

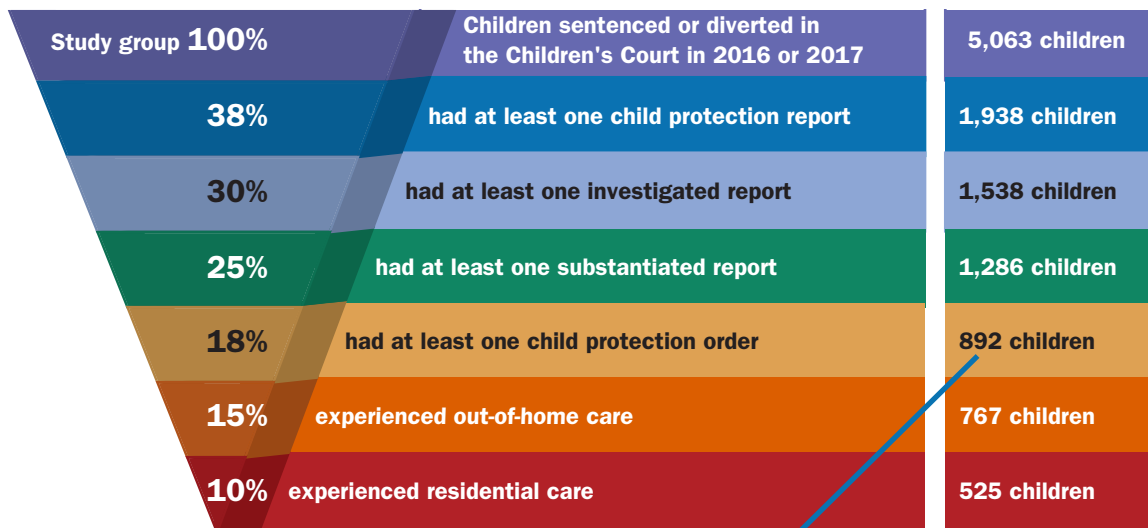
# ‘Crossover Kids’: A Comparison of Two Studies

## Sentencing Advisory Council Study

‘Crossover Kids’: *Vulnerable Children in the Youth Justice System: Report 1 (2019)*<sup>1</sup> examines the child protection histories of 5,063 children who were sentenced or diverted between 1 January 2016 and 31 December 2017. Of those children, 892 were also the subject of a child protection order (protection order, interim accommodation order, therapeutic treatment order and/or permanent care order)<sup>2</sup> during their lifetime. This factsheet focuses on these 892 children. They are referred to here as the ‘Council group’.

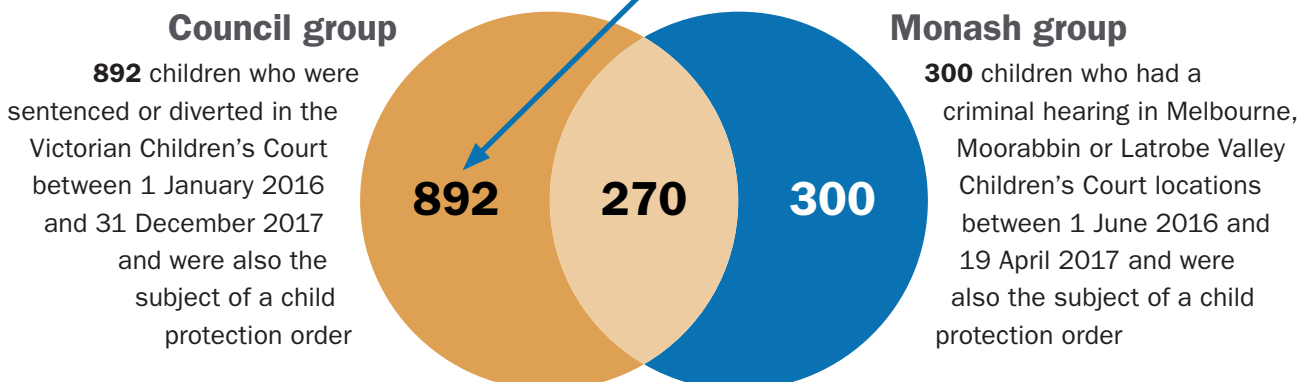
## Monash University Study

‘Cross-Over Kids’: *Effective Responses to Children and Young People in the Youth Justice and Statutory Child Protection Systems*,<sup>3</sup> examines the Children’s Court case files of 300 children who had a criminal hearing in Melbourne, Moorabbin or Latrobe Valley Children’s Court locations from 1 June 2016 to 19 April 2017 and also had a child protection order in their lifetime. They are referred to here as the ‘Monash group’. Of these children, 270 were sentenced or diverted at their criminal hearing. Based on the date of their sentence or diversion, it is likely these 270 children from the Monash group (90%) were also in the Council group.



### Overlap

270 children who were sentenced or diverted between 1 June 2016 and 19 April 2017 and were also the subject of a child protection order



This factsheet compares findings in relation to the 892 children in the Council group and the 300 children in the Monash group. Despite the differences in the size and composition of the two groups, most of the results are remarkably similar across the two studies.

## Aboriginal and Torres Strait Islander Children

Aboriginal and Torres Strait Islander children were over-represented in both groups:

**1.6%** of Victorians aged 10–20 on 30 June 2016 were Aboriginal and Torres Strait Islander peoples

**18%** of the 892 children in the Council group were Aboriginal and Torres Strait Islander children

**18%** of the 300 children in the Monash group were Aboriginal and Torres Strait Islander children.

## Gender

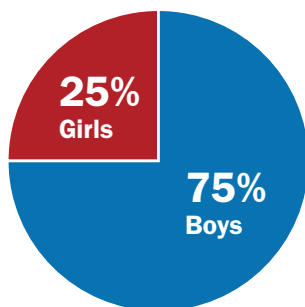
Girls were over-represented among children who had also been the subject of a child protection order, compared with the overall population of sentenced and diverted children:

**25%** of all children sentenced or diverted in 2016 and 2017 were girls

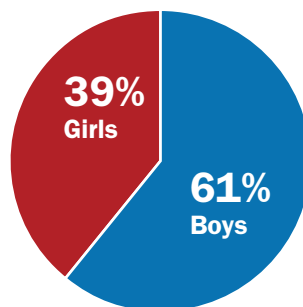
**39%** of the 892 children in the Council group were girls

**31%** of the 300 children in the Monash group were girls

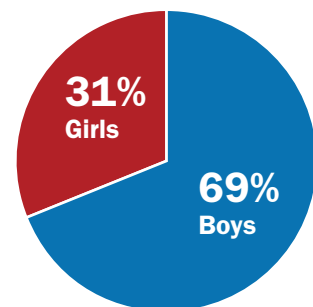
**Note:** Two children categorised as boys were assigned female sex at birth, but they identified as transgender males.



Sentenced or diverted



Council group



Monash group

## Grounds for Child Protection

A child is in need of protection if any of the following grounds exist:

- the child's parent has **abandoned** the child and the parent can't be found or is **dead or incapacitated** and there is no other suitable carer
- the child has suffered, or is likely to suffer, significant harm due to **physical injury** or **sexual abuse** and the child's parents have not, or are unlikely to, protect the child from such harm
- the child has suffered, or is likely to suffer, **emotional or psychological harm** of such a kind as to significantly damage or risk damaging the child's emotional or intellectual development and the child's parents have not protected, or are unlikely to protect, the child from such harm
- the child's physical **development or health** has been, or is likely to be, significantly harmed and the child's parents have not or are unlikely to provide or allow basic or medical or remedial care.

## Number of Child Protection Reports

Of the 892 children in the Council group:

**98%** had more than one child protection report

**78%** had five or more child protection reports.

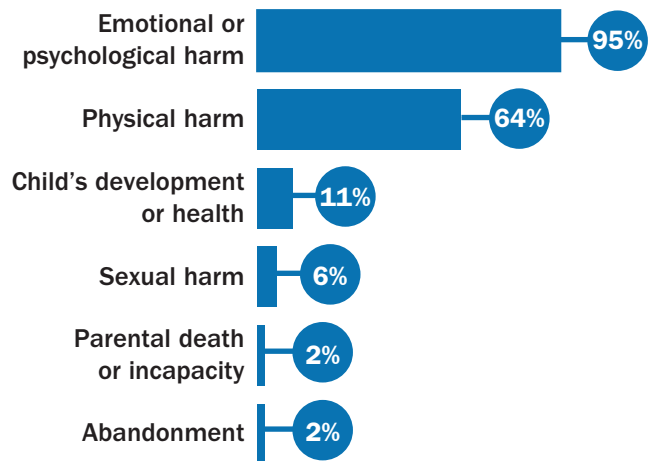
Of the 300 children in the Monash group:

**91%** had more than one child protection report

**65%** had five or more child protection reports.

## Type of Harm Proven in Court

A protection application may be proven on one ground or on multiple grounds. The Monash University study found that the most common proven ground for child protection (alone or in combination, in children's most recent child protection matter) was the child suffering, or being at risk of suffering, emotional or psychological harm (95% of cases).



## Circumstances of Disadvantage

The Monash University study identified 10 adverse childhood experiences and examined the proportion of children in the study who experienced each circumstance:

- Parental separation or divorce (88% of children)
- Exposure to family violence (74% of children)
- Household substance abuse (69% of children)
- Neglect (67% of children)
- Childhood physical abuse (60% of children)
- Childhood emotional abuse (54% of children)
- Household mental health issue (50% of children)
- Household criminal justice system involvement (41%)
- Childhood sexual abuse (21% of children)
- Parental death (20% of children)

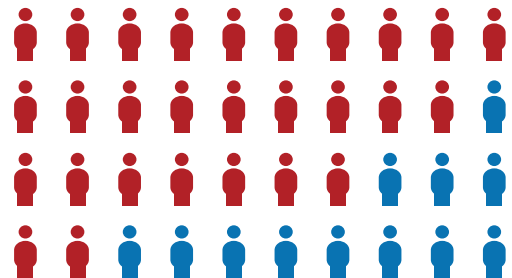
Of the children in the Monash group:

**99%** experienced at least one of these circumstances

**90%** experienced at least three of these circumstances

**68%** experienced at least five of these circumstances

**19%** experienced at least eight of these circumstances



## Complex Challenges Faced by 'Crossover Kids'

The Monash University study found that many of the 300 children experienced a range of complex challenges:

**74%** misused drugs or alcohol

**61%** were diagnosed with a mental health disorder

**48%** were diagnosed with a neurodevelopmental or neurological disorder

**35%** experienced self-harm, suicidal ideation or suicide attempts

**12%** experienced sexual exploitation or risk of sexual exploitation.

## Number of Child Protection Orders

Of the 892 children in the Council group:

**94%** had more than one child protection order

**65%** had five or more child protection orders

Of the 300 children in the Monash group:

**89%** had more than one child protection order

**49%** had five or more child protection orders

Most children were the subject of at least one **interim accommodation order** (a temporary order to keep a child safe until the court determines a child protection application). These orders were made in relation to:

**94%** of the 892 children in the Council group

**93%** of the 300 children in the Monash group

## Out-of-Home Care

Out-of-home care was experienced by:

**81%** of the children in the Council group

**79%** of the 300 children in the Monash group

The Monash University study identified that out-of-home care was more prevalent among children with:

- an intellectual disability
- a mental health diagnosis
- a trauma or attachment-related disorder
- a behavioural disorder
- a mood disorder
- a neurodevelopmental or neurological condition

## Number of Care Placements

Of the 767 children in the Council study who experienced out-of-home care:

**8 in 10** children experienced more than one placement



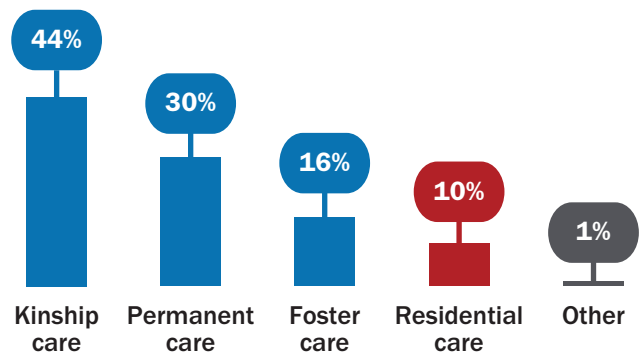
**5 in 10** children experienced five or more placements



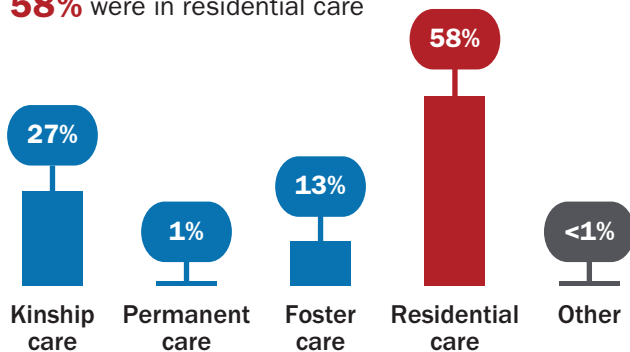
## Residential Care

Children who experienced residential care were over-represented in both the Monash group and the Council group compared with the 4,230 Victorian children aged 10–17 in out-of-home care on 30 June 2017:

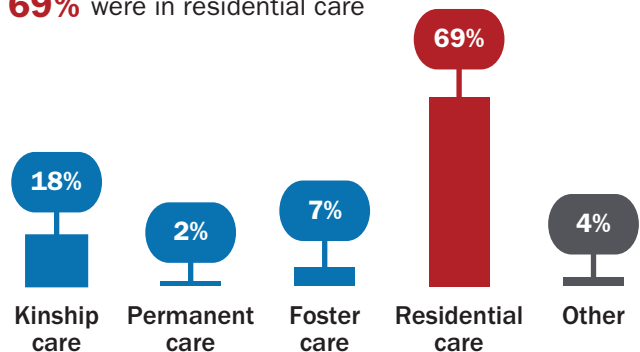
**10%** of the 4,230 Victorian children aged 10–17 in out-of-home care on 30 June 2017 were in residential care



Of the 213 children in the Council group who were in out-of-home care on 30 June 2017, **58%** were in residential care



Of the 130 children in the Monash group who were in out-of-home care at the time of their criminal case, **69%** were in residential care



\*Foster care includes children living in a lead tenant arrangement.

### Notes

1. Sentencing Advisory Council, 'Crossover Kids': *Vulnerable Children in the Youth Justice System, Report 1: Children Who Are Known to Child Protection among Sentencing and Diverted Children in the Victorian Children's Court* (Sentencing Advisory Council, 2019). The Sentencing Advisory Council acknowledges the support, assistance and contribution of the Children's Court of Victoria and the Department of Health and Human Services (Victoria) in this project.
2. 'Child protection orders' collectively describe four categories of orders made in the Children's Court of Victoria under the *Children, Youth and Families Act 2005* (Vic): protection orders, interim accommodation orders, therapeutic treatment orders and permanent care orders.
3. Susan Baidawi and Rosemary Sheehan, 'Cross-Over Kids': *Effective Responses to Children and Young People in The Youth Justice and Statutory Child Protection Systems*, Report to the Criminology Research Advisory Council (Australian Institute of Criminology, 2019). The authors thank the Children's Court of Victoria for their support and the Victorian Department of Justice and Community Safety. The study received funding from the Australian Institute of Criminology.

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