

**Kansas Judicial Branch  
Office of Judicial Administration  
Training Series: Impact of Child Toxic Stress  
on the Juvenile Justice System**



Session #4: Child Toxic Stress and the Foster Care System  
September 22, 2023  
Presented by Mary Kelly Persyn, J.D., Ph.D.

# Agenda for today: Child Toxic Stress and the Foster Care System

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1. Recap of Sessions #1 and #2; review of key concepts. (12:00– 12:10)
2. A snapshot of foster youth in Kansas and beyond. (12:10-12:15)
3. Why are foster youth more likely to experience toxic stress? How is foster care system involvement both a symptom and a cause of toxic stress? (12:15-12:30)
4. How do marginalized identities compound toxic stress for foster youth? (12:30-12:45)
5. Review of session and preview of Session #5, which will focus on effective interventions and systems approaches; questions. (12:45 – 12:50)

# Learning outcomes

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1. Learners will be able to explain why foster youth are at a higher risk for toxic stress, including the role played by family support, factors that contribute to removal of youth from the home, school climate, and other factors that increase risk.
2. Learners will be able to explain why toxic stress risk factors both contribute to and are the result of youth involvement in the foster care system.
3. Learners will be able to describe the multiplying role that layers of toxic stress risk factors play in the overrepresentation of racialized, LGBTQ+, and disabled youth in both the foster care system and the juvenile justice system (crossover youth).

# Part 1. Sessions #1, #2, and #3: recap and review

Basics of Child Trauma and Juvenile Justice System Involvement

Racial Trauma and the Juvenile Justice System

Child Toxic Stress and LGBTQ Identity/Discrimination



# Welcome, and welcome back!

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Thank you so much for choosing to spend an hour with me today with some very challenging topics: childhood adversity, foster care system involvement, and the impact on the juvenile justice system—your workplace.

If you haven't joined us for prior sessions, welcome! If you did join us previously, welcome back. It's great to have you here.



# Recap: Adverse Childhood Experiences, toxic stress, and system involvement

We talked about:

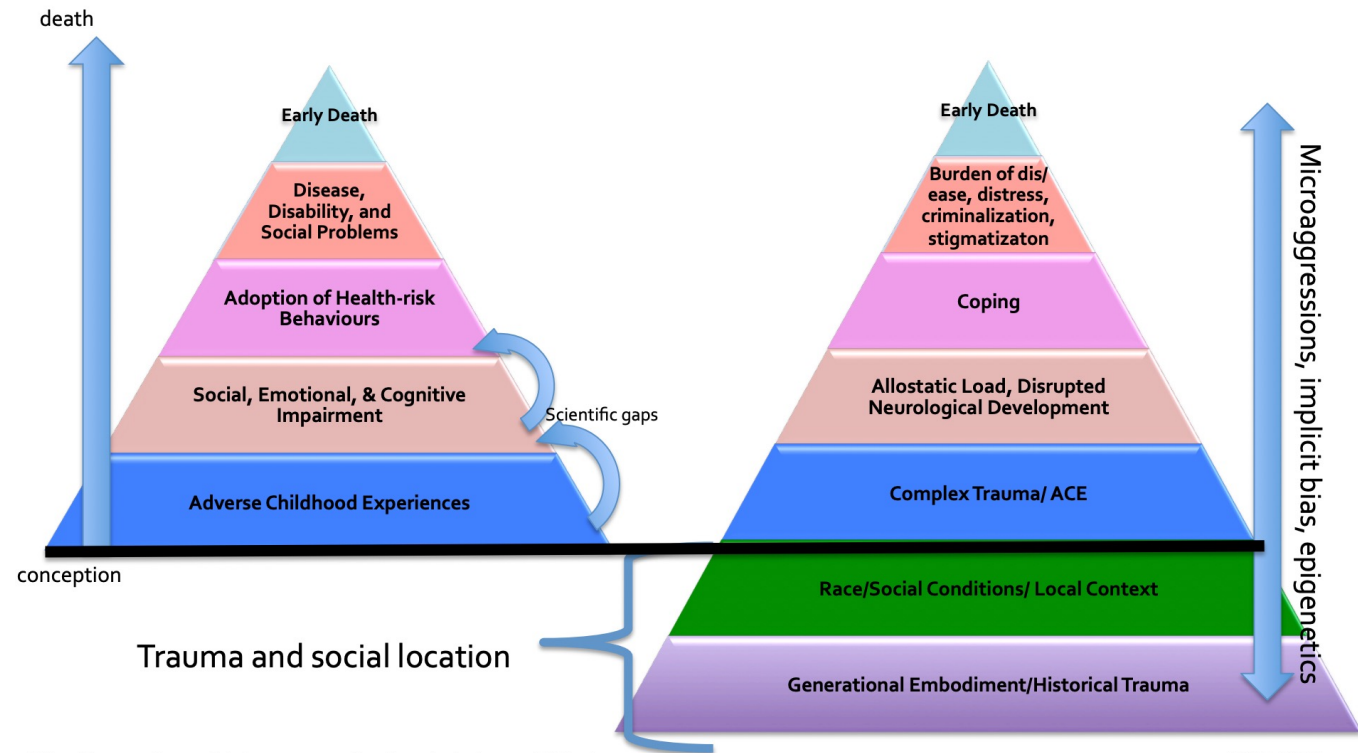
- The difference between adverse childhood experiences and toxic stress
- How and why the same experience is traumatic for some kids but not all
- What trauma reactions look like
- Why researchers have expanded the number and type of ACEs
- “Expanded ACEs”

## Trauma and Social Location



Adverse Childhood Experiences\*

Historical Trauma/Embodiment



\*<http://www.cdc.gov/violenceprevention/acestudy/pyramid.html>

# Disparities persist in Kansas

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## Kansas Disproportionately Incarcerates Youth of Color

Fifty-three percent of youth incarcerated in Kansas are Black, Latino, American Indian, or Asian. Moreover, Black youth are disproportionately represented at every point in the state's juvenile justice system. In 2018, compared with white youth, Black youth in Kansas were

- 3.0 times more likely to be arrested,
- 5.6 times more likely to be detained, and
- 7.3 times more likely to be in secure confinement.<sup>9</sup>

# How do RBTS and racism(s) impact the racially disparate rate of JJS involvement? What's next?

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Theories explaining racial disparity in juvenile justice system involvement are basically of two types: differential offending; differential treatment.

If we take a step back, we can think yet more deeply into the systems and interactions that shape, constrain, and direct our youth.

This lens can remake the way that we think about and support living wages, schooling, access to healthy food, childcare, and medical care—and yes—the juvenile justice system.

This is just the beginning of the story.





# A snapshot of LGBTQ youth in Kansas

Kansas, a state of 2,935,000 people, has about 19,000 youth ages 13-17 who identify as LGBTQ.

The Trevor Project's 2022 national survey of LGBTQ mental health breaks out data on these young Kansans.

As we'll see, LGBTQ youth in Kansas struggle with discrimination and mental health challenges at a relatively high rate.



## 2022 National Survey on LGBTQ Youth Mental Health Kansas

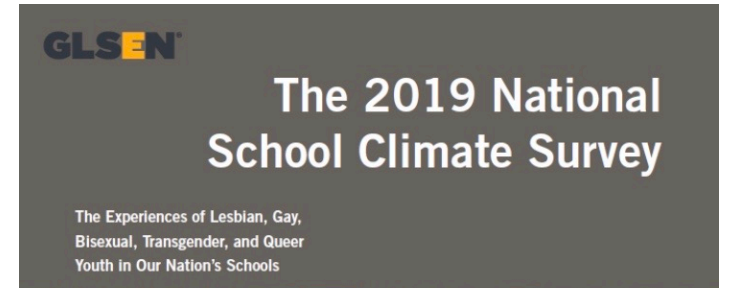
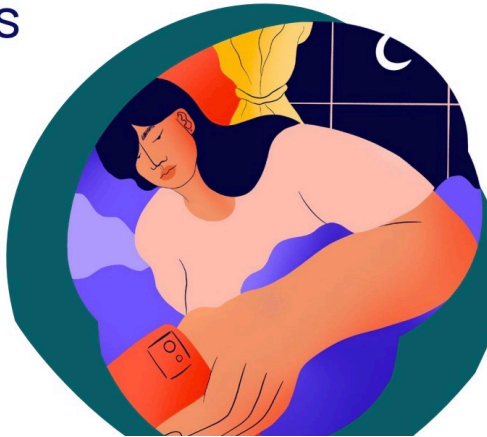


Table 1. Estimated number of LGBT youth ages 13-17 in the US and by state

	LGBT (Total)	LGB (Total)	LGB (Cisgender)	LGB (Trans)	TRANSGENDER (Total)	TRANSGENDER (Straight/Other)	TRANSGENDER (LGB)
Kansas	19,000	18,000	18,000	700	1,300	600	700

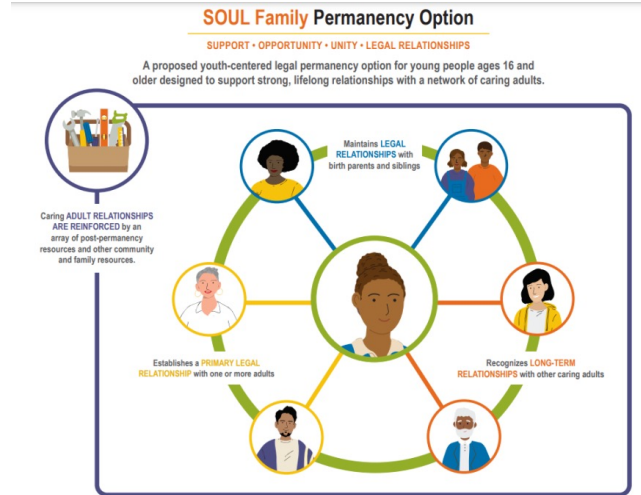
# Session #4 Quiz (pre-test)

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1. A child with five or more fosters care placement is at a 90 % risk of involvement with the criminal justice system.
  - True
  - False
  
2. What percentage of crossover youth face challenges with mental health or substance abuse?
  - a. 32%
  - b. 57%
  - c. 83%
  - d. 96%

# Part 2. A snapshot of foster and crossover youth in Kansas

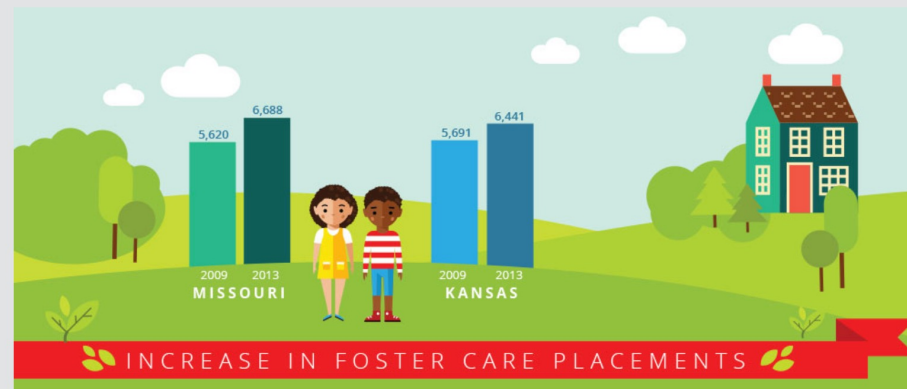
Placement stability and access to mental health care continue to present challenges.



## Kansas foster kids suffer from shortage of mental health providers, high caseloads

In new podcast episode, foster care contractor talks about surge in youth substance abuse

While national data trends toward a decrease in children entering foster care, the Greater Kansas City area reports an increase due to a decline in funding.



# Foster youth in Kansas: mental health care

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There is a crisis of inadequate mental and behavioral health care capacity and access for foster youth in Kansas.

As reported in Kansas press last month, two audits of the foster care system—a federal review and an audit done as part of a lawsuit settlement—found inadequate safeguards for youth, a trend to bounce kids between homes too often, and a shortage of mental health care.

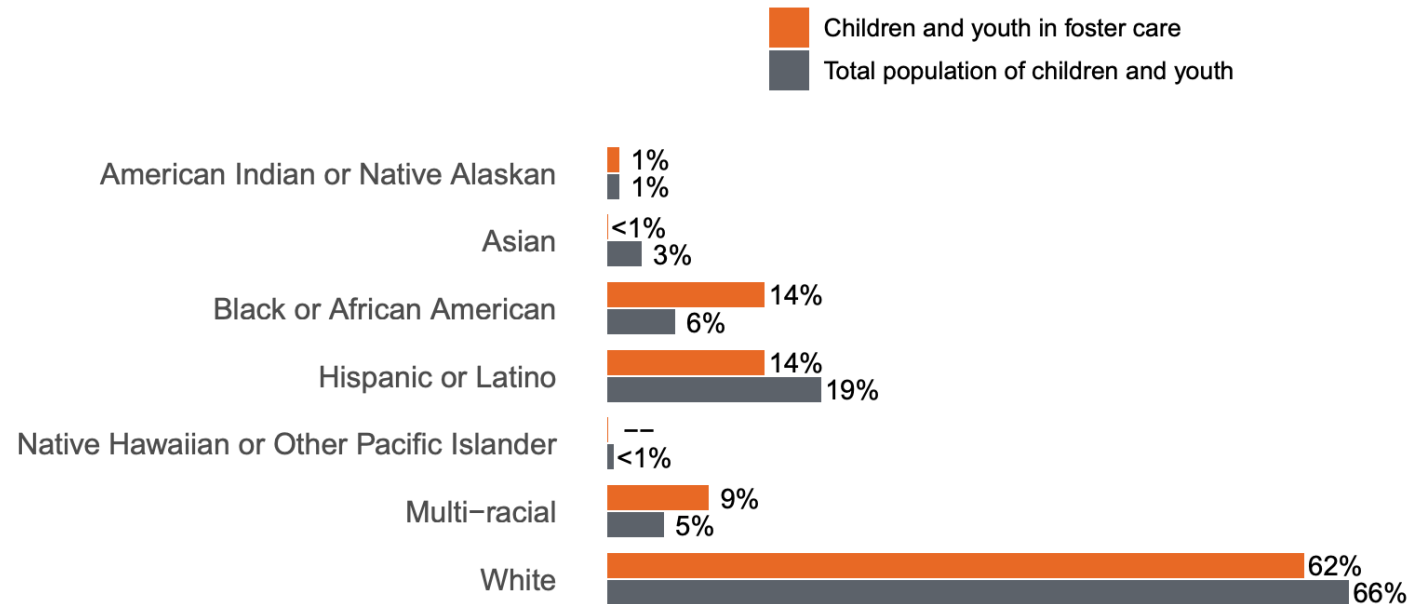
- In 2021, Kansas averaged 5.84 moves per 1,000; in 2022, it was 7.29.

According to KVC Kansas, the mental health care availability crisis arose in part because SB 367 triggered an influx of crossover youth into foster care without an influx of resources to appropriately support their needs.

# Foster youth in Kansas: overrepresentation

## What data can tell us about foster placements Kansas profile

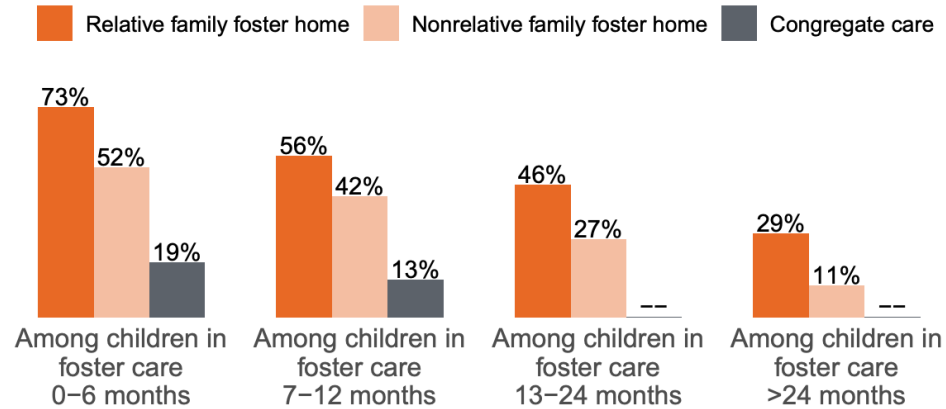
### Race and Hispanic origin of children and youth in foster care compared to the total child population<sup>2</sup>



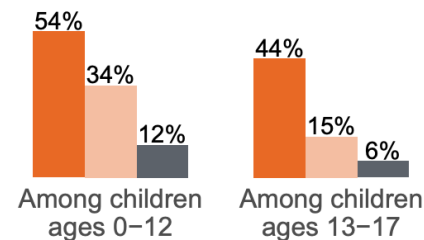
# Foster youth in Kansas: multiple placements

Children in family-based foster care—especially if they live with relatives—are more likely than those in congregate care to have experienced only one foster care placement

Percent with no placement changes, by time spent in foster care



Percent with no placement changes, by age



# Crossover youth

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The Kansas Crossover State Policy Team has set the following definitions:

Crossover Youth: a young person aged 10 or older with any level of concurrent involvement with the child welfare and juvenile justice system.

Involvement in the juvenile justice system includes: court ordered community supervision and Immediate Intervention Programs (IIP).

Involvement in the child welfare system includes: out of home placement, as assigned investigation of alleged abuse or neglect with a young person named as alleged perpetrator, and/or participation in voluntary/preventive services that are available.



# 92 PERCENT

of crossover youth are first involved in the **child welfare system.**<sup>4</sup>

## 40 PERCENT

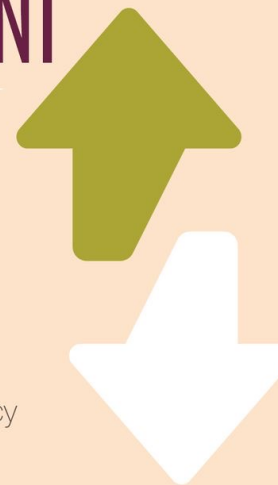
of crossover youth are **female**, which is disproportionately high compared with the general juvenile justice population.<sup>5</sup>



## 47 PERCENT

### GREATER RISK

**Maltreated youth are at a higher risk** for becoming involved in delinquency than youth from the general population.<sup>4</sup>



## 56 PERCENT

of crossover youth are **African-American**, which is disproportionately high compared to their peers from other racial groups.<sup>5</sup>



## LGBTQIA+ youth

are overrepresented within the crossover youth population.<sup>6</sup>



## 83 PERCENT

of crossover youth have challenges with **mental health or substance abuse.**<sup>5</sup>

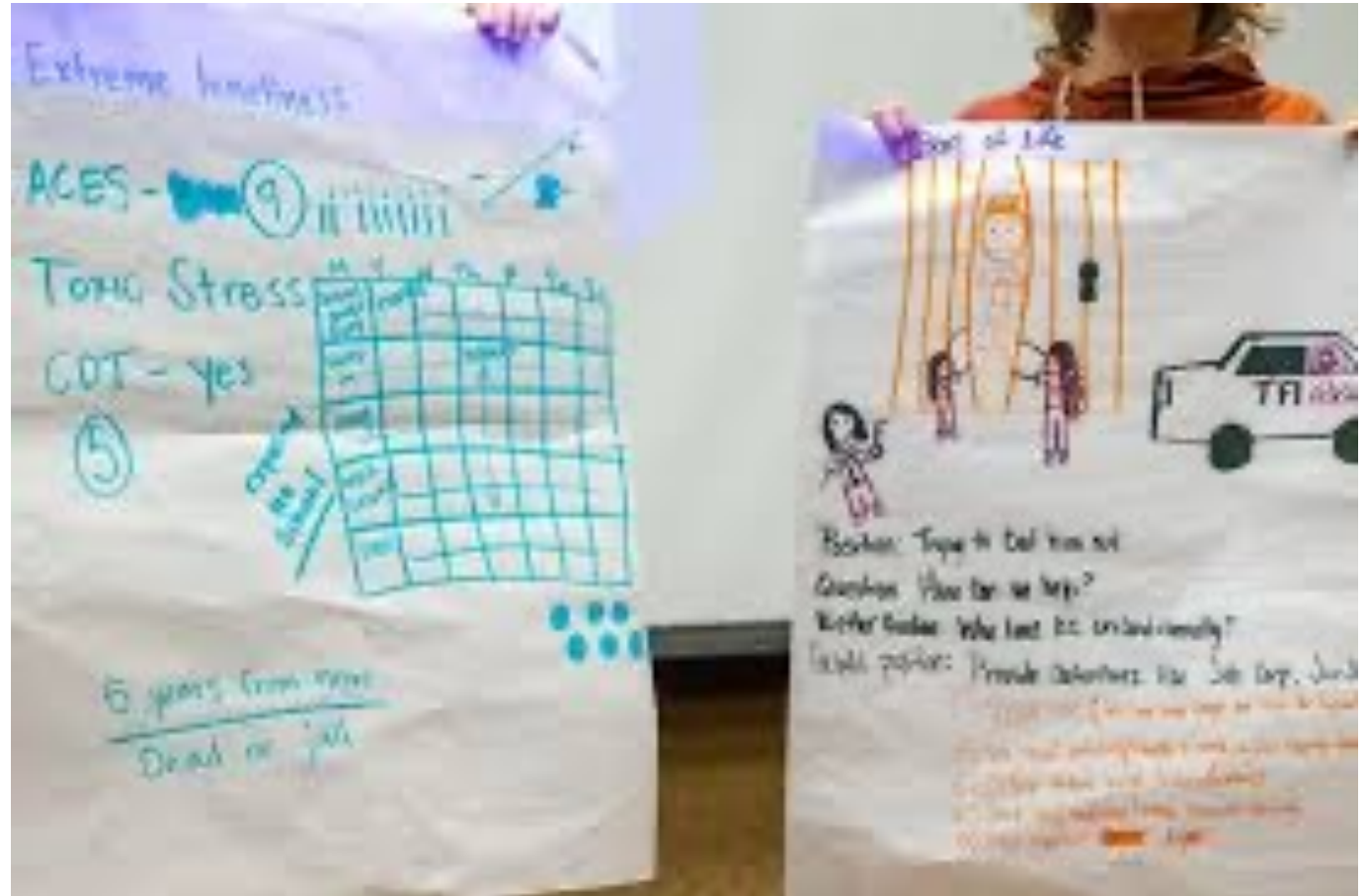




# Part 3. Foster youth and toxic stress

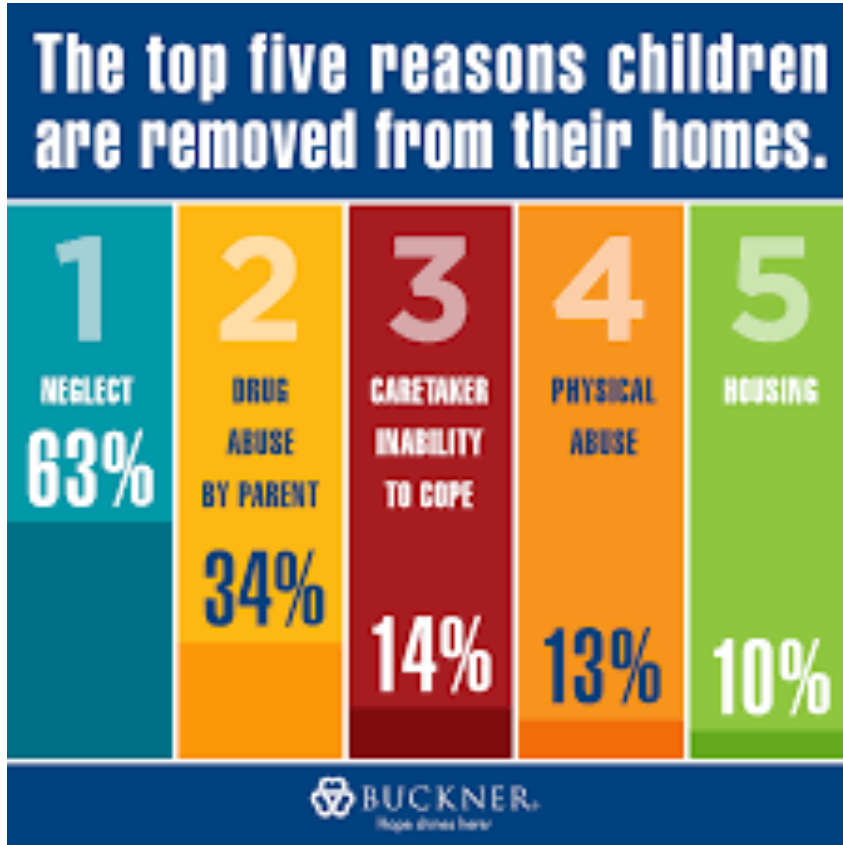
How is foster care system involvement both a result and a cause of toxic stress? What role do Adverse Childhood Experiences play?

What is the foster care to prison pipeline and what does toxic stress have to do with it?



# Foster care system involvement is a result of toxic stress

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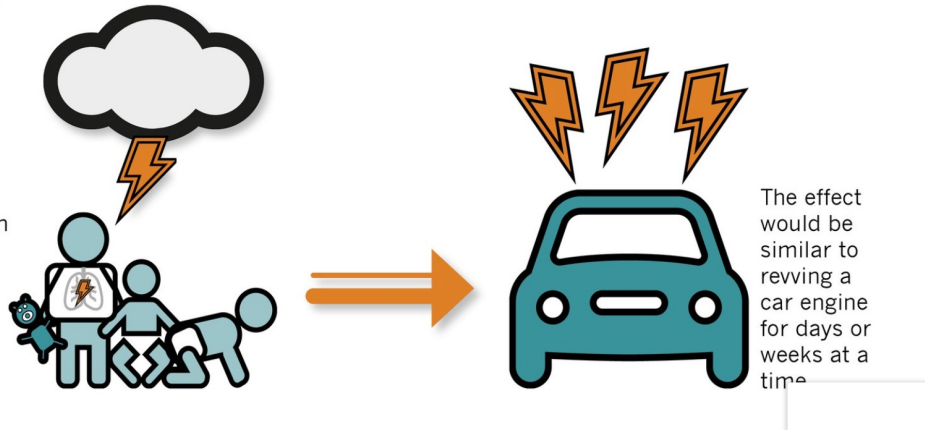
Not all placements result from the impact of toxic stress in a child's origin family, but most do.

# Foster care system involvement can be a cause of toxic stress

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## TOXIC STRESS EXPLAINS HOW ACEs "GET UNDER THE SKIN."

Experiencing many ACEs, as well as things like racism and community violence, without supportive adults, can cause what's known as **toxic stress**. This excessive activation of the stress-response system can lead to long-lasting wear-and-tear on the body and brain.



Stressors involved with child removal and foster care placement are legion: family separation, changing schools, instability.

Stable relationships can buffer stress. But foster parents frequently lack the training needed to understand and intervene in trauma responses and the resulting behaviors.

This can result in foster kids having police called on them for relatively minor infractions.

# #FOSTERCAREMONTH



YOUTH PLACED IN  
GROUP HOMES ARE  
**2.5 x more likely**  
TO GET INVOLVED  
IN THE JUSTICE  
SYSTEM

**90%**



OF YOUTH  
WITH 5+  
FOSTER  
PLACEMENTS  
WILL ENTER  
THE JUSTICE  
SYSTEM

Placement instability is a bridge between systems

# What is the foster care to prison pipeline?

Consider the role that toxic stress—high levels of stress in the absence of sufficiently close and supportive adult relationships—plays here.

Most kids entering foster care have mental health and behavioral health issues and need treatment.

What happens if it's not available?



**FOSTER CARE TO PRISON PIPELINE**  
80% OF KIDS IN FOSTER CARE SUFFER SIGNIFICANT MENTAL HEALTH ISSUES

## Part 4. How do marginalized identities compound toxic stress for foster youth?

How are marginalized youth overrepresented in the foster care and juvenile justice systems? What role do multiple marginalized identities play?



# LGBTQ youth overrepresented in foster care

LGBTQ youth enter the foster care system reasons like abuse, neglect, and parental substance abuse—the same reasons as other youth.

But in addition, many LGBTQ youth also experience rejection by their families of origin.

It's hard to track the numbers because there is no mandate to collect this information, but research indicates that the percentage of LGBTQ youth in care is about two to three times the percentage of LGBTQ youth not in care.

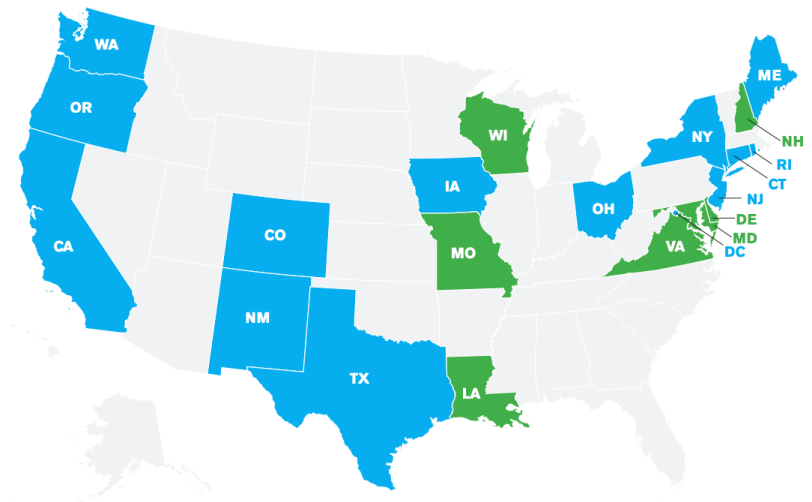
Foster care is a risk factor for juvenile justice system involvement.

“I was told that foster families didn't want a gay kid in their home, so I grew up in group homes and residential centers where I was abused sexually, physically and emotionally.”

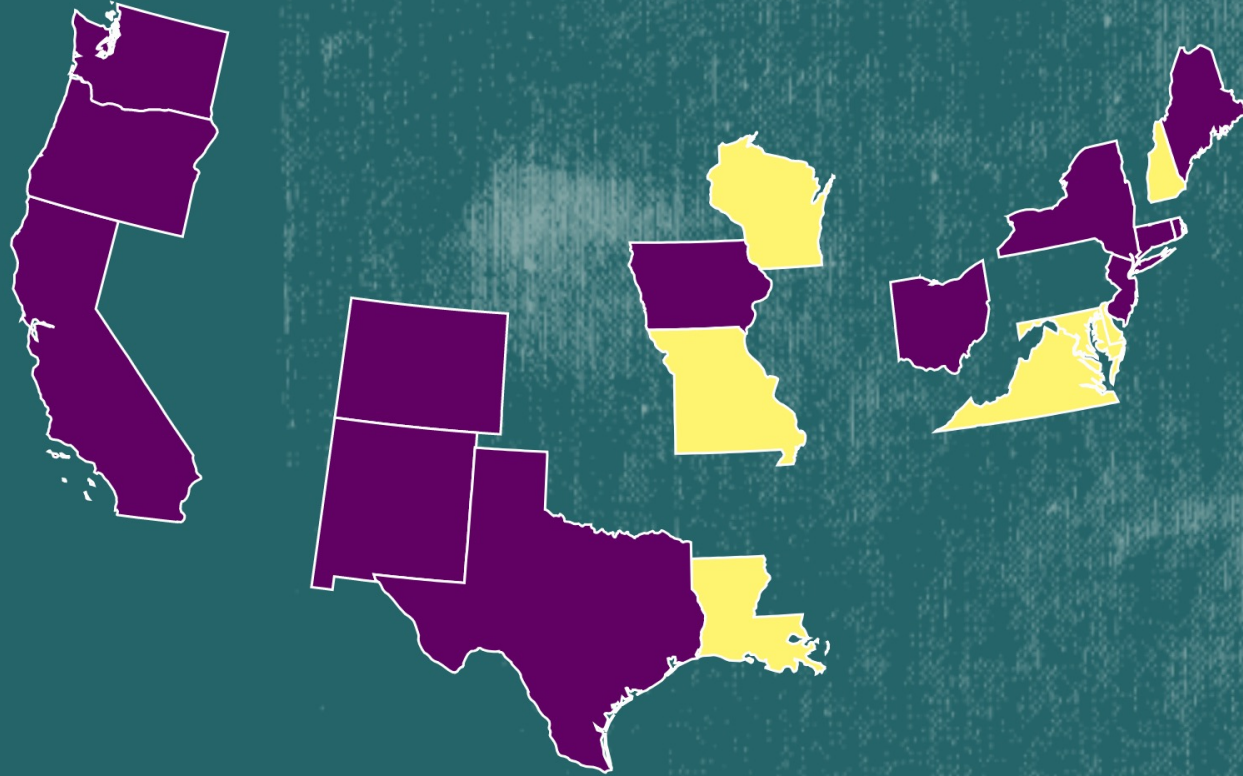
– **Kristopher Sharp**, eight years in foster care

## LGBTQ YOUTH FACE A PATCHWORK LANDSCAPE OF LEGAL PROTECTIONS.

Laws and policies protecting **LGBTQ youth in foster care from discrimination are a patchwork from state to state.** Only 13 states and the District of Columbia have explicit laws or policies in place to protect foster youth from discrimination based on both sexual orientation and gender identity. Seven additional states explicitly protect foster youth from discrimination on the basis of sexual orientation but not gender identity.<sup>15</sup>



# #FOSTERCAREMONTH



ONLY...

**13** States have laws protecting youth in foster care from **DISCRIMINATION** based on sexual orientation and gender identity.

**7** States have legal protections only for sexual orientation

Kansas currently lacks laws specifically protecting LGBTQ foster youth

Political disagreements exist about potential protections.



# LOCKED UP: LGBTQ YOUTH

KANSAS

THERE ARE **220** YOUTH IN  
KANSAS'S YOUTH PRISONS

AS MANY AS **20%**  
IDENTIFY AS LGB

*applying national estimates*

Source: Urban Institute, "Data Snapshot of Youth Incarceration in Kansas," June 2017.  
<http://www.youthinstitute.org/wp-content/uploads/2017/06/Kansas-data-sheet-2017.pdf>

## CALL FOR CHANGE: RECOMMENDATIONS

- ✓ Provide meaningful alternatives to prison and out-of-home placements for youth
- ✓ Implement trauma-informed policies and practices throughout the juvenile justice system

an infographic presented by  


NATIONALLY

### IN GENERAL



61% OF LGBT YOUTH ARE GIRLS

Source: Urban Institute, "Data Snapshot of Youth Incarceration in Kansas," June 2017.  
<http://www.youthinstitute.org/wp-content/uploads/2017/06/Kansas-data-sheet-2017.pdf>

### IN THE JUVENILE JUSTICE SYSTEM

**39-50%**

OF GIRLS ARE LGBT OR GENDER  
NON-CONFORMING

THESE GIRLS ARE PREDOMINANTLY GIRLS OF COLOR

Source: Urban Institute, "Data Snapshot of Youth Incarceration in Kansas," June 2017.  
<http://www.youthinstitute.org/wp-content/uploads/2017/06/Kansas-data-sheet-2017.pdf>

### MISTREATMENT AND ABUSE OF DETAINED LGBTQ YOUTH



**LGBTQ YOUTH ARE DETAINED LONGER**  
Sexual minority youth were detained 2-3 times longer than straight youth

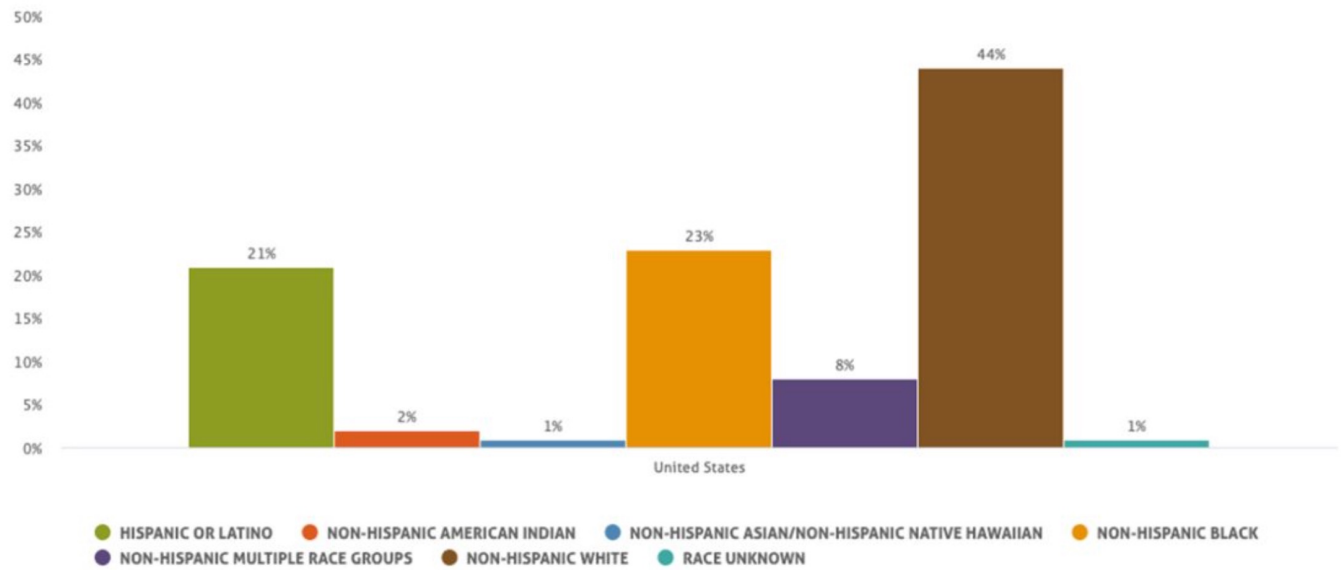


**LGBTQ YOUTH REPORT HIGH RATES OF SEXUAL AND PHYSICAL ASSAULT—BY STAFF AND PEERS**  
21% of gay and bisexual boys reported victimization by a peer and 15% reported sexual contact with staff

Source: Wilson et al., "Disproportionality and Disparities among Sexual Minority Youth in Custody," Journal of Youth & Adolescence, 2011

REM youth  
overrepresented  
in foster care

Children In Foster Care By Race And Hispanic Origin  
(Percent) - 2018



# Disabled and special-needs youth overrepresented in foster care

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## HIGHER RISK OF REMOVAL TO CARE

There are currently 7.3 million children with disabilities in the United States. They made up 15% of school enrollment in 2021-22.

By contrast, around 30%-40% of foster children have disabilities and about 8% have physical impairments.

Research tends to show that children with disabilities are at a higher risk of maltreatment and removal

## HIGHER RISK OF MALTREATMENT IN CARE

Unfortunately, that risk often continues in foster care.

Children and youth with disabilities face a higher risk of maltreatment in the foster care system.

Often, this is because foster families lack access to necessary services and supports.

# Disabled and special-needs youth face unique challenges in foster care

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## Children with Disabilities in Foster Care

- Emotional, behavioral, and learning problems more likely
- Higher rates of disabilities requiring SPED
- Common diagnoses:
  - Emotional disabilities (e.g., Oppositional Defiant Disorder)
  - Depression
  - Anxiety
  - ADHD
  - PTSD
- Impacts of trauma and disruption



# Impact of multiple minority identities

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- Research tends to show that youth with more than one minority identify are more likely to be foster youth and, subsequently, juvenile justice system-involved.
- For example, in one survey done in Los Angeles, 28.5% of LGBTQ foster youth were Black, despite the fact that only 9% of the youth population is Black
- "LGBTQ foster youth have an added possibility of family rejection and discrimination; in addition, Black foster youth must navigate racial bias in the child welfare system and that which prevails systemically." - Jevay Grooms (2020)
- Studies that have examined racial and ethnic minority identify together with sexual orientation and gender identity and expressions (SOGIE) have found that between 85%-90% of juvenile justice system-involved youth who identify as LGBTQ are also REM-identified youth.

# Stepping back

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- Is there anything here that surprises you?
- What do you think are the most important implications for your practice?



# Session #4 Quiz (reprise)

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  - True
  - False
  
2. What percentage of crossover youth face challenges with mental health or substance abuse?
  - a. 32%
  - b. 57%
  - c. 83%
  - d. 96%

# What to expect in Session #5

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Systemic Considerations: A Trauma-Informed Approach to Child Welfare and Juvenile Justice

November 16, 2023, Noon-12:50 pm CST



# Session #5

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Systemic Considerations: A Trauma-Informed Approach to Child Welfare and Juvenile Justice

November 16, 2023, Noon-12:50 pm CST

# Registration for 2023 juvenile justice webinars

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<https://www.kscourts.org/About-the-Courts/Programs/Juvenile-Court-Training>

