



# 10 Ways Counsel for Kids Advance Legal Rights for Crossover Youth



Crossover youth are youth with past or current involvement in both the child protection and juvenile legal systems. These youth require attorneys who are knowledgeable about both systems to fully protect their interests and address their unique needs. Even when counsel's appointment is limited to representing youth within the child protection case, their active communication with defense counsel in juvenile legal matters helps establish context around the allegations, bridges silos between agencies, and streamlines access to services. How do they do it?

## COUNSEL FOR KIDS:

- 1 Help Prevent Crossover:** by safety planning with youth, their placement provider, and their agency case worker. Recognizing that youth involved in child protection matters are significantly more likely than their peers to become involved in the juvenile legal system,<sup>1</sup> they advocate for positive support systems and behavioral modification strategies to address normal adolescent behaviors.<sup>2</sup>
- 2 Ensure Youth Know Their Rights:** by educating youth clients about the juvenile legal system and their rights when interacting with law enforcement and counseling them to request to speak to an attorney before answering any questions.
- 3 Improve Case Outcomes:** in compliance with laws governing confidentiality and privacy, and with youth permission, legal counsel quickly communicates important case details, like social history and placement needs, that can be relevant to the juvenile legal matter and offered as mitigating factors to establish context around the allegations.
- 4 Engage in Educational Advocacy:** by participating in school meetings to ensure youth rights are protected; they also counsel youth and obtain their consent to advocate for immediate evaluations and other educational services (Individualized Education Plan (IEP), 504 plan, and/or Behavioral Intervention Plan) to meet youth's current need.
- 5 Support Youth Defenders:** by actively participating in the juvenile legal matter by attending hearings when their presence is supportive to the youth and promotes the defense strategy.
- 6 Facilitate Collaborative Defense Planning:** by facilitating interagency communication, coordinated case planning and agency accountability to reduce duplication of efforts (e.g., multiple assessments) and conflicting or burdensome services.
- 7 Keep Youth Informed:** by maintaining regular supportive communication with youth to provide updates on their concurrent cases, helping them understand their legal proceedings, addressing their concerns, providing legal advice, and answering questions.
- 8 Fight Overmedication:** by challenging the overmedication of youth with mind altering psychotropic medications.
- 9 Fight Harmful Institutional Placements:** by challenging unnecessary placement in restrictive institutions or group homes and unfair or illegal treatment of youth with chemical or physical restraints and isolation.
- 10 Promote Fair Treatment:** by listening to youth experiences of racism, discrimination, and oppression and partnering with youth to challenge disparate treatment due to racial bias.

*"The complexity of the challenges faced by dually involved youth necessitates a collaborative and innovative approach from all partners."*

[DEAR COLLEAGUE LETTER ON DUALLY INVOLVED YOUTH, U.S. CHILDREN'S BUREAU & U.S. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION](#)  
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## Endnotes

- <sup>1</sup> *Dual Status Youth Section*, Juv. Just. Info. Exchange, <https://jjie.org/jjie-hub/dual-status-youth/> (last visited June 5, 2024); This is likely due to an expanding apparatus of family surveillance, policing and incarceration employed to solve problems caused by social inequality. Contact with one system puts youth at risk of being swept into another. (Roberts, D. Torn Apart (Basic Books, 2022)).
- <sup>2</sup> Kristen Henning, *Criminalizing Normal Adolescent Behavior in Communities of Color: The Role of Prosecutors in Juvenile Justice Reform*, 98 Cornell L. Rev. 383-462 (2013).

## CONTACT

**Natalece Washington, JD, CWLS**  
Policy Counsel,  
National Association  
of Counsel for Children  
404-954-2427  
[Natalece.Washington@NACCchildlaw.org](mailto:Natalece.Washington@NACCchildlaw.org)