
DUAL STATUS

A. Definitions

A “dual system child” is a child who, prior to the child’s 18th birthday, was referred to the juvenile justice system and was involved in the child welfare system. [Tex. Fam. Code § 51.11](#).

A "dual status child" means a child who has been referred to the juvenile justice system and is:

- In the temporary or permanent managing conservatorship of the Department of Family and Protective Services;
- The subject of a case for which family-based safety services have been offered or provided by the department;
- An alleged victim of abuse or neglect in an open child protective investigation; or
- A victim in a case in which, after an investigation, the department concluded there was reason to believe the child was abused or neglected. [Tex. Fam. Code § 51.02\(3-a\)](#).

Special issue: *Dual system is a broader term that captures a youth who is involved with both systems at any time whereas dual status means the system involvement is concurrent.*

B. Data on Dual Status Youth

National studies provide some insight of the intersect between youth who experience both the child welfare system and the juvenile justice system. Children and youth who experience abuse or neglect are at a 47 percent greater risk of being juvenile justice involved, compared to the general population.²⁷¹ Females and African American youth are disproportionately represented among youth involved in both the child welfare and juvenile justice systems compared to their peers with involvement in one of these systems.²⁷² Among youth involved in both systems, 92 percent first experience the child welfare system then become juvenile justice involved.²⁷³ Although prevalence is hard to quantify and dependent on the definition used for the population, it is estimated that 45-75% of first-time juvenile petitions involve dual system youth.²⁷⁴ Involvement in both the child welfare and juvenile justice systems is associated with higher risks for mental health, education, and vocation challenges as well as higher rates of recidivism, longer stays in detention, placement instability, and poor permanency outcomes.²⁷⁵

C. Guardian ad Litem and Court Appointed Special Advocates

A guardian ad litem may serve in both the juvenile case and the child welfare case. If the guardian ad litem is serving in both cases and is an attorney, the guardian ad litem may need to become more familiar with the juvenile proceedings.

A non-attorney guardian ad litem must be very careful not to investigate any pending juvenile charges nor offer testimony concerning the guilt or innocence of a dual status child. Questions or investigations

could lead the non-attorney guardian ad litem to become a witness against the child in violation of [Tex. Fam. Code 51.11](#).

D. Considerations for Dual Status Youth

Several large, urban areas have implemented the Crossover Youth Practice Model developed by Georgetown University or the RFK Children’s Action Corps Dual Status Youth and Probation Reform Models, including Travis, Bexar, Harris, McLennan, Tarrant, El Paso, and Dallas Counties.²⁷⁶ The Child Protection Courts also have jurisdiction to hear dual status cases pursuant to [Tex. Fam. Code Chapters 51 and 201](#). These courts utilize a “one family, one court” model where the same judge hears both the child welfare and juvenile justice cases.

For cases involving dual status youth, some court considerations include:

- Upcoming court dates for both the child welfare and juvenile cases;
- Progress of each case;
- What services are being provided in each case;
- Disposition in the juvenile case, including placement options if the child is not going to be released on probation; and
- Whether the records in the juvenile case can later be sealed.²⁷⁷

Special issue: *If more than one court is involved, coordination is critical to ensure statutory timelines are met and there is minimal duplication of services. Inquire about the status of a juvenile case for a dual status child on a regular basis, at least during each statutory child welfare hearing, and more often if the child is in detention.*
