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# Crossover Children: Examining Initial Criminal Justice System Contact Among Child Protection-Involved Youth

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## ABSTRACT

Child protection-involved youth face increased risk of criminal justice system contact. Such “crossover children” experience earlier police involvement and more serious criminal justice sanctions, yet little is known about their early offending. Using a cross-sectional sample of 300 crossover children before three Victorian Children’s Courts in 2016–17, this mixed-methods study examines the nature and context of children’s initial police charges. Findings indicate that crossover children are initially charged with disproportionately violent offending, and often incur first police charges around the time of initial care placement. For many, initial criminal justice contact occurred in the context of conflict with caregivers, ongoing maltreatment, and household adversity, or emotional and behavioural regulation challenges. Efforts towards preventing offending for child-protection-involved youth should focus on preventing childhood maltreatment, alongside targeting parent–child relationship challenges, and strengthening community and care system responses that address the impacts of complex trauma, mental health problems, and neurodisability.

## IMPLICATIONS

- Compared to all sentenced children, those from statutory child protection backgrounds are charged with more serious offending at their first criminal court adjudication.
- Among “crossover children”, earlier police charges were seen for Indigenous children, those experiencing greater cumulative maltreatment, and children with emotional or behavioural challenges related to trauma, mental health, and neurodisability.
- Crossover children are most often first charged by police in the year before, and after, their first out-of-home care placement.

## ARTICLE HISTORY

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## KEYWORDS

Child Maltreatment; Child Welfare; Crossover Youth; Delinquency; Offending Onset; Juvenile Justice

Child maltreatment and youth offending present critical challenges. Across Australia, 159,000 children received child protection services in 2017–18, including 67,200 who were on care and protection court orders and 55,300 placed in out-of-home care with kinship or foster caregivers, or in residential care (Australian Institute of Health and Welfare, 2019). Children involved with child protection systems, particularly those removed from parental care, experience relatively poor outcomes (Mendes, Johnson, & Moslehuddin, 2011), understood to be influenced by early life adversity, and for those

unable to reside with parents, by the quality of their out-of-home care experiences. Among the most concerning outcomes of child protection-involved youth is their vastly disproportionate criminal justice system contact.

### **A Concerning Trajectory**

Children traversing child protection and youth justice systems are alternately referred to as “crossover”, “dual order”, “dual-jurisdiction”, or “dually-involved” (Herz, Ryan, & Bilchik, 2010). Across Australia, children receiving statutory child protection services are at least twelve times more likely to offend and come under youth justice supervision (AIHW, 2018). Often described as a “care to custody pipeline”, this over-representation peaks in youth detention centres, where at least one half of children are known to child protection (AIHW, 2018). These trends are mirrored internationally, including in the United States (Jonson-Reid & Barth, 2000; Ryan & Testa, 2005), the United Kingdom (Shaw, 2014; Taylor, 2006), Canada (Turpel-Lafond, 2009), and New Zealand (Centre for Social Research and Evaluation, 2010). The passage from child protection to youth justice services is a most concerning trajectory. Youth justice involvement—particularly that due to serious and violent crime—is associated with considerably detrimental outcomes, including early mortality and high likelihood of adult justice involvement (Lynch, Buckman, & Krenske, 2003; Tarolla, Wagner, Rabinowitz, & Tubman, 2002).

### **Factors Influencing the Maltreatment–Offending Relationship**

Since most children involved with child protection are never charged with youth offending, research has focused on identifying individual, environmental, and systemic factors contributing to their criminal justice system over-representation. At the individual level, heightened risk of criminal justice contact exists among maltreated children (Ryan & Testa, 2005; Widom, Fisher, Nagin, & Piquero, 2018), particularly those exposed to neglect and physical abuse (Jonson-Reid & Barth, 2000; Malvaso, Delfabbro, & Day, 2017; Maxfield & Widom, 1996; Stewart, Dennison, & Waterson, 2002). Maltreatment recurrence and persistence into adolescence are also risk factors for offending among abused or neglected children (Hurren, Stewart, & Dennison, 2017; Jonson-Reid & Barth, 2000; Malvaso et al., 2017; Ryan, Williams, & Courtney, 2013; Stewart et al., 2002). Quality of peer and family relationships are also associated with youth offending (Ingram, Patchin, Huebner, McClusky, & Bynum, 2007), with findings indicating that parental criminality, family violence and conflict, and weak parental bonds are more prevalent among crossover children compared to the broader youth justice population (Kenny & Nelson, 2008; Malvaso, Delfabbro, Day, & Nobes, 2019).

Several care-related factors also impact children’s likelihood of justice system entry. Placement in out-of-home care is itself associated with an elevated risk of justice system contact (Malvaso et al., 2017; Ryan & Testa, 2005), with residential care evidencing enhanced risk relative to other placement types (Cutuli et al., 2016; Ryan, Marshall, Herz, & Hernandez, 2008; Shaw, 2012). A key concern is crossover children’s exposure to offending peers through coplacement in residential care (Mendes, Baidawi, & Snow, 2014; Shaw, 2014; Taylor, 2006), and care placement instability further amplifies offending risk (Cutuli et al., 2016; Ryan, 2012; Ryan & Testa, 2005). US researchers

identified that the reason for care placement is important, with children entering care due to behavioural problems being more likely to enter residential settings, and to experience placement instability, and arrest (Ryan, 2012). This does not suggest that pre-existing risk solely explains these outcomes—criminalisation of children’s challenging behaviours through police responses to incidents in residential care is also thought to inflate justice system involvement among this group (Gerard, McGrath, Colvin, & McFarlane, 2019; McFarlane, 2018; Ryan et al., 2008; Shaw, 2016). Such “care-criminalisation” (McFarlane, 2018) is seen to result in residential care-placed children facing police involvement in response to minor incidents that would not incur legal sanctions in family homes. Systemic bias in criminal justice processing against children in residential care also results in some crossover children experiencing longer remand periods, greater policing surveillance of their criminal justice orders, and harsher sentencing (McFarlane, 2018; Richards & Renshaw, 2013; Ryan, Herz, Hernandez, & Marshall, 2007). Finally, lack of support for care leavers further disadvantages this group, seemingly contributing to offending during the transition from care (Lee, Courtney, & Hook, 2012; Mendes et al., 2014).

### Characteristics of Crossover Children

As with the broader youth justice population, most crossover children are male (Malvaso et al., 2017; Stewart et al., 2002), though youth justice-involved females are more likely to hail from child protection backgrounds (AIHW, 2018). The over-representation of crossover children from racial minorities is of concern across numerous child welfare and youth justice jurisdictions (AIHW, 2018; Barn, 2007; Turpel-Lafond, 2009). In many countries carrying historic legacies of settler-colonialism, Indigenous peoples are notably over-represented among crossover children. In Australia, Aboriginal and Torres Strait Islander children are 17 times more likely to have involvement in both the child protection and youth justice systems compared with non-Indigenous children (AIHW, 2018), and aboriginal children in Canada are similarly over-represented among crossover youth (Turpel-Lafond, 2009).

Finally, US and Australian evidence demonstrates that crossover children are younger than other justice-involved children (AIHW, 2018; Baidawi & Sheehan, 2019; Lee & Villagrana, 2015; McFarlane, 2018; Ryan et al., 2013; Widom, 1989), reflecting their earlier onset of police involvement. Australian data from 1 July 2013 to 30 June 2017 show that 68% of children aged 10 years at their first youth justice supervision were involved with child protection systems during that four-year period, compared to 23% under youth justice supervision at age 17 (AIHW, 2018). One US study investigated factors associated with earlier offending among crossover youth, finding that male gender, racial minority backgrounds, emotional or behavioural disability, school suspensions, and maltreatment recurrence were risk factors (Cho, Haight, Choi, Hong, & Piescher, 2019). Earlier onset of police involvement among crossover children is important given its association with increased risk of adult criminal justice involvement (Chen, Matruglio, Weatherburn, & Hua, 2005). Yet it remains unclear how crossover children become initially involved with the criminal justice system. Understanding the nature of crossover children’s initial criminal justice contact can inform responses aiming to avert this trajectory. The analysis presented in this paper responds to this knowledge gap by addressing the following questions:

- What is the nature of initial offending among crossover children?
- What are crossover children's living circumstances at the time of initial offending?
- What differences in initial offending are observed among crossover children based upon (i) age of first charge, (ii) Indigenous status, (iii) gender, and (iv) neurodisability status?

## Method

This paper analyses data collected during the 2016–18 Cross-Over Kids Study, conducted in partnership with the Children's Court in Victoria, Australia. Ethics approval for this study was granted by the Justice Human Research Ethics Committee and the Monash University Human Research Ethics Committee.

### Study Context

The Victorian Children's Court includes two divisions: The family division hears applications relating to the care and protection of children aged 0–17 years at risk of abuse and neglect, as well as intervention order applications. The criminal division hears applications relating to alleged offending of children aged 10–17 years, though children up to 21 years of age may be subject to youth justice orders. Children may have concurrent matters across both divisions, and where children are subject to court orders in both divisions, primary case management is negotiated between child protection and youth justice services (Department of Health and Human Services, 2016).

### Sampling

The study adopted a mixed exploratory and descriptive design; it sought both to quantitatively describe circumstances and characteristics of a sample of crossover children, and to draw upon qualitative data to explore these circumstances in greater detail. The cross-sectional sample comprised all children (aged 10–17 years at the time of criminal charges) before three Victorian children's criminal courts, and who were also the subject of current or historical Victorian statutory child protection orders. Study courts included two metropolitan and one regional Victorian children's courts, purposively selected to form a diverse sampling frame in relation to socio-economic status, rurality, and culture.

Cases were identified in chronological order from June 2016 until the quota of 300 was filled in April 2017. Excluded were children with nonstatutory child protection involvement alone (i.e., investigations not resulting in a child protection order), children solely with interstate child protection involvement, and children presenting only with infringement matters.

### Data Collection and Analysis

Data were gathered via a proforma data collection tool developed with advice from the Children's Court. Four data sources were audited for each child: court-based criminal and family division electronic files, and hard copy criminal and family division files. Analysed here are primarily administrative child protection and criminal justice data

concerning demographics, police charges, sentencing outcomes, and statutory child protection orders.

### ***Offending, Sentencing and Child Protection Data Collection***

Administrative data relating to statutory child protection orders, initial offending, and sentencing were collected from court electronic databases. Children's most serious charge was determined for the date of their first police charges, as well as among those consolidated for their first criminal court adjudication. The most serious offence or charge was determined by adapting the Australian and New Zealand Standard Offence Classification (ANZSOC), which provides a hierarchy of offence types based on seriousness (Australian Bureau of Statistics, 2011). Offences against the person relate to Divisions 1–6 of the ANZOC (homicide and related offences, acts intended to cause injury, sexual offences, dangerous and negligent acts, abduction, harassment and robbery, and related offences), public order and security offences related to Divisions 11–13 of the ANZSOC (weapons and explosives offences, environmental pollution). Where available, qualitative data from criminal division files provided contextual detail regarding children's charges (e.g., police briefs, youth justice, or group conferencing reports). This information was more available where children's current criminal matter was their first criminal court appearance (43% of children).

### ***Data Availability and Quality***

Case file audits were fully completed for 91.3% of children. Electronic case files were consistently available, however information in hard copy files varied. Elements of some case files were incomplete (13/300 family division and 14/300 criminal division files), when the file could not be located or was unavailable because of an ongoing matter at another court. These primarily related to non-administrative data describing, for instance, children's family circumstances. In these cases, much of the required information was gathered from other reports or files, minimising the amount of missing data. An advantage of the chosen approach is that data regarding children's circumstances were often obtained from several sources, enhancing reliability through crosschecking and triangulation.

### ***Data Analysis***

Case file data were entered into SPSS24 for analysis. Findings presented are primarily quantitative and descriptive in nature, though qualitative findings are included where relevant. Except where indicated in captions, all figures present data relating to the entire sample ( $N = 300$ ). Bivariate analyses explore differences in initial offending between subgroups of crossover children by age of offending onset, Indigenous status, gender, and neurodisability status. Neurodisability was affirmed for 48% of children whose case files indicated diagnoses of intellectual disability, borderline intellectual functioning, learning and communication disorders, attention deficit hyperactivity disorder, autism spectrum disorder, conduct disorder, foetal alcohol spectrum disorder or Tourette's Syndrome. Children whose Indigeneity was unknown (29%) were excluded from analyses by Indigenous status. Offending contexts were categorised through the repeated observation of socio-environmental milieu of children's initial charges, drawing information from police briefs, youth justice, and other reports. Qualitative information regarding offending was not

available in every case file, nor for every charge, thus findings are a broad depiction of offending contexts.

### **Sample Characteristics**

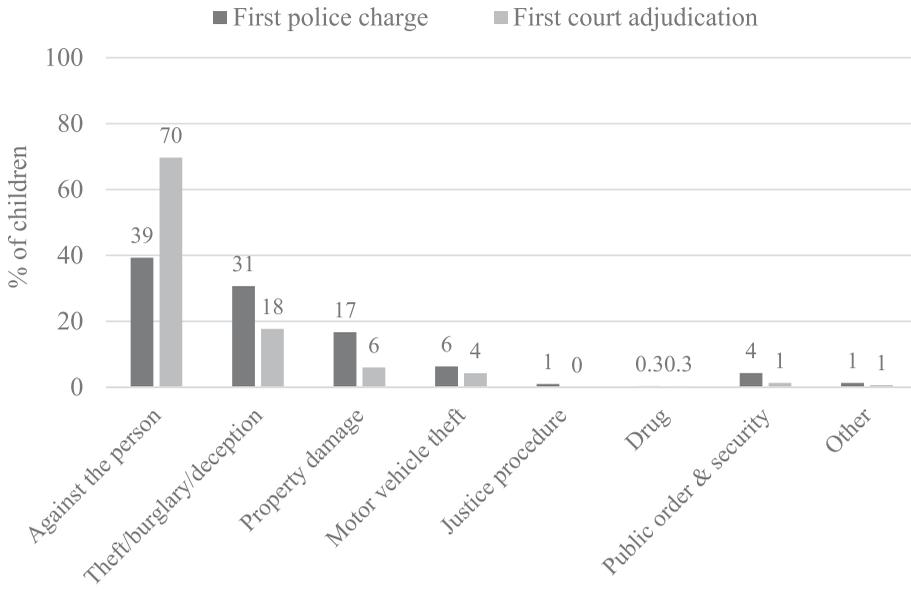
The mean age of the 300 crossover children was 16.2 years, 66% ( $n = 198$ ) were aged between 15 and 17 years; 68% ( $n = 204$ ) were male, 31% female ( $n = 94$ ), and 1% ( $n = 2$ ) identified as transgender. In 18% ( $n = 55$ ) of cases indigeneity was evident from case file data (e.g., records directly stated a child's indigeneity, or indicated evidence of engagement with Indigenous-specific services), while 53% ( $n = 158$ ) of children were non-Indigenous. The remaining 29% ( $n = 87$ ) of children's Indigenous status was undiscernible. While ethnicity was unknown for 47% of children ( $n = 141$ ), the remaining crossover children were most commonly from Aboriginal or Torres Strait Islander (18%,  $n = 55$ ), Anglo-Australian (15%,  $n = 44$ ), Maori or Pacific Islander (9%,  $n = 28$ ), Middle Eastern (4%,  $n = 12$ ), and African (3%,  $n = 9$ ) backgrounds. During the study period, 63% ( $n = 188$ ) of the children appeared before the Melbourne Children's Court, 10% ( $n = 29$ ) the Moorabbin Children's Court, and 27% ( $n = 83$ ) the Latrobe Valley Children's Court for their "index criminal matters", which were the criminal matters for which the child first appeared before one of the study criminal courts during the study period. At the time of their index criminal matters, 57% ( $n = 172$ ) of children were under a child protection order whereas the remainder had historically been under statutory child protection orders, and these services had subsequently withdrawn involvement. At their index criminal matters, 43% ( $n = 130$ ) of children were in out-of-home care, 44% ( $n = 131$ ) were not, and 13% ( $n = 39$ ) were over 18 years (ineligible for child protection orders). Among children in out-of-home care, 69% ( $n = 90$ ) were in residential care, 22% ( $n = 29$ ) resided with kinship, foster, or permanent carers, and 6% ( $n = 8$ ) were living independently.

## **Findings**

### **Initial Police Charges**

Crossover children's average age of first police charge was 14.3 years, making them three times more likely to be first sentenced before 14 years compared to other sentenced Victorian children. Offences against the person were commonly children's most serious initial police charge (39%,  $n = 118$ ), followed by theft, burglary, and deception charges (31%,  $n = 92$ ). Similarly, the most serious charge among those consolidated for children's first adjudication often related to offences against the person (70%,  $n = 209$ ), usually assault or causing serious injury (Figure 1).

For most children (89%,  $n = 267$ ), one or more initial offending contexts were discernible from case files, most commonly offending in the community (55%,  $n = 165$ ) (e.g., shop thefts), and adolescent family violence (17.3%,  $n = 52$ ) (usually towards a child's mother, though sometimes other family members, partners, or ex-partners). Offending outside placement (15%,  $n = 45$ ) references community-based offending among children in out-of-home care, while residential care-based offending (13.3%,  $n = 40$ ) relates to children acquiring charges in and around these placements. Sex offences (2%,  $n = 6$ ) were predominantly incest, often resulting in the child's care placement.



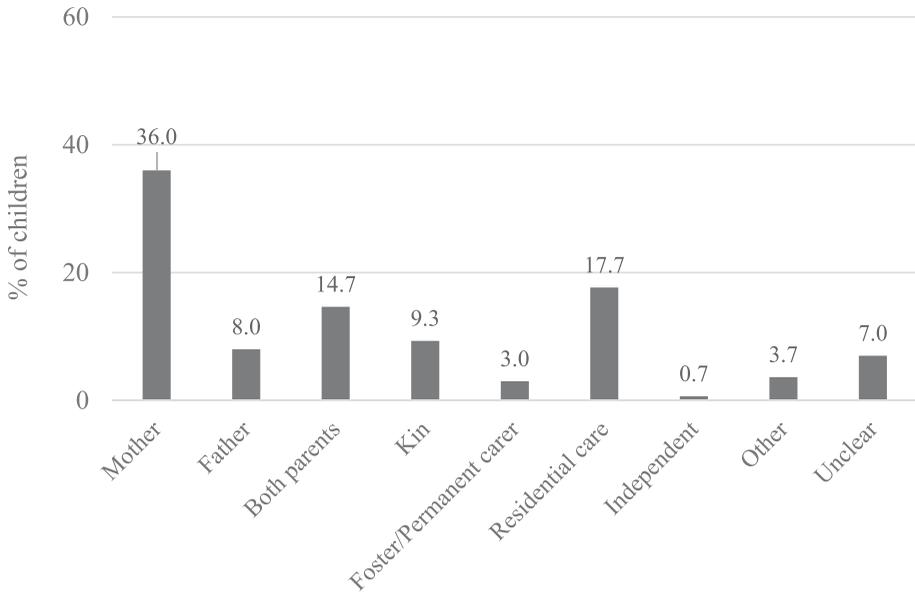
**Figure 1** Children’s most serious initial charges

### Child Protection Involvement and Living Arrangements at Initial Police Charges

At the time of initial police charges, 57% of children ( $n = 171$ ) were not under statutory child protection orders, while 12% ( $n = 36$ ) were under interim orders (generally while child protection matters were being heard) resulting in their remaining in the home, or being placed in other care arrangements. Seven per cent of children ( $n = 20$ ) were under orders directing them to reside with family, while 24% ( $n = 72$ ) had longer-term orders placing them in out-of-home care.

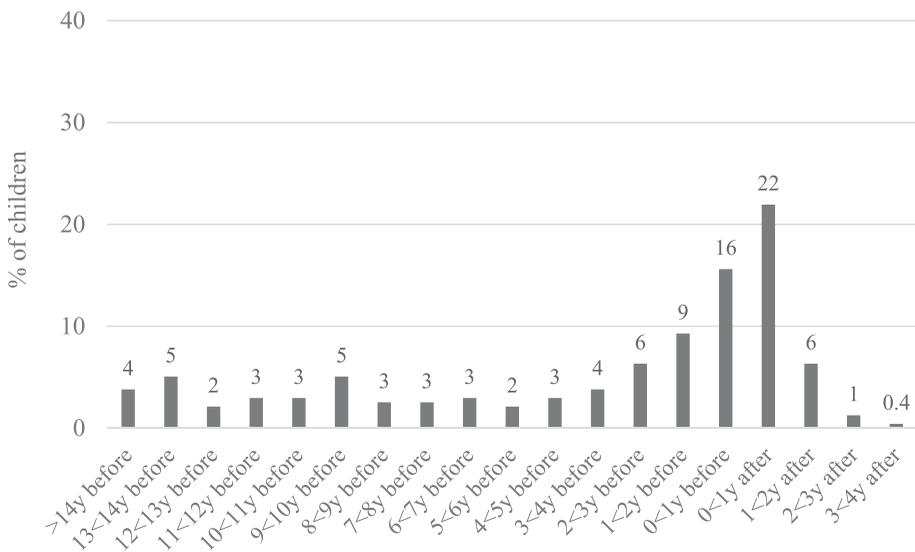
At their first police charges, 29% of crossover children ( $n = 87$ ) were in out-of-home care, and a large proportion (56%,  $n = 167$ ) had a history of care placement. At this time, most children were being cared for by one or both parents (59%,  $n = 176$ ), while smaller proportions were in residential (18%,  $n = 53$ ) or kinship care (9%,  $n = 28$ ) (Figure 2).

An escalation in the proportion of children first entering care was seen in the year preceding, and the year following first police charges (Figure 3). Overall, 38% of crossover children who entered care by the time of the file audit, first did so during this two-year period. Further qualitative analyses of the circumstances among this substantial minority of crossover children ( $n = 89$ ) were undertaken. The most common scenario related to child–parent or child–caregiver conflict immediately preceding or subsequent to initial offending and care placement. At this time, many children were observed to be “kicked out” of home, or were regularly running away—often from conflictual, abusive, or violent circumstances. Child protection intervention often related to welfare concerns for these children, sometimes resulting in their admission to secure care settings. A breakdown in living arrangements with parents or caregivers (usually kin), typically preceded children’s relinquishment to out-of-home care, often in the context of adolescent family



**Figure 2** Children’s carer at first police charge

violence, or caregivers being unable or unwilling to manage the child’s behaviour, mental health, or neurodisability needs. Some caregivers refused to collect children due for discharge from hospital settings, or who had presented to police stations seeking help. Many children were transient, moving between family, care placements, friends, and partners, or to homelessness during this period; school exclusion and failed family reunifications were also common. Oftentimes parents were also struggling with their own needs at these times, particularly mental health and substance abuse difficulties. A final scenario of



**Figure 3** Timing of first out-of-home care placement (before/after) relative to first police charge (n = 237)

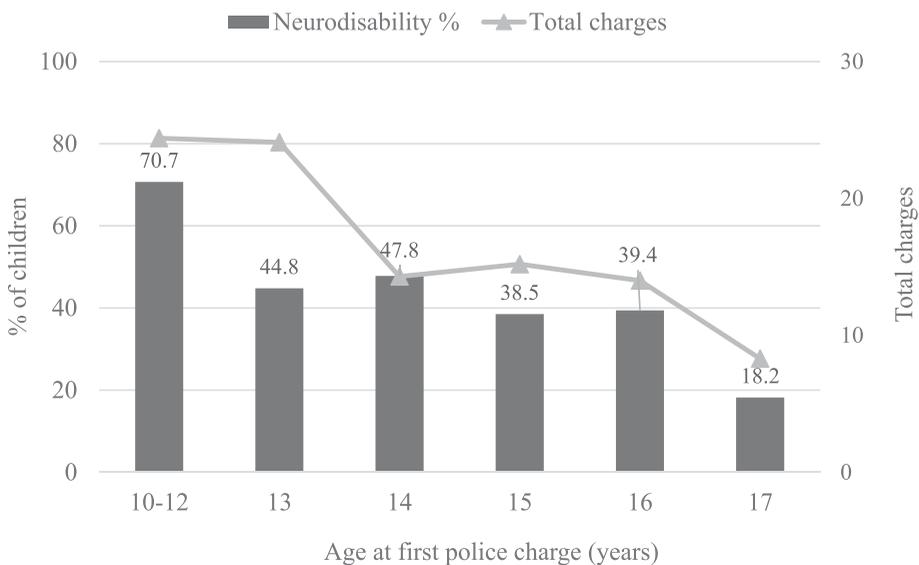
initial offending related to children exhibiting sexually abusive behaviours against family, and who were subsequently placed in care (usually kinship) while assessment, therapeutic interventions, or criminal matters proceeded. Placement around the time of initial offending was often to residential care, after which many children’s initial charges were acquired (particularly children with complex trauma and neurodisability), commonly assault and property damage in the placement environment, or co-offending with other residential care-placed children outside these settings.

**Differences in Initial Offending Among Crossover Children**

Differences in initial offending among crossover children were examined based upon age at initial police charge, Indigenous status, gender (M/F) and neurodisability status (Y/N). Overlap between these subgroups of crossover children was also explored.

**Initial Offending by Age at First Police Charge**

Compared to crossover children first charged after 14 years of age, those charged by police before 14 years were more likely to be Indigenous (37.9% vs 17.5%,  $p < .01$ ) and to have a neurodisability (57.8% vs 41.1%,  $p < .01$ ). Earlier offending among crossover children was associated with greater maltreatment and adversity, earlier child protection involvement, and a history of out-of-home care (Baidawi & Sheehan, 2019). Earlier first police charges were also associated with children’s cumulative number of challenges, including: intellectual disability, other neurodisability, mental health diagnoses, self-harm or suicidality, substance misuse, sexual exploitation risk, and challenging, absconding or sexualised behaviour (Baidawi & Sheehan, 2019). Conversely, crossover children first charged at older ages were less likely to experience challenges such as neurodisability, and had fewer charges at first court adjudication (Figure 4). First court adjudication includes children’s first sentenced



**Figure 4** Age at first police charge vs neurodisability ( $n = 279$ ) (%) and total charges at initial adjudication ( $N = 300$ )

matters (sentenced children) ( $n = 376$ ), or the first set of charges consolidated for adjudication for children whose criminal matters were dismissed or withdrawn ( $n = 10$ ), who were assessed as incapable of criminal responsibility (*doli incapax*) ( $n = 6$ ) or not guilty due to mental impairment ( $n = 2$ ), and children whose criminal matters were adjourned ( $n = 6$ ).

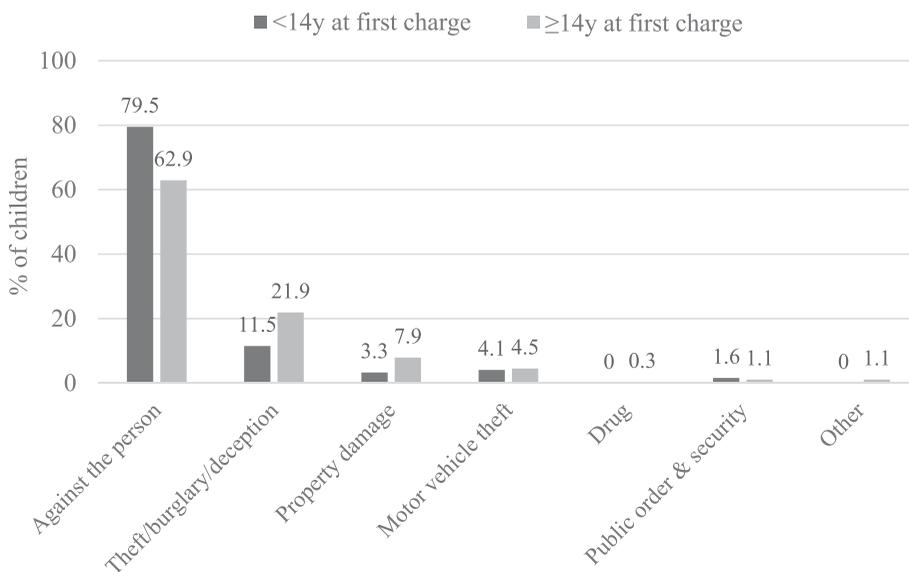
Crossover children first charged under 14 years of age more often at first court adjudication had an offence against the person as their most serious charge (79.5% vs, 62.9%,  $p < .01$ ), and less often had property offences, including motor vehicle theft, as their most serious charge (15.6% vs 26.4%,  $p < .05$ ) (Figure 5). No differences in offending contexts were identified between children first charged before and after age 14. A correlation exists between age at first police charge, and children's total number of charges consolidated at initial criminal court adjudication ( $r = -.194$ ,  $p < .01$ ), meaning that crossover children who were younger at offending onset had more charges at their first criminal court adjudication.

### Initial Offending by Gender and Indigenous Status

No disparities were observed by gender or Indigenous status in relation to initial charge types, care placement history, or (for those placed in care) the period between care placement and first police charge. While gender had no bearing on initial offending contexts, Indigenous children were less likely to have adolescent family violence as an initial offending context (5.5% vs 19.7%,  $p < .01$ ), and more likely to be first charged with offences occurring outside a care placement (most commonly kinship care, though sometimes residential care) (27.3% vs 10.2%,  $p < .05$ ).

### Initial Offending by Neurodisability Status

Males were more likely to have a neurodisability diagnosis compared to females (58.9% vs 25.3%,  $p < .001$ ), and crossover children with neurodisability were less likely to be initially



**Figure 5** Most serious charge at first adjudication by age at first police charge

charged with offending against the person (29.1% vs 44.1%,  $p < .05$ ), and more likely to be charged with property offences (44.8% vs 32.4%,  $p < .05$ ). However, by the time of first adjudication, there were no differences in the most serious charge seen among children with and without neurodisability.

Neurodisability status was unrelated to statutory child protection involvement at the time of first police charges, however at initial offending, crossover children with neurodisability were more likely to be in out-of-home care (36.1% vs 24.5%,  $p < .05$ ), and to have a history of care placements (61.7% vs 49.3%,  $p < .05$ ). Given their different placement settings, children with neurodisability were unsurprisingly less likely to first be charged in relation to community-based offending while residing with parents (46% vs 62%,  $p < .05$ ).

## Discussion

While most child protection-involved children do not offend, the over-representation of this group in youth justice systems presents ongoing concerns. This study sought to examine initial offending among statutory child protection-involved children; to investigate differences by age of offending onset, Indigenous status, gender, and neurodisability status; and to explore children's living circumstances at offending onset. Findings both confirm and extend previous knowledge regarding offending among crossover youth.

Offences against the person were commonly crossover children's most serious offence among both initial police charges (39%), and initially adjudicated court matters (70%). Data provided by the Victorian Department of Justice and Community Safety indicate that of children under statutory youth justice orders (excluding diversion) during the study period, 72% were found guilty of offences against the person, compared to 97% of crossover children in the sample sentenced to a youth justice order. This indicates that crossover children are more likely to be charged with violent offences, compared to other children before the criminal court.

This study found no gender differences in crossover children's initial charges. On the other hand, earlier offending onset among crossover children was associated with greater maltreatment and adversity, earlier child protection involvement, and a history of out-of-home care (Baidawi & Sheehan, 2019). Crossover children over-represented among those with earlier offending include Indigenous children, and those with a neurodisability diagnosis. Earlier police charges were also associated with greater and more complex support needs among crossover children, including cumulative emotional, mental, behavioural, and disability-related challenges (Baidawi & Sheehan, 2019). Finally, crossover children with earlier offending were more likely to be charged with offending against the person, and to have a greater number of charges, consistent with other research on early offending (Loeber & Farrington, 2000).

Study findings are also consistent with previous research demonstrating associations between maltreatment severity (persistence and recurrence) and offending among child protection-involved youth (Hurren et al., 2017; Ireland, Smith, & Thornberry, 2002; Jonson-Reid, 2002; Malvaso et al., 2017). Additionally, the findings agree with US research, which reported greater risk of early offending among child protection-involved youth from racial minority backgrounds, those experiencing cumulative and recurrent maltreatment, and those with emotional or behavioural problems (Cho et al., 2019).

Like the current study, previous research identifies that children with care placement histories are at higher risk of offending compared with other child protection-involved youth (Malvaso et al., 2017; Stewart et al., 2002). There is ongoing debate as to the relative impact of childhood maltreatment and adversity, and care placement-related factors in explaining these outcomes (Cutuli et al., 2016; McFarlane, 2018; Shaw, 2012, 2014). The current study found that at the time of their first police charge, only 43% of crossover children were under child protection orders, and less than one third (29%) were in out-of-home care, though one half (56%) had a history of care placements. These findings suggest the need for research to consider pre-existing “risk”, alongside elements of “care criminalisation” (McFarlane, 2018), as well as the interactions between the two, in examining these outcomes. Crossover children were most likely to incur first police charges in the year prior, and subsequent, to initial care placement (the case for 38% of children). This pattern often reflected breakdown in living arrangements between children and parents or other voluntary caregivers (generally kin), often in the context of parent-child conflict, ongoing maltreatment (including family violence), children’s behavioural challenges (particularly perpetration of adolescent family violence and running away from home), children’s mental health and neurodisability-related support needs, and parental challenges (particularly those related to mental health and substance abuse problems).

While previous crossover children’s research has either excluded children placed in care for behavioural reasons (e.g., Malvaso et al., 2017), or found that this group were more likely to experience subsequent arrest (e.g., Ryan, 2012), the current study findings suggest a need for caution in interpreting administrative data related to reasons for care placements, as these may not accurately reflect children’s circumstances and history. Many children most recently placed in care for behavioural reasons had prior care placements due to maltreatment or caregiver incapacity. Additionally, though some crossover children plainly entered care due to either maltreatment, or behavioural reasons, the relationship between behavioural challenges and maltreatment is complex. The tendency of those crossover children who enter care to do so at older ages, and ostensibly as a result of behavioural concerns rather than maltreatment (Ryan, 2012), may in part reflect the behavioural impacts of cumulative harm becoming more pronounced as children grow older (Li & Godinet, 2014). Additionally, growing evidence suggests that many of the neuropsychological difficulties disproportionately seen among crossover children—including intellectual disability, language and learning difficulties, and mental or behavioural problems including conduct disorder—are often-times the product of maltreatment, or at least share with abuse and neglect common etiological pathways (Maclea et al., 2017; Spencer et al., 2005; Sullivan & Knutson, 1998). The emotional, behavioural, and neurodisability challenges identified more prevalently among crossover children may be proxy indicators of cumulative childhood adversity (including maltreatment), a possibility that could be more fully explored by future research.

## **Limitations**

Typical of studies based on administrative or clinical data-mining approaches, the adopted method held both advantages and challenges. The findings solely represent information

available in case files, which was somewhat variable from child to child, and in some instances did not illuminate the context of children's initial offending. Additionally, the study utilised an unrepresentative sample, and was undertaken in a single Australian jurisdiction. These factors suggest caution is required in generalisation of findings, particularly those relating to smaller subgroups such as females or children with neurodisability. Despite these limitations, the findings extend current understandings about crossover children's initial offending, and their implications help inform future research and practice in this area.

## Conclusion

Crossover children experience both earlier and more serious offending, compared to other justice-involved children. Circumstances leading to their initial criminal justice contact appear related to significant conflict with caregivers, ongoing maltreatment and household adversity, as well as the challenges they and their caregivers face in relation to managing the emotional and behavioural manifestations of complex trauma, mental health problems, and neurodisability. Preventing child abuse and neglect should clearly remain a priority, and the adequacy of protective responses for adolescents with complex needs requires examination (Ryan, 2012). Efforts towards preventing offending among this group could usefully target parent-child relationship challenges, and parental support and community interventions responding to impacts of cumulative harm, mental health problems, and neurodisability. Out-of-home care systems should similarly adopt supportive, non-criminalising responses to better support children's needs.

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