposition. The spreadsheet format was designed by the evaluator to reflect the fact that these subsequent referrals are not treated as new cases in the Initiative, but rather as events in the history of the particular youth. Greacen Associates simply counted all of these events for purposes of compiling this report. But it is impossible to aggregate all of this subsequent offense data for purposes of statistical significance analysis.

The First Year of the Dual Status Youth Initiative

Several of the process evaluation questions were answered conclusively during the first six months of the DSY initiative:

- An effective governance/management process was implemented and maintained. The Executive Committee has functioned well, as have the staff of the North Dakota Department of Human Services and the Administrative Office of the Courts.
- The DSY protocol was negotiated among the stakeholders and adopted.
- The information sharing MOU was negotiated and implemented. The identification of DSY youth is working, with the limitations noted above related to the timeliness of data reporting.
- Training took place. The training video is available on the North Dakota Judicial Branch website.
- Regular reporting and data collection were implemented. The initiative staff have taken steps to ensure consistency in the data entered into the spreadsheet. The analyses contained in this report note where participants have and have not provided data. The only awkward part of the automation is that the test screen used to collect data on active cases cannot be edited. If data is reported before case processing is completed, the data has to be completely re-entered to correct or supplement the information originally entered.

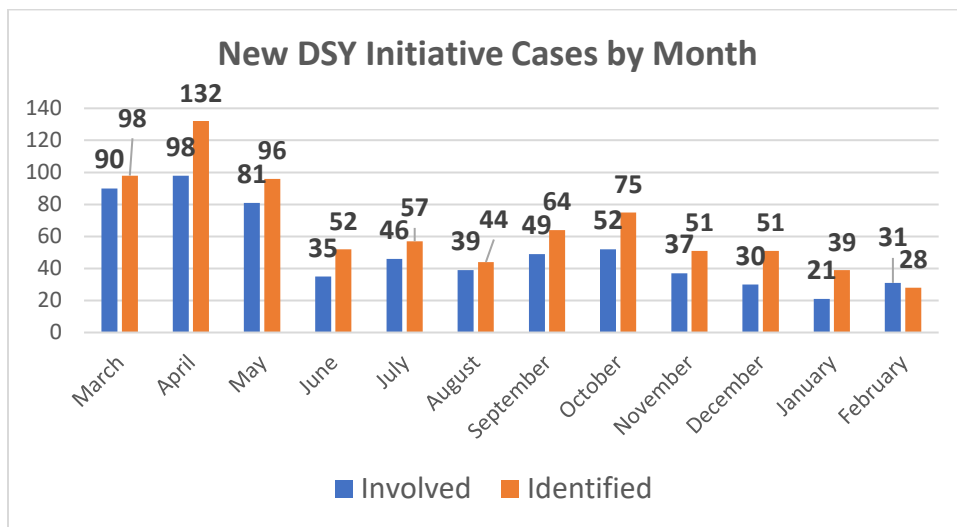
Data on dual status youth cases

During the first year of the DSY initiative, it engaged with 1396 North Dakota youth. Using the definitions of the initiative, they are either Involved or Identified. Of the 1396 cases, 609 are Involved and 787 are Identified.

The number of new cases added to the initiative varied dramatically from month to month. The chart below shows that the number of new cases was highest during the first three months, dropped significantly during the summer months, rebounded slightly in the fall and gradually declined to its lowest levels during January and February of 2020. A central question posed for this evaluation is why the number of cases dropped so dramatically over the first year of the DSY Initiative

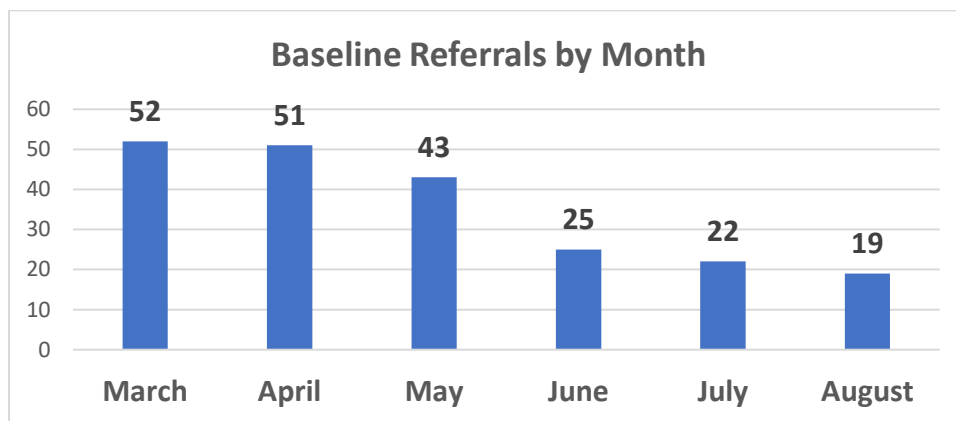
The reduced “look back” period led to fewer new Identified cases, but the data shows that the numbers of both Involved and Identified cases declined after that change took place. The picture of new DSY Initiative cases is a very high number of newly logged cases during the first

three months, with a dramatic drop off after that, with a slight increase during the early fall. February is the only month in which there are more new Involved cases than Identified cases.



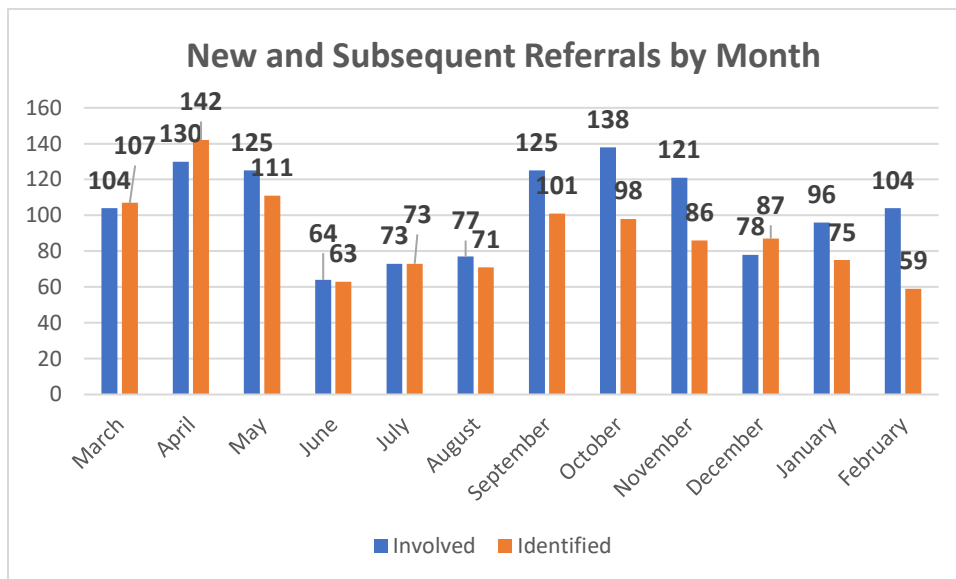
The initiative does not seem to have reduced the likelihood that youth included in the program will have additional social service or juvenile court referrals. The analysis of that data appears later in this report.

Many referrals (e.g., “unruly” behavior) have their origin in schools, which are not in session in June, July and August; this phenomenon is consistent with the drop from May to June and the increase from August to September. The summer drop is also reflected in the 2015 baseline data.



There are several factors within the DSY Initiative itself that help to explain the declining number of new cases.

- As they became more sophisticated, staff at the Administrative Office of the Courts began aggressively researching new cases and culling the number to be referred to the field; this could have taken effect in May and June, reinforcing the “summer” effect.
- The reduced “look back” period was implemented in late October, explaining the continuing decline beginning in November.
- The way the initiative treats subsequent referrals of Involved youth also has the effect of reducing the number of new DSY cases reported. When a youth already in the program has a new referral, it is not counted as a new case, but rather as a subsequent referral in the existing case. The next chart combines the number of new cases with the number of subsequent referrals for both Involved and Identified youth recorded each month. It represents the total number of initial and subsequent referrals of DSY youth.



This analysis shows the same significant drop in youth referrals during the summer months, but also shows a substantial rebound for Involved youth referrals during the fall of 2019. It also reflects the impact of the reduced look back period beginning in November for Identified youth cases.

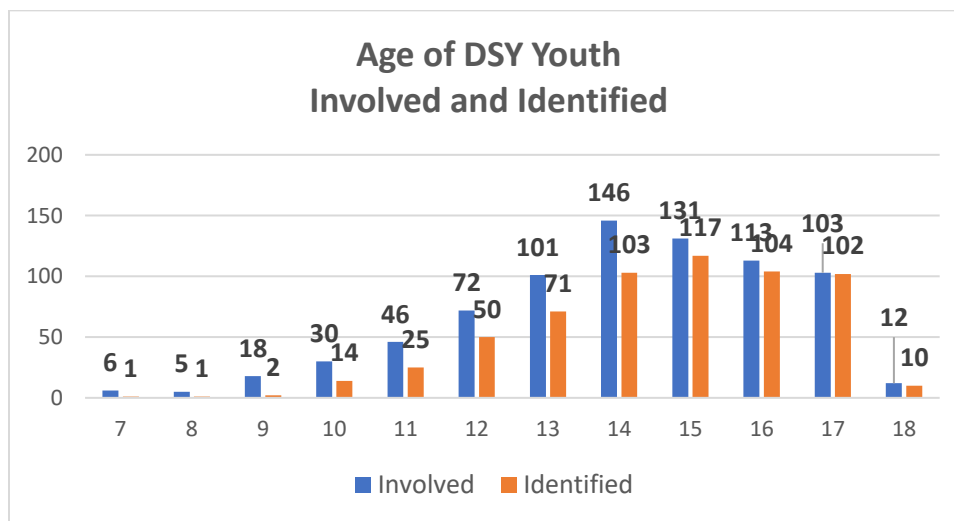
Unlike the previous chart, this analysis shows that since the third month of the Initiative (except for December) Involved youth, not Identified youth, are responsible for the majority of new referrals. And the reduced look back period did not have the effect of reducing the number of new and subsequent referrals for Involved youth – only for Identified youth. The overall picture of the DSY program is not of a continuing steady decline of referrals, but rather of a relatively

steady number of referrals except for fewer referrals during the summer and the winter of 2019-20.

Data on dual status youth

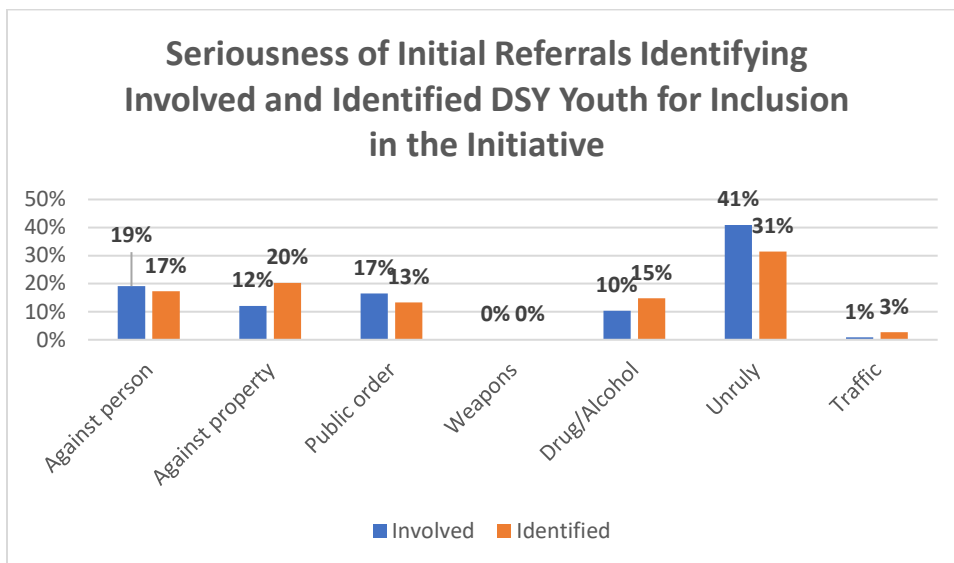
To understand the operations and challenges of the DSY initiative, one must not make the mistake of assuming that youth coming into the program were experiencing their first encounter with the social services and juvenile courts of North Dakota. The whole point of the initiative was that these youths were already involved in one or both systems. Those who were Involved had prior contact with both systems. Those who were Identified had had previous contact with one of the systems, although it may have been many years previously.

However, for purposes of the DSY initiative, their “first” referral was the one that caused them to be flagged as a DSY youth by the Department of Human Services computer program. We begin to describe them by looking at their ages at the time they were identified and entered into the DSY initiative data collection system. The first chart shows the total number of young people at different ages at the time they were brought into the program. The Involved youth were most likely to be 14, followed by 15, 16, and 17 in that order, then 13, 12, 11, 10 and 9. Eighteen year-olds were relatively rare. Identified youth were most likely to be a year older, but the age progression was similar to that of Involved youth after that point.

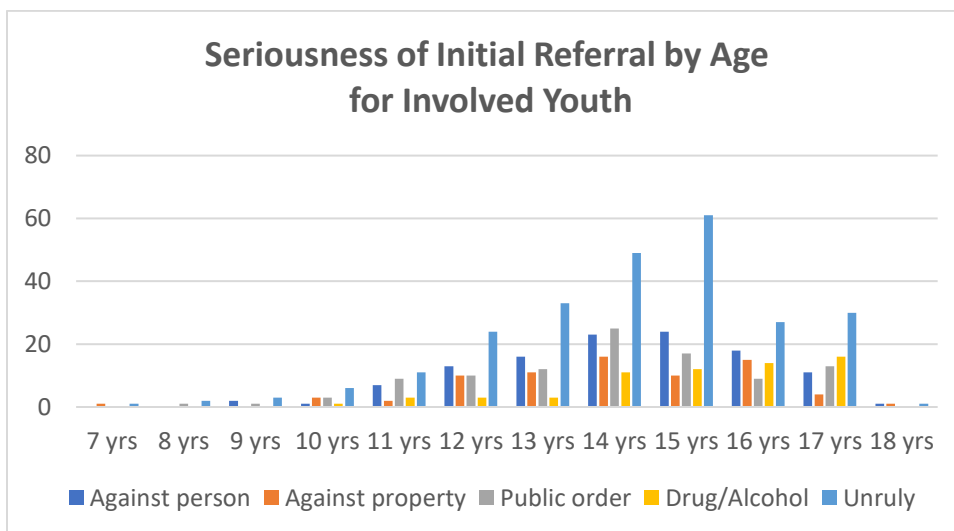


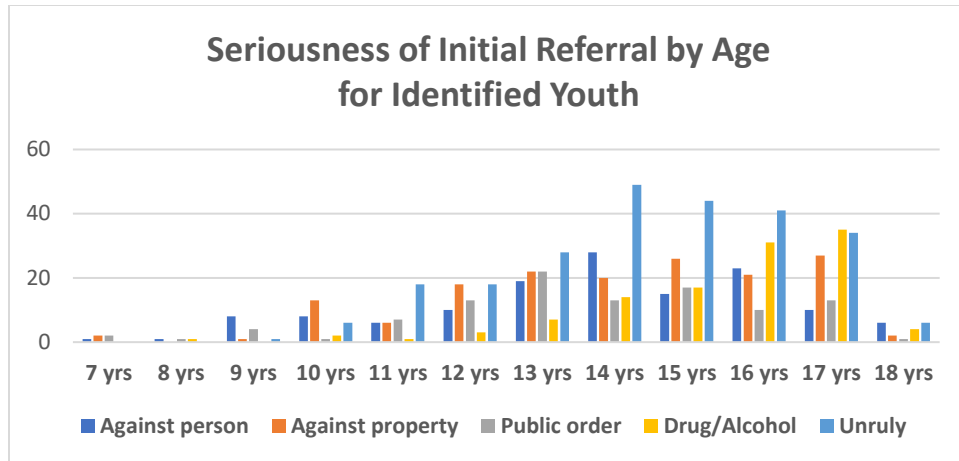
The next charts show the nature of the behavior that brought them to the attention of the initiative. The first table shows that both Involved and Identified youth were most likely to be referred for unruly behavior – 41% of referrals for Involved youth and 33% of referrals for Identified youth. Involved youth were next most likely to be referred for an offense against the person (19%) or public disorder (17%). Identified youth were next most likely to be referred for

an offense against property (20%), an offense against the person (17%), drug or alcohol (15%), or public disorder (15%).

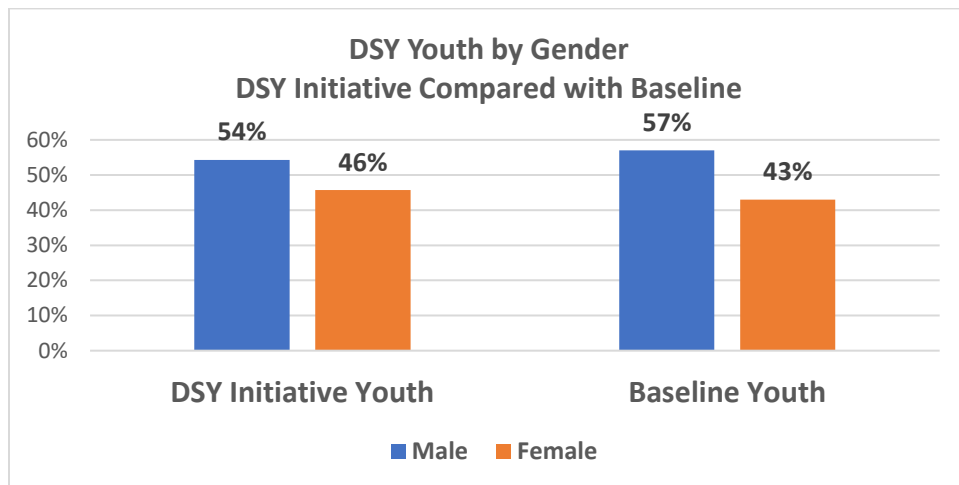


The relationship between age and likelihood of being referred for a particular offense is shown first for Involved youth and then for Identified youth. The chart shows the number of referrals of each type for youth of a particular age; because they are so few in number, weapons and traffic cases have been left off these two charts. Unruly behavior charges are the most frequent basis for referral at every age except for 7, 8, 9, and 10 year old Identified youth (who generally have to do something more serious to be cited).





One of the objectives of the evaluation has been to remain alert to possible unanticipated changes that might result from the DSY initiative. The baseline data sample consists solely of Involved youth. Based on that comparison, the composition of DSY youth has changed from 2015 to 2019-20.⁹ The proportion of females has increased from 43% to 46% of Involved youth. That represents an increase of 7% in the proportion of Involved youth who are female. Females make up only 41.4% of Identified youth in 2019-20



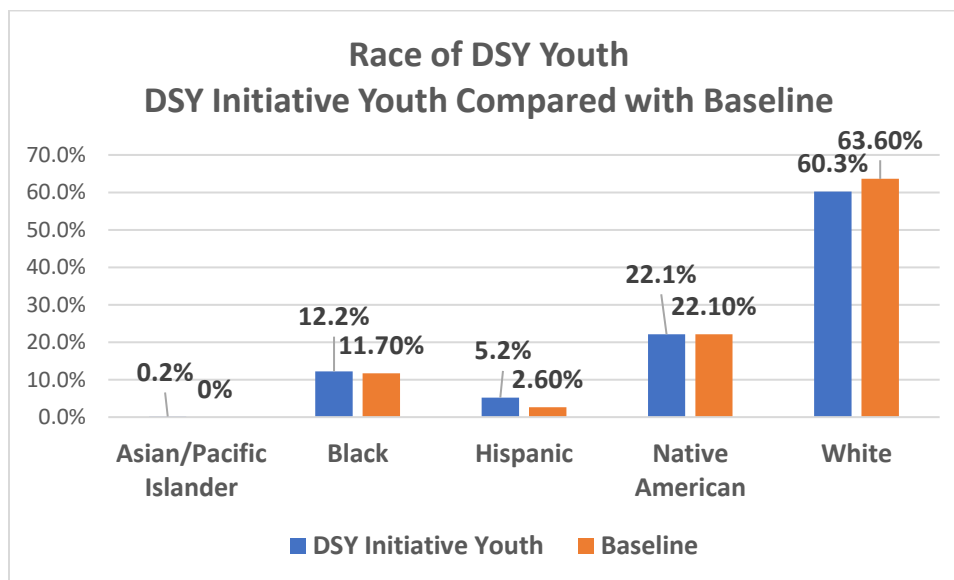
The percentage of minority group members within the Involved youth population increased from 36.4% in 2015 to 39.7% in 2019-20., or a 9% increase over a five year period.¹⁰ The largest increase is for Involved Hispanic youth, which doubled from 2.6% to 5.2% of all Involved youth

⁹ The data reported compares filings for a six month period in 2015 with a twelve month period in 2019-20. There is no reason to believe that this type of data on gender and race will be affected by the timeframe difference.

¹⁰ Information on race is missing for roughly 9% of the DSY cases. Those cases have been eliminated in computing the percentages displayed in the chart.

over the four-year period. Minorities constitute only 31.4% of the Identified youth population in the DSY Initiative.

The Census Bureau’s 2017 estimate is that the North Dakota youth population is 77.3% White. Non-White DSY youth are 2.2 times more likely than White youth to be in the DSY initiative Involved cohort. Native American youth are present in the DSY sample at 2.5 times their proportion of all North Dakota youth. Sixty percent of the Native American referrals take place in urban or nearby suburban counties – in the Bismarck, Fargo, and Grand Forks areas.



There is obvious racial disparity within the North Dakota juvenile court and social service systems, as there is throughout the United States, and it has increased in recent years.

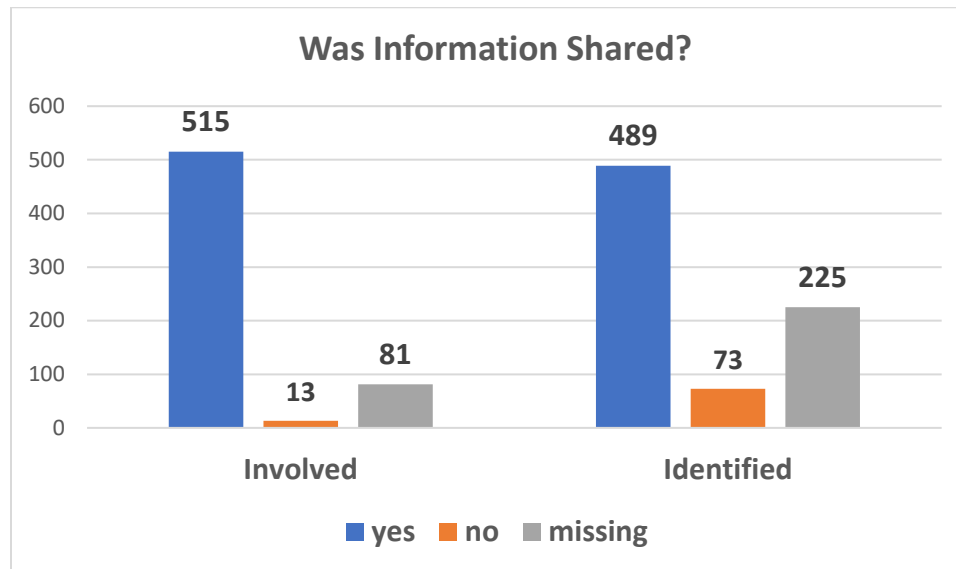
Compliance with the Protocol

The protocol calls on social service and court staff to perform two specific tasks – sharing information on all cases and conducting MDT/FCE meetings for cases with Involved youth. The juvenile court officers are tasked with entering data into the CMS test screen, but they must obtain a good part of the information from their social service colleagues.

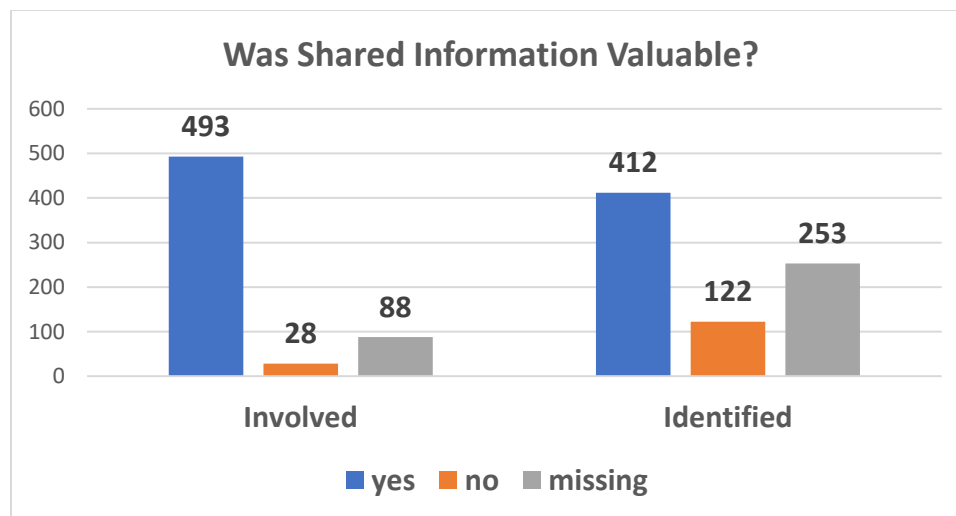
The information sharing requirement

The information sharing requirement is that the unit with the new referral contact the unit with the previous referral within two days of receiving notice of the youth’s DSY status as either Involved or Identified. The test screen records the date contact was made, whether information was shared (yes/no), and, if so, whether it proved valuable (yes/no). As noted previously, we have concluded that the timeliness data is not sufficiently reliable to use for this

evaluation. Therefore the information analyzed is limited to whether information was shared and whether it proved valuable. Unlike previous analyses, we have included data on missing values in this portion of the report because failure to answer is quite similar to “no.”



Information was shared in 99% of the Involved cases for which an answer was provided, but for only 81% of those cases if the missing data is interpreted as “no.” For Identified youth, information is shared in 77% of the cases for which an answer was provided, but for only 57% of the cases if the missing data is interpreted as “no.”



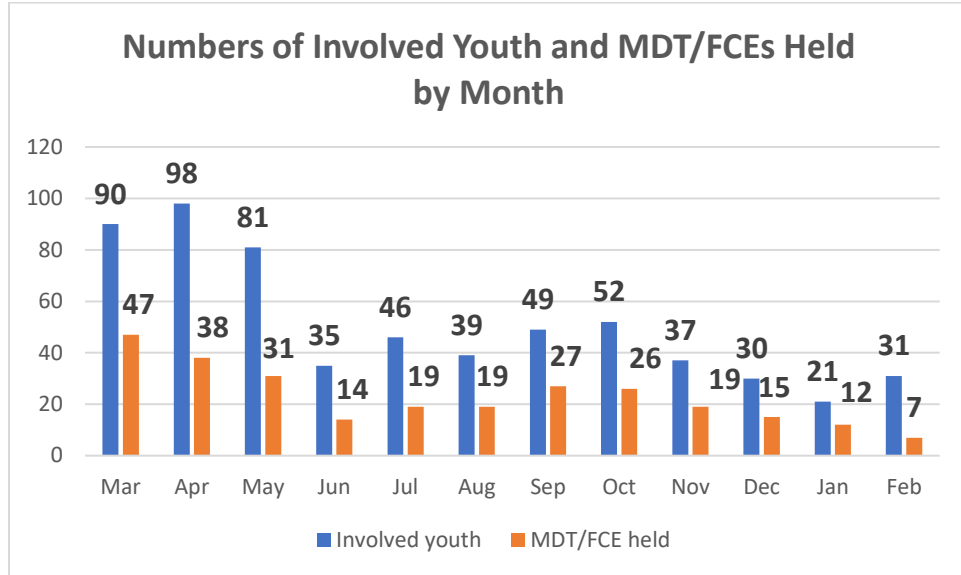
For the cases for which information was provided, the participants reported that the information was valuable in 95% of the Involved cases and in 77% of the Identified cases. When missing data is interpreted as “no,” those percentages drop to 81% for Involved youth cases and to 57% for Identified youth cases.

Multidisciplinary Team Meetings (MDTs and FCEs)

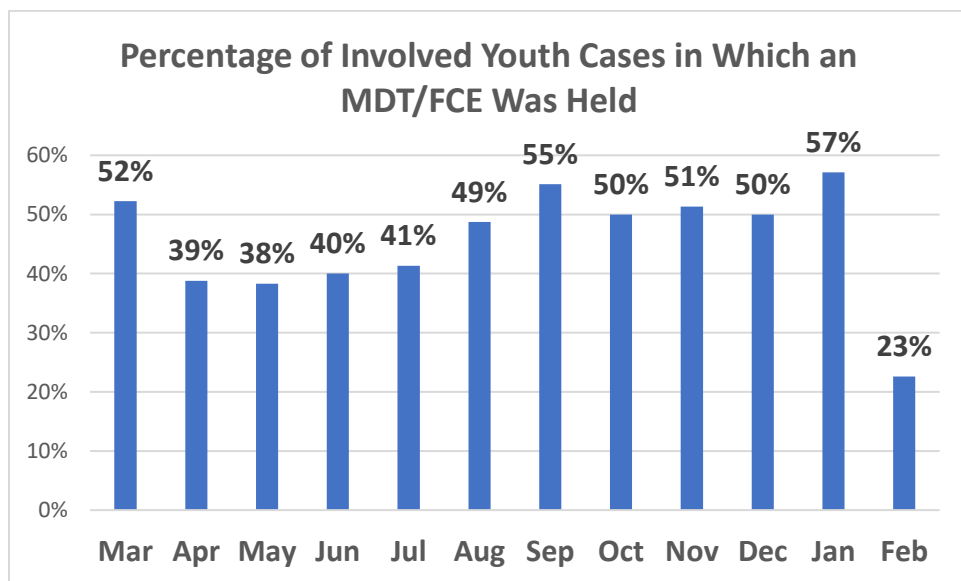
The DSY protocol calls for the courts and social services to conduct a Multi Disciplinary Team meetings (MDT) for every case with an Involved Youth. The meeting is to be arranged by the unit with the most significant contact with the youth. It is to include the youth (depending on the youth's age), parents, guardians, or other family members, representatives of the court and social services, a foster parent or representative of another out of home placement, and treatment professionals who have been Involved with the youth. The protocol contains a detailed outline of the MDT process.

If the county is covered by the North Dakota Family Centered Engagement (FCE) program, an FCE can be held instead of an MDT. The only significant difference between the two processes is that an FCE is arranged and conducted by a neutral third party employed by and trained by a statewide contractor called The Village. By the terms of the state contract, an FCE cannot be conducted unless a parent participates nor may an FCE be held after a child enters foster care. Counties in which the program has been deployed are allotted a certain number of FCEs per month. For the most part, these available "slots" have not been fully utilized by North Dakota counties. When FCEs may not be used because of the restrictions in the state contract, an MDT can be held.

Compliance with the protocol's MDT/FCE requirement has been a problematic part of the initiative from its inception. The discussion of the limitations on the data explain that the MDT/FCE data is dynamic rather than static. There is only one MDT/FCE date for each DSY youth; that date may be entered at the time that this event should be held under the protocol, or it can be entered at a later date when the field staff are motivated by one or more subsequent referrals to convene a meeting. Consequently, the percentage of cases during any month in which an MDT/FCE has been held will vary based on the date that the database is queried. These monthly percentages have therefore varied from report to report submitted by Greacen Associates. The first chart below shows the numbers of Involved youth cases in which an MDT/FCE date has been entered in the spreadsheet as of the end of April 2020. Greacen Associates has used the entry of an MDT date in the DSY database as evidence that an MDT or FCE was held, unless there is also a reason given for not holding an MDT. For the first year of the initiative, MDTs or FCEs were held in 274 of the 609 cases with Involved youth. MDT/FCEs were also held in 58 cases with Identified youth – cases in which such meetings are not required, but, of course, are permitted.



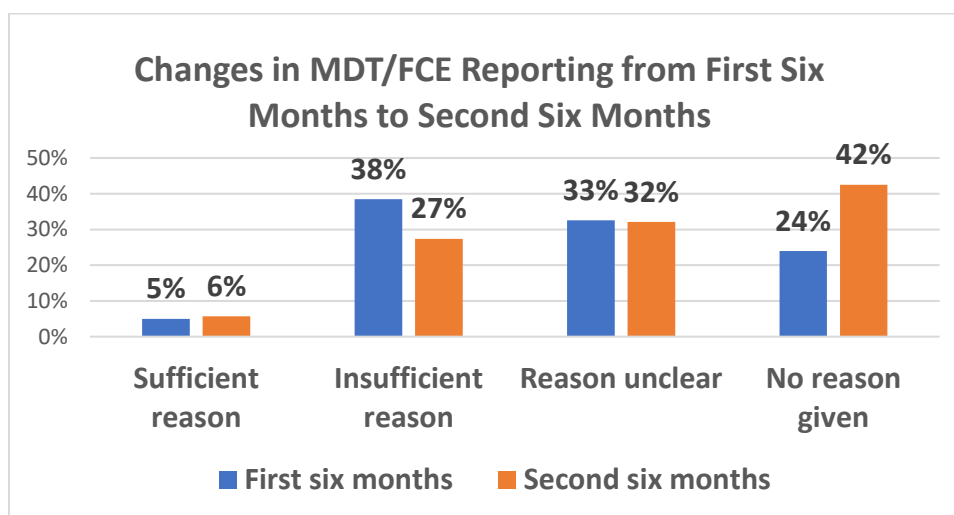
The second chart shows the percentage of Involved youth cases in which an MDT/FCE was held for each month. The percentage for February is aberrant – undoubtedly influenced by the impending pandemic. For other months, the rate has varied from a low of 38% in May to a high of 57% in January. The average compliance rate over the course of the first year was 45%, with that figure being at 50% or above over the final six months of the Initiative (disregarding the February data). Compliance has been lowest in the months with the highest numbers of new cases and highest where the opposite has been true.



Greacen Associates provided interim reports on MDT/FCE compliance for each two-month period as the initiative’s implementation progressed through the sixth month. Those reports were circulated to the field. A general reaction to the interim reports was that they did not reflect the full extent of MDT/FCE completion. Data has since been updated.

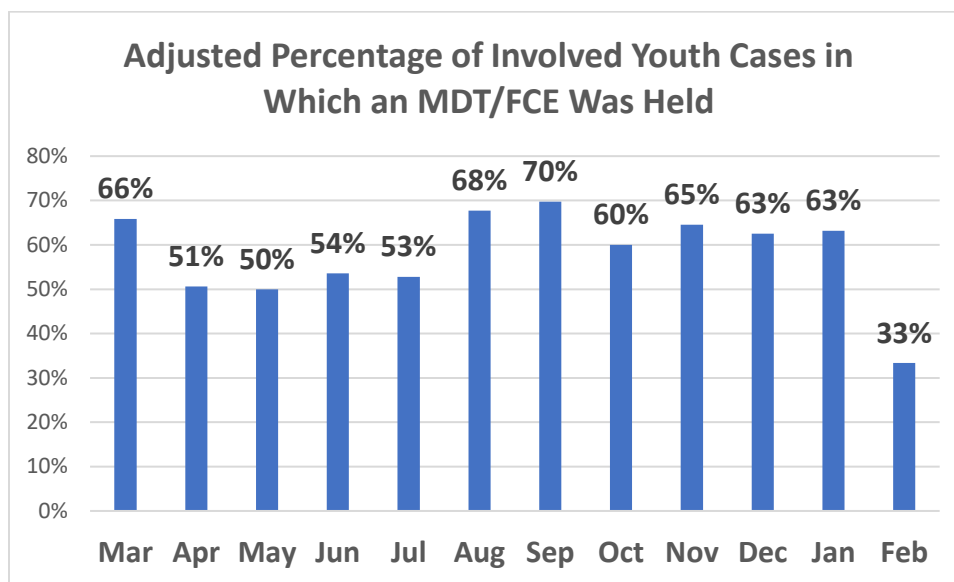
We have reason to believe that the MDT/FCE requirement, although laid out clearly in the protocol and in the online training,¹¹ was not fully understood in the field. This was the feedback we obtained from both the online survey and from regional feedback sessions conducted in July. It is also supported by entries in the DSY spreadsheet for the “reason that an MDT/FCE was not held.” For the 237 Involved youth cases in which MDT/FCEs had not been held, the database contained 201 reasons for not holding a meeting. No reason was given for the other 18% of these situations. From the standpoint of the DSY staff, 11 (6%) of the reasons that were given are sufficient, 89 (44%) are insufficient, and the sufficiency of the remaining 101 (50%) is unclear. This information was set forth in detail in Greacen Associates’ six month report. This process led to fewer insufficient reasons being reported during the second six months but also to more instances of no reasons being given.

This data makes clear that the failure to hold MDT/FCEs as required by the protocol no longer reflects misunderstanding of its requirements; rather it shows that personnel in the field simply disagree with the cost/benefit value proposition of holding an MDT/FCE in every Involved youth case or conclude that the objective of the DSY initiative has already been met without holding a meeting.



¹¹ There is one area in which the protocol itself is not completely clear and that is the time period within which an MDT must be held. If it is to be held before a court hearing in the case, there are a number of requirements for speedy hearings in cases in which a youth is held in custody or in an emergency out of home placement which require very quick planning for and conducting of an MDT/FCE.

Greacen Associates used this information to create an “adjusted” percentage of MDT/FCEs held. The adjusted percentage treats cases with a sufficient reason as if an MDT/FCE had been held. It removes the cases with unclear answers from the number of Involved youth cases in which MET/FCEs were called for. The adjusted data for the twelve months of the Initiative is shown below. Using this measure, the protocol was complied with in over 50% of Involved youth cases in every month for which we have reliable data. For the twelve -month period the adjusted figure is 58%. But this is well short of the requirement that a meeting be held for the initial referral in every Involved youth case.



Compliance with the MDT/FCE requirement varies widely from county to county. The table below shows the counties that have had Involved youth cases, the number of Involved cases they have had, the number and percentage of cases in which they have conducted MDTs or FCEs, the numbers of sufficient, insufficient, and unclear reasons they gave for not holding an MDT/FCE, and the adjusted percentage produced by considering the information about the reasons given.

Although none of them had more than two Involved youth cases, five counties – Bowman, Dickey, Grant, LaMoure, and Wells – had MDTs or FCEs in every case. Stark County (with 39 MDT/FCEs in 44 Involved youth cases) had the best record – 87% – of courts with a significant number of cases. All three of the largest North Dakota counties have performed at or above the state average, with Burleigh holding meetings in 57% of its cases. Nineteen counties held no meetings in cases with Involved youth despite having as many as six Involved youth cases.

Compliance with MDT/FCE Requirement of the DSY Initiative Protocol

	In- volved youth	MDT/ FCE held	Suffi- cient Reason	Insuffi- cient Reason	Reason unclear	No reason given	Actual percent- age	Adjust- ed percent -age
Barnes	10	5	1	2	0	2	50%	60%
Benson	6	1	0	1	3	1	17%	33%
Bowman	2	2	0	0	0	0	100%	100%
Burleigh	79	45	2	13	14	5	57%	72%
Cass	115	49	3	32	25	6	43%	58%
Dickey	1	1	0	0	0	0	100%	100%
Divide	1	0	0	0	0	1	0%	0%
Dunn	3	2	0	0	0	1	67%	67%
Eddy	1	0	0	0	0	1	0%	0%
Emmons	1	0	0	1	0	0	0%	0%
Foster	2	0	0	1		1	0%	0%
Grand Forks	91	44	4	16	12	15	48%	61%
Grant	2	2	0	0	0	0	100%	100%
Griggs	3	0	0	2	1	0	0%	0%
LaMoure	1	1	0	0	0	0	100%	100%
McHenry	1	0	0	0	0	1	0%	0%
McKenzie	10	2	0	1	0	7	20%	20%
McLean	5	1	0	1	1	2	20%	25%
Morton	28	17	0	5	5	1	61%	74%
Moun- trail	3	0	0	0	0	3	0%	0%
Nelson	3	1	0	2	0	0	33%	33%
Pembina	3	2	0	1	0	0	67%	67%
Pierce	1	0	0	1	0	0	0%	0%
Ramsey	19	6	0	2	8	3	32%	55%
Ransom	3	1	0	0	2	0	33%	100%
Richland	14	3	1	5	3	2	21%	36%
Rolette	9	2	0	1	3	3	22%	33%
Sargent	4	1	0	1	2	0	25%	50%
Sioux	4	3	0	0	1	0	75%	100%
Stark	44	39	0	4	1	0	89%	91%
Stutsman	24	11	1	3	6	3	46%	67%
Towner	4	1	2	0	0	1	25%	75%
Trall	6	0	1	3	0	2	0%	17%
Walsh	14	10	0	3	0	1	71%	71%
Ward	44	13	0	6	15	10	30%	45%
Wells	1	1	0	0	0	0	100%	100%
Williams	47	7	2	8	3	27	15%	20%

The reasons given for not holding an MDT/FCE for the initial referral in many instances reflected a view from the field that the objective of the DSY initiative was simply to minimize further penetration into the two systems. If that objective had been accomplished by a decision already made by the entity with the most recent referral (for instance a determination by social services of “no services required” for the family or a decision by court staff to recommend diversion or dismissal of a case (e.g., if it was clear that the youth charged in the referral had nothing to do with the incident), there was no reason to hold a meeting. However, the initiative staff and Executive Committee took a different view – that meetings were nonetheless required to ensure that the treatment needs of the youth and the youth’s family had been thoroughly explored. See the six-month report for a full list of the reasons deemed sufficient and insufficient. This difference of interpretation of the MDT/FCE requirement reflects different understandings of the theory by which the meetings would lead to better outcomes for DSY youth. It is not possible to separate out the extent to which non-compliance with the MDT/FCE requirement resulted from this different understanding of the purpose of the initiative or from a simple unwillingness to perform a time consuming task.

The initiative collected feedback questionnaires from parents/guardians/family members of DSY youth who participated in MDTs. 142 questionnaires were completed¹² during the first six months of the initiative. Participants were asked to indicate their agreement with a series of statements on a scale of 1 to 5, with 5 being the highest score. The questions addressed whether the time and place of the meeting were convenient, whether the process was explained clearly, whether s/he had an opportunity to express her/his point of view, whether it was taken seriously, whether s/he was treated with respect, whether her/his role was taken seriously, and whether s/he would recommend that other parents participate in this process.

For the twelve-month period, the average score on each item ranges from 4.3 to 4.7. The lowest score is for complete explanation of the process. Encouragingly, the highest scores are for being treated with respect, with having my point of view taken seriously, and for willingness to recommend the process to other parents. There is only one parent who rated the process low on every criterion. We sorted the scores by facilitator name and found none with consistently low, or even lower, scores.

This is the strongest possible indication that the MDT/FCEs that have been held have been productive, well-received, and worth the time of court and social service personnel invested in them.

¹² There were 274 MDT/FCEs conducted. Questionnaires were completed in over 50% of these cases.

Feedback from Judges, Court and Social Services Personnel

Early in the DSY Initiative, staff sent an online questionnaire to 78 judges and magistrates who handle juvenile cases. Twelve responded – a 21% response rate. In response to the survey results, the staff developed and disseminated bench cards for all judges in the state who handle juvenile cases.

Similarly, the initiative received organized feedback from court and social services personnel early in the process. An online survey, similar to the one sent to judges, went out to all social service and court staff who had been involved in DSY cases. During the second week of July the staff, the chair of the Executive Committee, and the consultant met face to face with court and social services personnel in Jamestown, Fargo, Grand Forks, Devils Lake, Bismarck, Dickinson, Williston, and Minot. These meetings were organized by the local Juvenile Court Officer. Staff from nearby counties were invited and a number of them attended.

The online survey produced 125 completed responses from 102 social services staff and from 23 court staff. The extensive input from these surveys and discussions was summarized in Greacen Associates' six month report. The most frequent responses were lack of understanding about when an MDT/FCE was required. There was some very hopeful feedback that social service and court staff in some locations had transitioned from completely isolated operations to regular and productive collaboration. Field staff all agreed that North Dakota needs more treatment resources, especially in rural areas. The Executive Committee took all of the input seriously and took steps to respond to input it received. The most significant action taken in response to this feedback was the reduction of the look back period from ten to five years.

Both the Executive Committee and the DSY Initiative staff at the Administrative Office of the Courts have remained open to feedback from the field and from the evaluator during the course of the first year of the Initiative.

Outcome measures

The evaluation collected and analyzed data on all three of the outcome measures – the likelihood of a DSY Involved youth's being removed from the home, the initial dispositions for DSY Involved youth cases, and the number and severity of subsequent referrals of DSY initiative Involved youth. The comparisons are based on Involved youth cases (not Identified youth cases) initiated during the months from March through August of 2015 and 2019 and the events transpiring in those cases through the end of February of the following year. So, for cases commenced in March, we have data from both years for the rest of that month and the

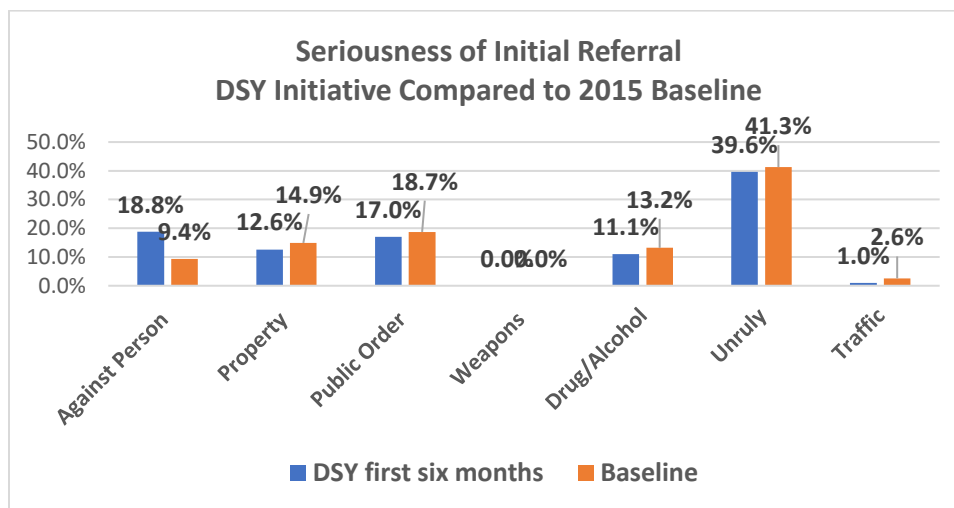
next eleven months. For cases commenced in August, we have data for events happening in the remainder of August and the next six months. So the data for individual cases will vary based on the length of time that elapsed from commencement to the end of the data gathering period. But the two databases are consistent in their construction and composition.

This discussion proceeds through a series of steps:

- Data on the seriousness of the initial referral
- Data on the disposition of the initial referral
- Data on the frequency and seriousness of subsequent referrals
- Data on the disposition of subsequent referrals
- Data on the frequency of removal from the home during the entire data period

Data on the seriousness of the initial referral

The first chart in this series shows the relative frequency of seven categories of initial referrals for – offenses against a person, property offenses, public order offenses, weapon offenses, drug and alcohol offenses, unruliness, and traffic offenses. The cases are relatively similar except for the most serious category – offenses against the person. The DSY Initiative cases are twice as likely to consist of offenses against the person than the baseline cases – 18.8% compared to 9.4% of all initial referrals. We would therefore expect that the dispositions of the DSY cases will be more severe than those for the baseline cases. But that is not the case.

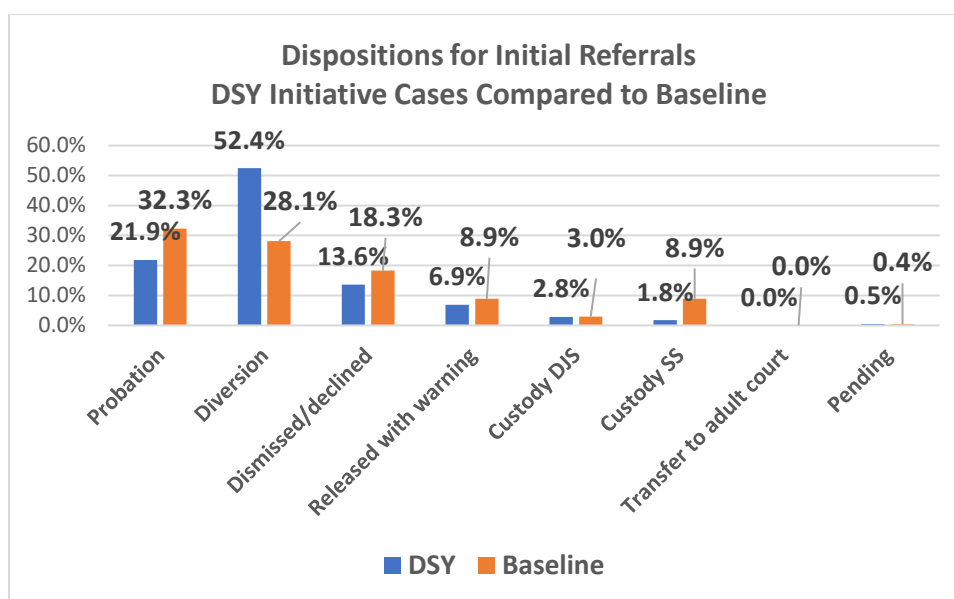


Disposition of initial referral

Disposition data is categorized in accordance with the standard treatment of dispositions in the North Dakota Judicial Branch annual report. The most severe dispositions are commitment to

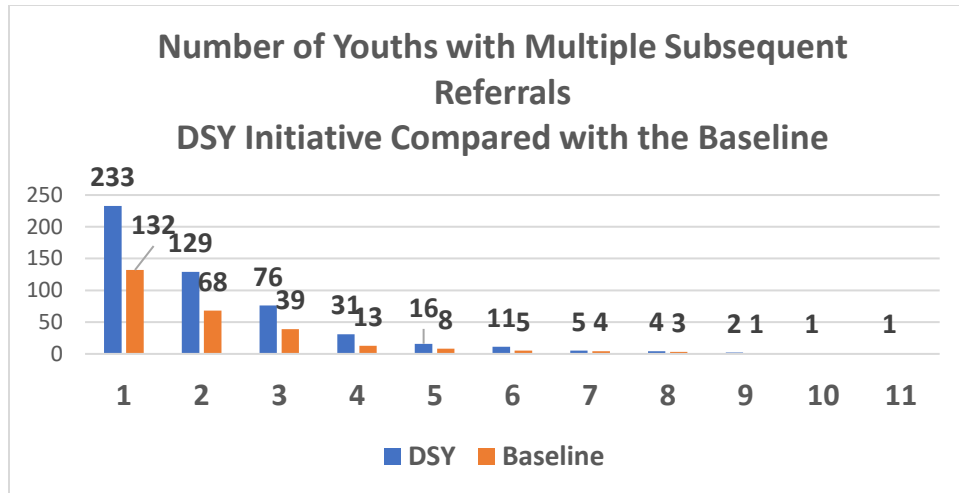
the custody of the Division of Juvenile Services or to the Department of Social Services. The least severe dispositions are diversion, dismissal and release with warning.

The following chart shows how the dispositions of initial referrals in DSY Involved cases compare with the dispositions from the 2015-16 baseline data. DSY initiative cases were committed to the custody of DJJ and DSS in 4.6% of the cases compared to 12.9% of the baseline cases; this disposition was used roughly one third as often as it had been used four years before. Diversion was used in 52.1% of the DSY cases compared with 28.1% of the baseline cases. The least serious three dispositions were used in almost three quarters of the DSY Initiative cases compared with a little over half of the baseline cases. It is clear that the judges are minimizing further penetration into the systems during the DSY Initiative.



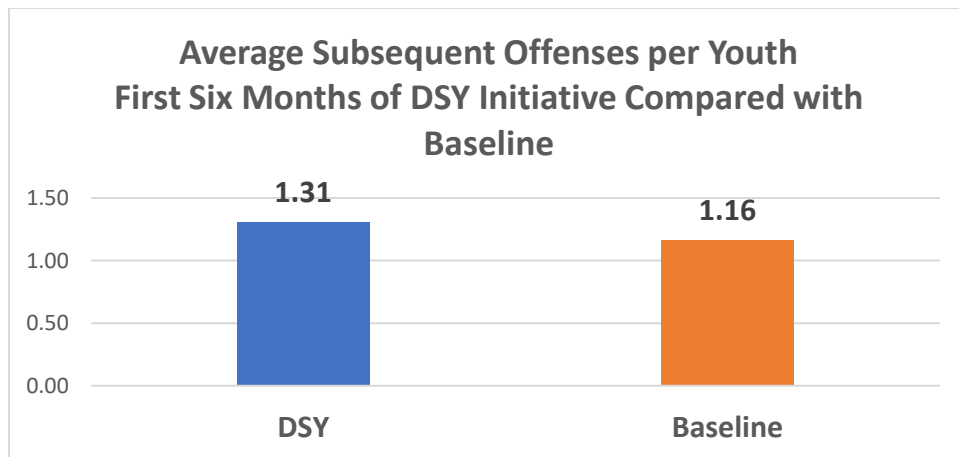
Likelihood of and Seriousness of Subsequent Referrals

How frequently do Involved youth receive additional referrals? Quite frequently. The chart below shows the numbers of Involved youths with subsequent referrals and the number of referrals that each had for the period covered by the data set – cases initiated during the months of March to August of 2015 and 2019 and accumulated by the end of February for the following year. During the DSY Initiative, 223 Involved youths received 509 additional referrals. The corresponding numbers for the baseline were 123 youths and 273 subsequent referrals.

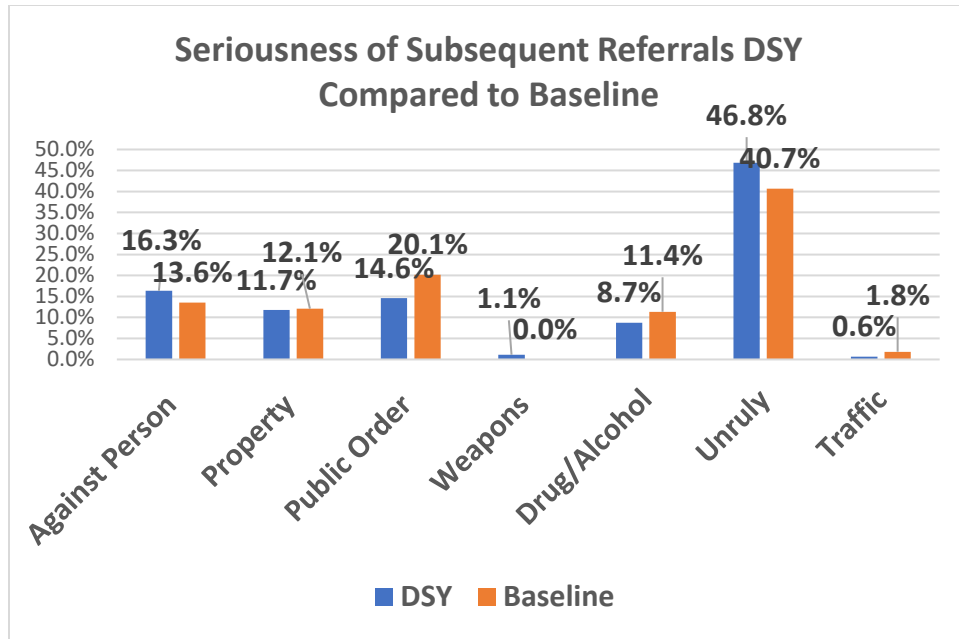


Twenty-four DSY initiative youth had more than five subsequent referrals during the data gathering period, compared to 13 for the 2015-16 comparison group.

Of course, there were more DSY Initiative cases during the first six months (389) than during the baseline period (235). When that difference is taken into account, the average number of subsequent referrals per program participant are more comparable, with DSY Initiative Involved youth having an average of 1.31 subsequent referrals compared to 1.16 for the baseline Involved youth.

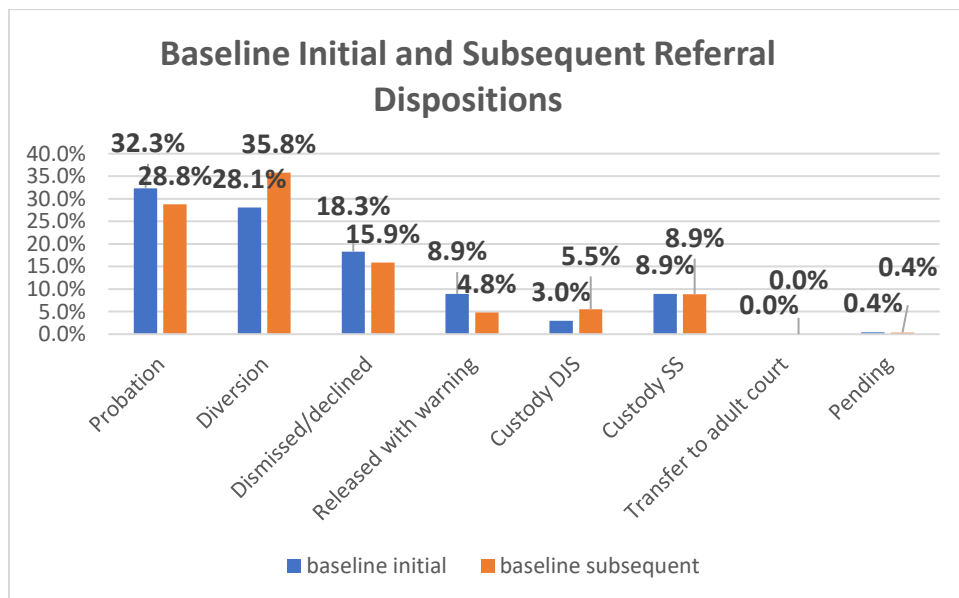


As with the original referrals, the subsequent DSY Initiative referrals are likely to be more serious than those for the baseline cases. DSY subsequent referrals were more likely to be crimes against the person of another and weapon violations. But the picture is less clear because unruly petitions were also higher for the DSY Initiative subsequent petitions.

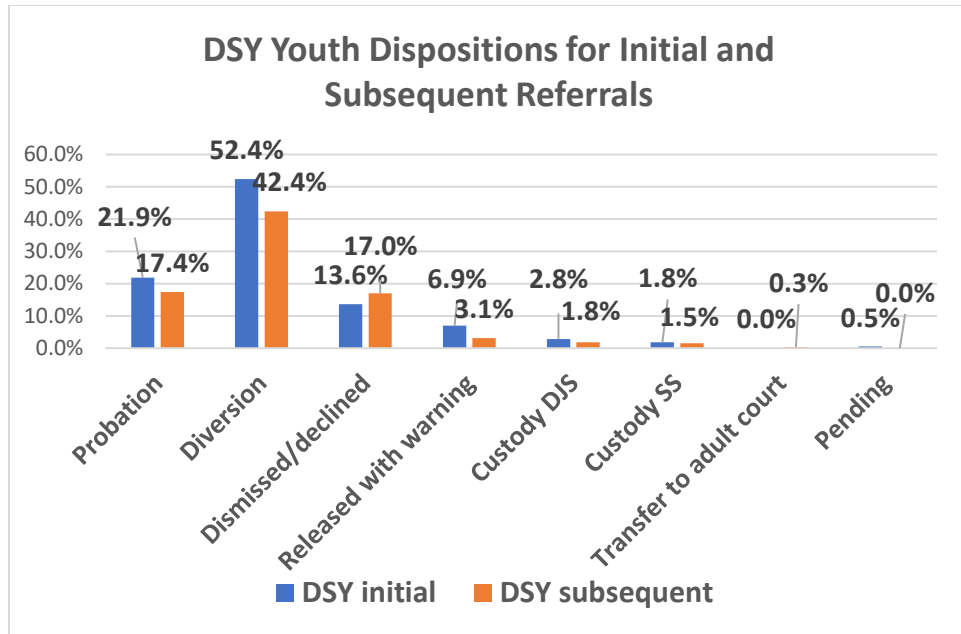


Disposition of subsequent referrals compared to initial referrals

One would expect that judges would choose more serious dispositions for subsequent referrals than for initial referrals. That was true in 2015. An Involved youth was almost twice as likely to be placed in the custody of the Department of Social Services for a subsequent referral than for an initial referral and half as likely to get off with a warning.

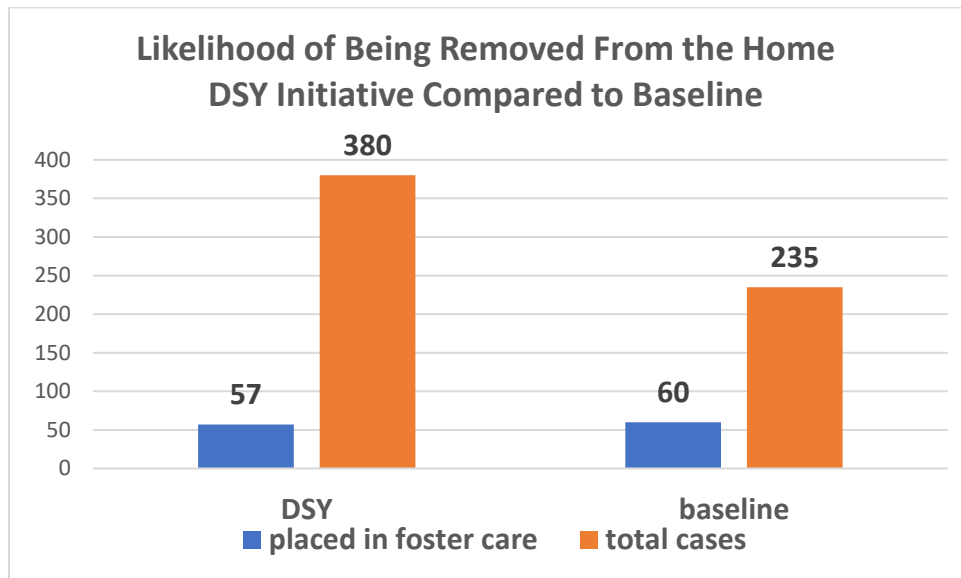


But that was not the case for DSY Initiative Involved youth. With the exception of one youth transferred for trial as an adult, the subsequent referral was less likely to lead to a custody disposition or even the imposition of probation than for the initial DSY referrals.



Likelihood that a DSY youth will be removed from the home

There is a clear difference in the likelihood that an Involved youth will be removed from the home by the end of the first year of the program with the DSY initiative. This has happened in 15% of the DSY Initiative cases compared with 25.5% of the baseline cases.



Summary, Conclusions, and Recommendations

This evaluation has shown that the North Dakota DSY initiative, though competently instituted by both branches of government, was only partially implemented in the field. Nonetheless, it was successful on most, but not all, of its outcome measures.

The Initiative began with a protocol negotiated and approved by both the executive and judicial branches of government. This was augmented with a Memorandum of Understanding for data sharing and agreements on the data elements to be shared and the process to be followed. It set up a governance structure which functioned well with strong leadership and staff support. It developed and delivered a training program for judges and staff of both branches of government. It worked closely with an evaluator to provide continuous feedback on the Initiative's progress and developed a baseline data set for comparable cases from 2015 to allow for empirical comparisons on a series of chosen outcome measures.

While the comparisons do not show empirical changes that rise to the level of the generally accepted measure for statistical significance, the data on two of the three outcome measures shows that the initiative appears to have made a difference in the decisions made within the juvenile court and social services systems in North Dakota. DSY youth in 2019-20 are less likely to be removed from their homes and more likely to have their cases disposed by diversion, dismissal, or release with a warning and less likely to be ordered into the custody of the Department of Human Services or the Juvenile Services Division.

However, it does not appear that the Initiative has had a major impact on the behavior of DSY youth. Neither the number of subsequent referrals nor their seriousness have gone down during the DSY Initiative. They have both gone up in comparison with the 2015 baseline.

Having observed the process for more than a year, Greacen Associates believes that the progress made has been the result of the initiative's success in convincing the court and social services communities that DSY youth are particularly vulnerable and that much more attention needs to be devoted to them by social services, court staff and juvenile judges. That is at the core of the training provided to field staff of both branches. It is reinforced by the bench cards provided to juvenile judges. It is reinforced by the almost daily flow of information from the Initiative staff to county social service workers and court personnel identifying specific youths for additional attention. While they have not been implemented universally, the field staff of the executive and judicial branches have reinforced the message by significantly increased

interbranch communication and cooperation¹³ in the form of information sharing and the holding of hundreds of MDT/FCE meetings to focus attention on the special needs of DSY youth. Finally, it has been further reinforced by the distribution of regular interim data reports prepared by the evaluator. The success of the Initiative in creating a climate of concern for DSY youth has translated into the trends observed of reduced further penetration of these young people into both the court and social services systems.

This progress warrants continuation of the DSY initiative. But it also suggests that the Executive Committee review the program's operation and revise the Protocol and guidance to the field before launching a second phase of the effort, with a second yearlong evaluation.

We make the following recommendations for the Executive Committee's consideration::

Further explication of the theory(ies) by which the initiative's activities are intended to benefit DSY youth

The Executive Committee should be much more explicit in articulating how the initiative's activities – data sharing and collaborative decision-making – are intended to benefit DSY youth. It should consider whether each of the following are expectations about how the initiative is intended to work and the extent to which they can be achieved simultaneously. In the course of this review we suggest that it also review the appropriate performance measures for the next phase of the initiative.

- Reducing the frequency of formal involvement of Identified youth in a second system
- Encouraging minimally intrusive consequences for DSY youth in the disposition of referrals, such as discouraging placing them under the custody of either system and encouraging the use of diversion or dismissal as the means of disposing of referrals
- Making more thorough assessments of the needs of DSY youth by bringing to bear the knowledge and experience of staff from both branches of government
- Making maximum use of the resources available within both systems to address the identified needs of DSY youth
- Making treatment plans based on evidence-based assessments of the suitability of specific services to the needs of particular DSY youth.

¹³ The importance of this factor was emphasized during our face- to-face meetings with court and social service staff throughout the state who reported that the two branches had historically operated in siloed isolation which the DSY Initiative had served to change through the development of ongoing interpersonal relationships among workers within the separate systems. .

If it is enough to accomplish minimally intrusive dispositions, then it should not be necessary to conduct MDT/FCEs if the entity with the most recent referral has already decided to take no, or minimal, action. We caution that the minimum penetration objective is, at least at an emotional level, at odds with the provide maximum services to the youth and family objective. The former proceeds from the premise that the youth will be better off if we intrude minimally in their, or their family's, life. Providing services necessarily entails intervention into their affairs, the more extensive the services the greater the intrusion.

The more explicit the Executive Committee can make its expectations, the better. For instance, stating that a major objective is shared and joint decision making might break down the organizational silos to a greater extent than stating the goal as merely the sharing of information.

Stating explicitly whether the success of the DSY initiative will be measured by whether or not it reduces the number and seriousness of subsequent referrals of DSY youth

Is this the true mission of the DSY initiative? Or is it aimed at making fundamental changes in the lives of DSY youth that are not measured by numbers and seriousness of referrals, which reflect the attitudes and behaviors of school administrators, law enforcement officers, foster care providers, and parents as well as the behaviors of the DSY youth. Are there other measures of change for DSY youth themselves that would serve as better indicators of success?

Providing guidance on the holding of MDT/FCEs for Identified youth referrals and for subsequent referrals of Involved youth

If the Executive Committee decides to make discouraging both systems from formally accepting an Identified youth into the second system as one of its strategies, does that then entail the holding of MDT/FCEs for Identified as well as Involved youth referrals? Or only those referrals in which the second agency is seriously considering formal involvement of the DSY youth?

Does the DSY initiative envision the convening of an MDT/FCE as a "one time" event for a DSY Involved youth that takes place when she or he is first identified as DSY? Or should this mechanism be used every time a DSY youth picks up a new referral? Should this decision be based on the seriousness of the behavior that resulted in the referral? Or the number and frequency of new referrals? If holding MDT/FCEs is discretionary, how will the initiative measure future compliance with the requirement?

Publishing a list of valid and invalid reasons for not holding an MDT/FCE for a particular referral, which eliminates all ambiguity concerning the instances in which they are and are not required

A full list of the reasons for not convening an MDT/FCE recorded in the spreadsheet was included in the six-month evaluation report. We recommend that the Executive Committee review each of the listed reasons in view of the more explicit direction given to the field as a result of our first recommendation. In particular, we suggest that the Executive Committee address the three reasons that were listed as “unclear” -- they might or might not be valid based on the circumstances. Those reasons were:

- “The parent or family refused to participate” This makes the referral ineligible for an FCE, but the field staff can always convene an MDT in these circumstances.
- “The youth was not the subject of the referral (i.e., this is a case of mistaken identity)” Why would this ever be an insufficient reason not to hold an MDT/FCE?
- “The youth was Identified not Involved” If the youth is an Involved youth, how can this reason be valid? If the youth is an Identified youth, no reason for not holding an MDT/FCE should be required.

Redesigning the data gathering spreadsheet (or a substitute mode of recording information) and the rules for entering information into it, to insure the collection of all information needed to assess the effectiveness of the initiative going forward

The Executive Committee will need to work with the evaluator to reconsider the questions that will be most critical to gauging the success of the next phase of the initiative and to ensure that the data necessary to address them is collected. There is no need to attempt to eliminate all of the data issues identified during the first phase evaluation. For instance, it will continue to be impossible for the initiative to record the source and location of social service referrals. But it should be possible, for example, to gather data on the holding of MDT/FCEs for subsequent as well as for the first recorded referral for DSY youth. Although it is unclear at this point whether there would be sufficient data to assess the impact of county level compliance with the initiative requirements for information sharing and holding MDT/FCEs on the outcomes for DSY youth in that county, the issue should be addressed in planning the second phase evaluation.

Replacing the “test page” with a more flexible means of conveying information about case events for entry into the spreadsheet (or another data gathering application).

All parties agree that the current CMS “test page” process created for the purpose of enabling juvenile court officers to report data for events in DSY youth cases is clumsy and inefficient. JSOs are unable to edit or supplement previous reports to provide new information. They are required to re-enter all the required information. This system should be replaced.

Addressing the special needs of Native American DSY youth and ensuring that program data can be used to determine the effectiveness of those efforts.

Although other minority group members are also disproportionately represented in the DSY youth population, we suggest that the Executive Committee focus attention on the needs of Native American youth because 1) they have the highest level of per capita representation and 2) the North Dakota Judicial Branch has included this issue as a priority for its Court Improvement Project for some time.