



Maltreatment and delinquency: Investigating child welfare bias in juvenile justice processing[☆]

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Received 12 February 2007; received in revised form 29 March 2007; accepted 7 April 2007

Available online 29 April 2007

Abstract

There is at least thirty years of research that focuses on the increased risk of delinquency associated with child maltreatment. Yet there are few studies that investigate the outcomes associated with victims of child abuse and neglect beyond the initial arrest. Using child welfare and juvenile justice administrative data from Los Angeles County, the current study investigates the relationship between child welfare status and two judicial outcomes: case dismissal and probation. The results indicate that delinquency cases originating in child welfare are less likely to receive probation, controlling for a wide range of factors including age, gender, race, and type of offense. The results also indicate that the child welfare system is a significant source of overrepresentation for African American youth in juvenile justice. Adolescents simultaneously involved with child welfare and juvenile justice may require alternative arrangements with regard to juvenile justice dispositions and placements.

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Keywords: Child welfare; Juvenile justice; Overrepresentation

1. Introduction

Victims of physical abuse and neglect are at an increased risk of engaging in delinquency. The delinquency rates are approximately 47% greater for youth associated with at least one substantiated report of maltreatment (Ryan & Testa, 2005). Group homes, placement instability,

[☆] This research was supported by a grant from the Silberman Fund Faculty Grant Program.

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and weak social bonds are the most frequently identified factors associated with delinquency for adolescents in the child welfare system (Brezina, 1998; English, Widom, & Branford, 2001; Ryan & Testa, 2005; Ryan, Testa, & Zhai, *in press*). Unfortunately the maltreatment – delinquency literature virtually ends at the point of arrest. The research on the experiences and outcomes associated with victims of maltreatment in the juvenile justice system is limited to one study of detention practices (Conger & Ross, 2001) and one study of anxiety and depression in secure facilities (Gover & MacKenzie, 2003). Thus, many questions remain unanswered. Do victims of child abuse and neglect represent a unique subgroup within the juvenile justice system? What happens to victims of child abuse and neglect subsequent to arrest? Do maltreated youth follow similar pathways through the juvenile justice system relative to their non-maltreated counterparts? The current study addresses these important and unanswered questions.

An estimated 2.2 million arrests were made for persons under 18 years of age in 2003. Approximately 92,000 of these arrests were associated with a violent crime (e.g. murder, forcible rape, robbery, aggravated assault). Approximately 460,000 of these arrests were associated with a property crime (Snyder, 2005). Although these figures represent a decline in juvenile offending, delinquency continues to be a major social problem. This is especially true for victims of child abuse and neglect, as the risk of delinquency is particularly high for these children.

In the current study we focus on adolescents that are simultaneously involved with both child welfare and juvenile justice. We refer to these adolescents as “crossover” youth. For a variety of reasons, placement and placement instability in the child welfare system are the most frequently investigated risk factors associated with delinquency. Substitute care arrangements may protect children from continued maltreatment and the environmental conditions (e.g. family dysfunction, neighborhood crime) associated with delinquency. It is also possible however, that children in substitute care settings may be unintentionally exposed to negative peer groups and thus experience an increase in the likelihood of delinquency (Dodge, Dishion, & Landsford, 2006). Leve and Chamberlain (2005) found that adolescents placed in group homes report more delinquent peer associations as compared to youth placed in foster family homes. Previous research has certainly advanced the knowledge base with regard to the risk factors associated with juvenile offending in child welfare. The current study seeks to build upon prior work by investigating what happens to adolescents in the child welfare system youth once they enter the juvenile justice system. We first investigate whether or not maltreated youth represent a unique subpopulation within the juvenile justice system. We focus specifically on age, race, gender, and offense type. The focus on race permits us to estimate the child welfare’s contribution to the overrepresentation of African American youth in juvenile justice. We then investigate the relationship between the individual’s status as a child welfare youth and juvenile justice processing. We focus specific attention on two dispositions: case dismissal and probation.

1.1. The problem of overrepresentation

The issues of overrepresentation and disparity are of great concern for child welfare and juvenile justice systems. Overrepresentation refers to a situation in which a greater proportion of a specific group is present at a specific stage within the service system. For example, 35% of the children in foster care are African American, yet African American children represent only 15% of the child population (DHHS, 2005). Disparity refers to a situation in which the probability of receiving a specific outcome is contingent upon one’s group status. For example, males are more likely to be recommended for formal processing in the juvenile justice system as compared with female offenders. In the current study we explore the child welfare system as a potential source of

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