State Juvenile Justice Profiles, 2005

Selected contents of the Technical Assistance to the Juvenile Court project's premiere web-based information resource (archived in 2011).

July 2012
For over twenty years the National Center for Juvenile Justice (NCJJ) managed a Technical Assistance to the Juvenile Court Project designed to provide the best available information to juvenile court staff, other juvenile justice professionals, and interested citizens in a timely, cost effective, and manner. Over the course of the project, NCJJ developed resources aimed at helping juvenile courts and probation departments address day-to-day problems and improve operations. The project also compiled a vast body of knowledge concerning the organization and administration of juvenile justice in each of the fifty states and brought much of the knowledge online with the State Juvenile Justice Profiles website. At its peak in 2005, the website logged over 100,000 user sessions per month and was a tool for practitioners across the country. The site was archived at the conclusion of the project. However, the state profiles and national overviews it contained have been converted into this PDF publication that remains relevant and available for download on the NCJJ website.

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NCJJ State Profiles: Alabama

**Delinquency Services Summary**

*Decentralized State:* Delinquency services are organized at both the state and local level in Alabama. Detention is primarily administered by county executive agencies. In most of the state, the Administrative Office of the Courts administers delinquency intake, predisposition investigation, and community supervision, including aftercare supervision. In the remaining five counties, district courts/juvenile courts administer those services. The Department of Youth Services administers commitment programs.

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**Court(s) with Delinquency Jurisdiction**

District Courts and Circuit Courts exercise jurisdiction in delinquency proceedings. District Courts are limited jurisdiction trial courts, whereas Circuit Courts are general jurisdiction trial courts. For additional information, visit the web site for the [Administrative Office of the Courts](#).

**Highlights**

**Juvenile Justice Technology Project**

The Alabama Administrative Office of Courts (AOC) is developing the state's juvenile justice technology project, which connects the AOC's offices, the 67 counties' juvenile courts'/judges'/clerks' offices, the juvenile probation offices, the juvenile prosecutors' offices, the Alabama Department of Youth Services' long-term detention facilities, and the local/county short-term juvenile detention facilities through the internet. This will allow most of the state's juvenile justice system employees to provide input to and access case management information from anywhere in the state. These employees will be able to enter information concerning juvenile case prosecutions from intake to aftercare and track the demographics of the juvenile population.

**Detention**

Alabama has 14 juvenile detention facilities; 12 are classified as secure and 2 as staff secure. Detention centers are primarily administered by the county executive, but the court and private contractors also administer detention in some counties. Counties fund secure detention with some facilities serving regions of the state. The Department of Youth Services administers operating subsidies and subsidies for construction projects to expand capacity and improve existing facilities where the state most needs it. Alternatives to detention include shelter care or release to parents.

Juveniles may detained if: there is no parent able and willing to provide supervision; the release of the youth would present a clear and substantial threat of a serious nature to the person or property of others or to the youth; or the youth has a history of failing to appear for court hearings. Officers of the court screen referrals for secure detention. Juveniles can be held in detention awaiting adjudication, disposition, and placement. Juvenile courts can sentence youth to secure detention and can use detention as a sanction for probation violations. Detention hearings must be held within 72 hours.

**Delinquency Intake Screening**

Any person or agency having knowledge of the facts may make a complaint to the intake office. Juvenile probation officers, or specialized "intake officers" in larger counties, accept delinquency referrals. They
also review them for legal sufficiency and determine whether to handle the case formally or through an "informal adjustment" supervised by the intake officer. Intake decisions are subject to review by prosecutors in some jurisdictions. Prosecutors make the charging decision. Local arrangements determine the level of review and the authority of intake officers to draft and file petitions. Under the Alabama Administrative Code, court intake must be court controlled and not at the discretion of law enforcement. It is the responsibility of intake to be sure that the youth and his or her parent/guardian have a copy of the petition and understand the charges. Intake must also be sure that the youth and parents/guardian are aware of their legal rights and court procedures.

**Diversion**

By statute and state court rule, the intake officer may divert a case to informal adjustment. By statute, any delinquent is eligible for informal adjustment. Informal adjustment may include counseling, supervision by the juvenile officer, or the temporary placement of the juvenile with persons other than his or her parents or custodian. Referrals may be made to public and private agencies that may provide assistance or services to the juvenile and his or her parents or custodian. The intake officer may either terminate the informal adjustment process and dismiss the youth without further proceedings or terminate the informal adjustment process and file a petition in the court under certain circumstances, including if it appears that the youth and his or her parents or custodian have received the maximum benefit from the informal adjustment process; they decline to participate further in the informal adjustment process; and the youth fails without reasonable excuse to attend scheduled conferences. In any case, the informal adjustment process must not last beyond six months.

**Predisposition Investigation**

Local prosecutors are responsible for developing a case against an alleged delinquent. The court's juvenile probation officer (or an "intake officer" in larger counties) conducts a separate investigation that includes a social history and recommendations to the court for disposition. Under the Alabama Administrative Code, the predisposition investigation should be postponed until after the adjudication unless the juvenile court directs otherwise. There must be at least one interview with the youth and his or her parent or guardian and one home visit prior to the dispositional court hearing. Juvenile probation officers must contact the school that the youth attends to ascertain school adjustment and achievement and to identify any problem areas. All resources of help for the youth must be identified and investigated and included in recommendations to the court. Probation officers are encouraged to strive for appropriate alternatives to formal adjudication and commitment to state institutions for consideration by the court. Alabama does not use a standardized tool to prepare disposition recommendations.

**Victim Rights and Services**

Victims of delinquent acts are covered under both the Crime Victims' Compensation Act and the Crime Victims' Rights Acts. Please see Code of Alabama, Title 15, Chapter 23. In Alabama, the juvenile hearing is open to victims. Other rights include the right to be notified of hearings, final adjudications, or the juvenile's release or escape; to have a separate waiting room; to present written or oral impact statements; to have the plea agreement explained; and to receive restitution.

The Victims' Service Office in the local District Attorney's Office administers services to victims of juvenile offenses. By statute, the Office of Prosecution Services must create a Victim Services Fund, which must deposit the assessments it receives into the Victim Services Fund. District attorneys' offices must employ a minimum of one full-time victim service officer in each circuit.

In Alabama, the Crime Victims Compensation Commission administers crime victim compensation. To serve on the three-member commission, members must be victims or family members of victims of violent crimes.

**Probation Supervision**

As of 2002, juvenile probation officers working in 62 of Alabama's 67 counties are working under the direct jurisdiction of the Administrative Office of the Courts (AOC); juvenile probation officers in the remaining 5 counties work under the direct jurisdiction of the district courts/juvenile courts in those counties and are paid directly by those counties but also receive a portion of their salaries from the State budget.
Caseloads are comprised solely of juvenile offenders. No standard sets caseload size. The title of the professionals who supervise juvenile probationers is Juvenile Probation Officer. JPOs work in offices located in courthouses or courthouse annexes.

The balanced approach directs the practice of juvenile probation in Alabama. Particular emphasis is placed on directing the youth to treatment programs that address the causation factors faced by the youth and his/her family, such as academic remediation, drug and alcohol treatment, individual and group youth counseling, family counseling, anger management, and gang intervention. Alabama provides specialized probation services, which the state funds.

No statewide mandate exists for a risk/needs assessment instrument to be used in juvenile probation, although some jurisdictions do use one. The AOC is developing a separate risk/needs assessment as part of a statewide package of mandates for juvenile services.

Juvenile probation officers are required to develop an individualized supervision plan in addition to conditions of probation. There is a "loose" protocol set for developing such a plan. JPOs learn the basic concepts in how to develop a plan, and then they look at the youth’s strengths, weaknesses, needs, and risk. Based on this assessment, a plan is developed for the individual youth.

Probation officers must contact the youth at least monthly and justify less frequent contacts in the youth's file. These contacts may take place in the office, in the home, at recreational areas in the community, and in other locations familiar and comfortable to the youth. Probation officers maintain a log of contacts and note progress or problem areas. Appraisals of progress should be made and reviewed with the youth and his or her parent or guardian assessing attainment of stated goals. Appraisals should be made at least monthly and become less frequent as the probation plan proves effective. Contact with the school should be maintained during the probation period and progress reports obtained.

Alabama’s statutory laws promulgated by the Alabama Legislature, the Alabama Rules of Juvenile Procedure promulgated by the Alabama Supreme Court, and the operations of the District Courts and the JPOs all govern juvenile probation practices in Alabama. There are minimum standards for JPO certification, but there are no minimum standards for probation practice.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Under the Administrative Code, juvenile probation officers must have at least a bachelor's degree, preferably in a behavioral science field or with coursework emphasis in sociology, psychology, law enforcement, corrections, counseling, social work, or social welfare. Applicants should be able to meet the following job requirements: knowledge of interviewing and counseling techniques, social casework principles or techniques; knowledge of sociological principles, behavior principles, child and/or adolescent psychology; knowledge of the scope and function of social agencies, juvenile law, court process, and law enforcement in the community; ability to relate to, understand and establish effective working relationships with socially maladjusted youth, exceptional youth, emotionally disturbed youth, their parents and/or guardians, and the general public. Applicants should be at least 21 years of age.

The Administrative Office of the Courts (AOC) sets the standards for juvenile probation officer (JPO) certification and training, and then provides opportunities for JPOs to attend training and receive certification. Under Act 98-392, AOC certifies juvenile probation officers. The Alabama Administrative Code establishes the minimum standards for the certification procedure for probation and aftercare personnel.

Juvenile probation officers without experience in juvenile court work are required to complete 120 hours of training as prescribed by the Department of Youth Services (DYS), including 80 hours of classroom instruction conducted by DYS and 40 hours of supervised in-service training. The 80 hours of classroom instruction must include the following: history and philosophy of the juvenile system in Alabama; Alabama Juvenile Code; pertinent and timely legal issues in juvenile justice; functions and duties of other agencies; Interstate Compact procedures; policies and procedures of DYS; management information system; children's rights (advocacy); DYS' requirements and standards; services provided by DYS; interpersonal skills; interviewing techniques; case management; writing skills (social summaries and reports); and resource development and utilization. The 40 hours of supervised
in-service training must include: intake policies and procedures of the court; judicial proceedings during a juvenile hearing; identification of local resources and agencies; policies and procedures of law enforcement agencies; use of required forms; and job description and role of probation officer as it relates to the philosophy of the local court. Forty hours of refresher training per year may include specialized workshops and seminars conducted, sponsored, or recommended by DYS.

**Juvenile Corrections Continuum**
The Department of Youth Services (DYS) administers residential facilities and administers contracts for privately operated beds in secure and non-secure facilities.

**Commitment to State**
Juvenile court judges make indeterminate commitments to the Department of Youth Services (DYS). DYS controls placement specifics and has the authority to discharge youth subject to a review by the court for release and aftercare arrangements. The Administrative Office of the Courts is currently revising the risk/needs instrument developed by Auburn University to use on youth committed to DYS.

**Blended Sentencing**
Alabama does not have blended sentencing provisions.

**Direct Placement**
The court can place a juvenile directly in a local/private placement without committing the juvenile to a state delinquency institution for an indeterminate period of time. The juvenile court judge makes the release decision for juveniles in direct placement.

**Release**
The Department of Youth Services has the authority to discharge youth subject to a review by the court for release and aftercare arrangements. Alabama has a paroling authority, but does not use the term “parole.” The term used is “released to aftercare.”

Alabama Code 44-1-35 outlines the court's review requirements.

**Aftercare/Re-entry**
Youth placed on aftercare are under the jurisdiction of the local juvenile probation officer working in the county wherein the youth resides. As of 2002, juvenile probation officers working for the Administrative Office of the Courts provide aftercare supervision in 62 of Alabama's 67 counties; juvenile probation officers in the remaining 5 counties work under the direct jurisdiction of the district courts/juvenile courts in those counties and are paid directly by those counties but also receive a portion of their salaries from the State budget. Under the state Administrative Code, the Department of Youth Services (DYS) is authorized to develop standards for aftercare services.

Under the minimum standards for aftercare services established by the state Administrative Code, aftercare planning must be done while the youth is on campus and must include the probation officer, the placement staff, the youth, the parent/guardian, and any community resources needed and available. Under these same standards, contact with the youth released from DYS and other placement must be made within one week of his/her release. A petition for aftercare must be filed within 10 days. An assessment of the needs and abilities of the youth which began within DYS or other placement agency shall be coordinated so that objectives will continue on aftercare. The youth on aftercare will be seen as often as necessary. An appraisal of his/her progress must be made and discussed with the youth and parents/guardian. Appraisals must be at least monthly and become less frequent as the aftercare plan proves effective. These appraisals of progress or adjustment shall include: home life adjustment and attitudes; school adjustment, performance, behavior; employment adjustment, performance, behavior; interpersonal relationships; behavioral adjustment including any law violations; any other problem area unique to the case.

The Boys and Girls Clubs of South Alabama, Inc. is working in conjunction with the Mobile County Juvenile Court and the Alabama Department of Youth Services to operate Alabama's prototype juvenile reentry program—primarily in the city of Mobile.
Alabama is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Alabama's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

State Laws

Legal Resources
Juvenile Code resides in Alabama Statutes, Title 12, Chapter 15.

Department of Youth Services resides in Alabama Statutes, Title 44.

Department of Youth Services resides in Alabama Administrative Code, Chapter 950.

State Bar of Alabama

Purpose Clause for Delinquency Proceedings
This chapter shall be known as the Alabama Juvenile Justice Act. The purpose of this chapter is to facilitate the care, protection, and discipline of children who come within the jurisdiction of the juvenile court, while acknowledging the responsibility of the juvenile court to preserve the public peace and security. In furtherance of this purpose, the following goals have been established for the juvenile court:

(1) To preserve and strengthen the child's family whenever possible, including improvement of home environment.

(2) To remove the child from the custody of his or her parents only when it is judicially determined to be in his or her best interest or for the safety and protection of the public.

(3) To reunite a child with his or her parents as quickly and as safely as possible when the child has been removed from the custody of his or her parents.

(4) To secure for any child removed from parental custody the necessary treatment, care, guidance, and discipline to assist him or her in becoming a responsible productive member of society.

(5) To promote a continuum of services for children and their families from prevention to aftercare, considering wherever possible, prevention, diversion, and early intervention.

(6) To promote the use of community based alternatives as deterrents to acts of juvenile delinquency and as least restrictive dispositional alternatives.

(7) To hold a child found to be delinquent accountable for his or her actions to the extent of the child's age, education, mental and physical condition, background, and all other relevant factors and to provide a program of supervision, care, and rehabilitation, including restitution by the child to the victim of his or her delinquent acts.

(8) To achieve the foregoing goals in the least restrictive setting necessary, with a preference at all times for the preservation of the family and the integration of parental accountability and participation in treatment and counseling programs.

Judicial procedures through which these goals are accomplished will assure the parties a fair hearing where their constitutional and other statutory rights are recognized and enforced. This chapter shall be liberally construed to the end that each child coming within the jurisdiction of the juvenile court shall receive the care, guidance, and control, preferably in his or her own home, necessary for the welfare of the child and the best interest of the state.

Purpose Clauses for Juvenile Corrections
Juvenile probation officers are an integral part of the juvenile justice system. Juvenile probation officers perform a variety of services which are essential to the proper operation of the juvenile courts including working primarily with youths who are alleged to be delinquent or in need of supervision. It is the intent of the Legislature that a comprehensive system of juvenile probation services be developed, implemented, and administered statewide by the Administrative Office of Courts.


The purpose of this chapter is to promote and safeguard the social well-being and general welfare of the youth of the state through a comprehensive and coordinated program of public services for the prevention of juvenile delinquency and the rehabilitation of delinquent youth. This state program shall provide the following:

(1) Social and educational services and facilities for any youth whom a juvenile judge deems in need of such state services;

(2) The establishment of standards for social and educational services and facilities for such youth;

(3) Cooperation with public and voluntary agencies, organizations and citizen groups in the development and coordination of programs and activities directed toward the prevention, control and treatment of delinquency;

(4) The promotion and improvement of community conditions, programs and resources to aid parents in discharging their responsibilities for the care, development and well-being of their children; and

(5) The promotion of improved communications between the public and voluntary agencies and bodies of this state responsible for said youth and the juvenile courts of this state.


Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

Juvenile Transfer Laws
For information on Alabama's juvenile transfer laws, click here.

Juvenile Justice Leadership
Department of Economics and Community Affairs
The Department of Economics and Community Affairs, as the State Advisory Group, allocates and disburses federal funding and insures compliance with the core requirements of the Juvenile Justice and Delinquency Prevention Act of 1974.

Youth Services Board
Statute created a Youth Services Board whose sole purpose is to guide the administration of the Department of Youth Services (DYS) and youth services in the state. The Board's powers include appointing the DYS director, setting the director's salary, contracting for services, acquiring property, entering legal proceedings, and promulgating rules, policies, orders and regulations. The Governor is the ex-officio chair of the Board with 18 voting members from key executive offices, the legislature, and
juvenile justice membership organizations, including the Council of Juvenile Court Judges and
Association of Chief Probation Officers. The Governor appoints 7 of the 18 members as representatives
of the public, a member from each congressional district {cite: Code of Alabama, Title 44, Article 3}.

Juvenile Probation Officers Association

Alabama Chief Probation Officers Association

Alabama Council of Juvenile and Family Court Judges

**Resources/Contacts**

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The National Center for Juvenile Justice strives to make each State Profile as accurate as possible. Please bring any errors, updates, or
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http://www.ncjj.org/stateprofiles/.
NCJJ State Profiles: Alaska

Delinquency Services Summary
Centralized State: A single state executive department administers services to delinquents in Alaska. The Division of Juvenile Justice, within Alaska’s Department of Health and Social Services, administers detention, delinquency intake, community diversion, probation supervision, the juvenile corrections continuum, commitment and release, and aftercare/re-entry through 16 probation offices and 8 juvenile correctional facilities in 4 regions.

Service Classification

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Court(s) with Delinquency Jurisdiction
Superior Courts exercise jurisdiction over delinquency matters. Superior Courts are general jurisdiction trial courts. For more information, visit the [Alaska Court System's web site](http://www.akcourts.gov).

Highlights

Update of the Division of Juvenile Justice’s System Improvement Plan
The Division of Juvenile Justice (DJJ) implemented a System Improvement Plan in 2003 that included goals related to DJJ’s ability to ensure effective and efficient service delivery while adhering to its mission of community protection, offender accountability, and competency development. Some accomplishments since the plan’s implementation include: adoption of the Detention Assessment Instrument and the Youth Level of Service/Case Management Inventory; participation in the Performance Based Standards project of the Council of Juvenile Correctional Administrators; implementation of Aggression Replacement Training; improved use of treatment units as a statewide resource; development of non-secure detention options; and improvement of transitional services. For more information, read Division of Juvenile Justice [System Improvements Update Report](http://www.djj.alaska.gov).

Detention
The Department of Health and Social Services, Division of Juvenile Justice funds and operates eight juvenile detention facilities, four of which also serve as juvenile correctional facilities for the long-term confinement of youth. By statute, juveniles who pose a danger to themselves or others or require secure detention to ensure their appearance at subsequent court proceedings may be held in detention while awaiting adjudication or disposition. Secure detention is not used as a disposition option in Alaska. However, the Alaska District Court system, which has jurisdiction over alcohol, tobacco, traffic, and fish and game matters, may order persons to serve district court sentences at juvenile detention facilities. Secure detention may be used as a sanction for probation violations, depending on the seriousness of the violation, the youth’s history, and other factors that are considered in the detention assessment process.

Juvenile probation officers use an objective Detention Assessment Instrument (DAI) to screen the need for secure detention on all referrals to secure detention. The DAI assesses a juvenile’s previous history, including prior offenses, most serious alleged offense, prior adjudications, and prior supervision status. The DAI has been automated into DJJ’s statewide Juvenile Offender Management Information System since May 2005.

Juveniles who have not had a detention hearing within 48 hours after being detained must be released.
from detention, unless otherwise ordered by the court. If a juvenile is in detention longer than 7 days, the juvenile probation officer must develop a transition plan that ensures the youth’s immediate risks and needs are being addressed and that the response to the youth’s behavior is active and appropriate. Juveniles held in detention who have not been adjudicated delinquent within 30 days must be released unless the court orders continued detention and states the reasons or the juvenile and his/her attorney stipulate to continued detention.

Alaska uses the Annie E. Casey Foundation’s Pathways to Detention Reform program as a model for developing a detention continuum through the use of electronic monitoring, home detention, emergency non-secure care, intensive supervision, and secure detention. Current detention options include non-secure and community-based placements, such as non-secure shelters, foster care, and electronic monitoring. The Ketchikan Youth Facility provides detention services as well as a non-secure mental health unit for youth with serious emotional difficulties who need short-term evaluation, stabilization, and crisis respite services. The Division of Juvenile Justice continues to explore and develop non-secure alternatives to detention that are tailored to community needs and resources.

**Delinquency Intake Screening**
Juvenile probation/intake officers from the Department of Health and Social Services’ Division of Juvenile Justice receive all delinquency referrals from law enforcement, except for traffic and other violations, status offenses, and certain serious felony offenses. (Referrals for 16- or 17-year old juveniles charged with certain serious felonies are subject to automatic waiver to criminal court.) Juvenile probation officers decide whether to handle the case formally or informally and may consult with the local prosecutor’s office when making this decision.

In late 2005, the Division implemented the use of the Youth Level of Service/Case Management Inventory (YLS/CMI) in probation services statewide to assist in making intake decisions. Probation officers perform the YLS/CMI for youth referred to the formal court process, those who have been placed on informal probation, and those who have been referred to the Division repeatedly within a two-year timeframe. The YLS/CMI is used to determine supervision levels and to help craft appropriate case plans for youth. Reassessments are conducted at regular intervals to ensure that services are effectively addressing the youth’s risks and needs.

Once a petition is filed against a juvenile, the juvenile probation officer coordinates with the District Attorney and Assistant Attorney General to adjudicate the case. As part of that process, plea or petition response agreements and subsequent motions are coordinated with the District Attorney or Assistant Attorney General.

**Diversion**
Juvenile probation officers, working for the Division of Juvenile Justice, make diversion decisions. Approximately 63% of all delinquency referrals to the agency are handled informally through community-based diversion and accountability services. First-time juvenile offenders or those alleged to have committed minor offenses, such as misdemeanors or violations of municipal ordinances, are eligible for diversion. Juvenile probation policy restricts and limits diversion for certain felony charges.

Diversion options include community service, youth courts, community courts, dispute resolution services, circle peacemaking, victim/offender mediation, and restitution. There are currently 16 youth courts and community panels in Alaska. They are funded through the State of Alaska, OJJDP, and private sources. These youth courts take referrals from DJJ Probation Officers, District Courts and schools for youth who have committed non-violent first or second time misdemeanors as well as violations for minor consuming and school offenses. Most of the youth courts and community panels are members of United Youth Courts of Alaska, an association of member courts, which provides technical assistance, training and fund development for all the statewide youth courts.

**Predisposition Investigation**
Delinquency investigation varies somewhat from district to district within the state. Juvenile probation officers from the Division of Juvenile Justice (DJJ) are primarily responsible for collecting the social, psychological, and delinquency history of the offender, identifying services, collecting victim impact
statements, notifying parties of hearings, and making disposition recommendations to the court. Prosecutors support DJJ by interviewing witnesses and victims, handling evidence, and preparing motions during contested hearings or for dispositions involving a recommendation for a long-term commitment order to a juvenile institution.

Probation services' Policy and Procedure Manual outlines protocols and content of predisposition investigations. Some provisions are statutory and include information on the juvenile's family background, past incidents of delinquent behavior, past adjudications, victim impact statements, and the juvenile's medical, educational, psychological, and psychiatric history (A.S. section 47.12.130; Rule 22 of the Alaska Delinquency Rules).

Victim Rights and Services
The statutory rights of crime victims in Alaska reside in Alaska Statutes Chapter 12.61. Victims of juvenile offenders have the same rights as those of adult offenders in Alaska, including the right to be informed of and be present at all juvenile proceedings; the right to make a statement before adjudication or disposition; and the right to be told of the release or the escape of the offender. The Alaska Judicial Council published a Handbook for Victims of Crime in Alaska, which describes the rights throughout the phases of the criminal and juvenile justice systems.

Victim-witness assistance programs employ victim advocates or victim-witness coordinators who provide victims with information, referrals, and support services. The Alaska Department of Health and Social Services, Division of Juvenile Justice is responsible for victim assistance and notification from arrest through release for juveniles committed to their youth correctional facilities. For less serious crimes, the juvenile probation officer will work with the victim, offender, parents of the offender, schools, and community groups to find ways to hold the offender accountable without going to juvenile court. An organization located in Anchorage, called Victims for Justice, provides help for victims all over the state by sending advocates to court with the victims, offering grief support, and helping victims find other resources.

Alaska legislature created the Alaska Office of Victims’ Rights in 2001 to provide legal help to victims who feel their rights have been violated by a justice agency, including prosecutors, police, and judges.

The Alaska Department of Administration operates the Violent Crimes Compensation Board. The compensation fund is funded through the forfeiture of convicted felony offenders’ annual checks that all Alaskans receive from the state’s permanent oil fund.

Probation Supervision
In Alaska, the Department of Juvenile Justice (DJJ), an executive branch agency, administers juvenile probation services, which are organized into 16 field probation offices in four separate regions of the state (Northern, Southcentral, the Municipality of Anchorage, and Southeast). Juvenile probation officers from the Division of Juvenile Justice carry caseloads of only juvenile offenders and supervise them whether at home or in a residential placement.

In formal cases, juvenile probation makes supervision recommendations to the court, which considers the recommendations and then orders terms it deems appropriate. The court may add conditions of its own. By statute, supervision may not exceed two years, although it may be extended by order of the court on recommendation by juvenile probation. The court is free to order periods of supervision of less than two years, if deemed appropriate.

In late 2005, probation officers throughout the state began using the Youth Level of Service/Case Management Inventory (YLS/CMI), a risk/needs assessment tool, to help determine the necessary level of probation involvement with youth based on the level of risk identified through the instrument and to assist in identifying appropriate case management services. The YLS/CMI has been automated into DJJ’s statewide Juvenile Offender Management Information System. DJJ is also exploring the possible use of other assessment tools for sex offenders, youth with mental health issues, and other specialized populations.
As part of their supervision, all adjudicated youth must abide by Conditions of Probation or Conditions of Conduct. In addition, individual case plans are required for all youth on formal supervision. The probation officer and the youth review the case plans at regular intervals and update them as needed.

DJJ has integrated the principles of restorative justice into its provision of juvenile justice services. This shift coincided with DJJ's establishment in 1999 as a separate division within the Department of Health and Social Services. Restorative justice principles are reflected in its mission statement: The mission of the Division of Juvenile Justice is to hold juvenile offenders accountable for their behavior, promote the safety and restoration of victims and communities, and assist offenders and their families in developing skills to prevent crime.

Due to its focus on restorative justice, DJJ has increased the number of community-based services for juvenile probationers, such as having probation officers in the schools or at a Boys and Girls Club. Select school districts have developed alternative school programs in which juvenile probationers participate in regular school classes during non-traditional hours (late afternoon, early evening, and weekends). Probation services are provided during non-traditional working hours (evenings and weekends) in a few probation offices in Alaska. Juvenile probation offices and youth facilities that have sufficient staff available provide specialized probation services. The state funds all general probation services and most specialized probation services, with a few specialized positions supported through municipal grants.

State statute and the Alaska Administrative Code provide mandatory standards and principles of juvenile probation practice. In addition, the Division of Juvenile Justice's Field Policy and Procedure Manual outlines practices that are based on regulations, the law, and the probation standards of the American Correctional Association. DJJ oversees these standards and evaluates individual worker compliance through a regular audit process. There is no standard that deals with optimal caseload size.

The Juvenile Probation Officer Qualifications, Certification, and Training
Juvenile probation officers must have a bachelor's degree or a high school diploma/GED and several years' experience in justice or youth-related work. There are four levels of juvenile probation officer positions, with each level requiring progressively higher levels of experience or an advanced degree in lieu of work experience. Alaska does not certify its juvenile probation officers.

Training requirements for new probation officers include a Pre-Service Orientation and a period of supervision under a probation 'mentor.' Juvenile probation officers are also required to have at least 40 hours of training every year. Opportunities for non-mandatory training are also available for DJJ staff. Policy and procedure of the Department of Health and Social Services contains training standards. The Division of Juvenile Justice coordinates statewide training.

Juvenile Corrections Continuum
The Alaska Department of Health and Social Services, Division of Juvenile Justice (DJJ) administers the daily operations of public institutions for juvenile offenders. A list of DJJ's youth facilities can be found here. Only the facilities in Bethel, Anchorage, Fairbanks, and Juneau serve youth who have been committed to long-term confinement.

Commitment to State
Commitment durations ordered by the court are indeterminate, but may not exceed two years; however, the court may order an extension. The court grants the authority to commit a juvenile to the Department of Health and Social Services, Division of Juvenile Justice (DJJ). DJJ has ultimate authority over which program will actually house the juvenile. Committed juveniles can be placed in their own or a relative's home; in licensed foster homes that provide levels of service ranging from basic shelter to intensive therapeutic programming; in community residential care programs; in secure detention; and in long-term institutional treatment.
For juveniles ordered by the court to be committed to secure treatment, a classification committee makes placement decisions. The classification committee is made up of DJJ staff from around the state who review all institutional placement orders and decide on a placement based on the juvenile’s treatment objectives and the best way to protect the juvenile and the public. The committee’s decision is based on such factors as the juvenile’s history, juvenile court findings, predisposition investigations, any evaluation or assessment results, the education plan, and any medical needs of the juvenile.

Some of the Alaska youth facilities use the MAYSİ (Massachusetts Youth Screening Instrument) and the POSİT (Problem Oriented Screening Instrument for Teenagers) as part of the institutional treatment plan that is developed for each juvenile. Facility staff also use the results of the Youth Level of Service/Case Management Inventory (YLS/CMI) that is administered by probation officers to help guide treatment planning for youth committed to secure treatment.

While in placement, DJJ's juvenile probation officers supervise juvenile offenders and provide case management and other treatment activities to youth in their care.

**Blended Sentencing**
Alaska has blended sentencing provisions. For more information, click here.

**Direct Placement**
In Alaska, the juvenile court judge cannot order juveniles into placements without committing them to the Department of Health and Social Services. By statute, the court is required to commit juveniles to the custody of the Commissioner of the Department of Health and Social Services in order to place them in an out-of-home setting.

**Release**
The Department of Health and Social Services, Division of Juvenile Justice makes release decisions. A review board in the correctional facility makes the final decision with recommendations from the juvenile institution and juvenile probation, subject to the court's review. The board is comprised of three staff members who are experienced in resident programming and treatment procedures. This board reviews each resident's progress every six months and hears recommendations from juvenile probation officers regarding an offender's readiness for release. Alaska statute states that an offender whose good behavior is sufficient evidence of having been reformed can be released at any time under the conditions that the Division of Juvenile Justice deems proper.

Standards for release from juvenile correctional facilities, as listed in Alaska's Administrative Code, are that the review board should consider the likelihood of the juvenile's successful re-entry and reorientation to the community, the best interests of the juvenile and community, and the likelihood of further progress with the correctional program.

**Aftercare/Re-entry**
Juvenile probation officers from the Division of Juvenile Justice (DJJ) supervise juveniles after their release from commitment or placement, which is referred to as aftercare in Alaska. DJJ uses the Youth Level of Service/Case Management Inventory (YLS/CMI) assessment instrument in the aftercare planning process, with a reassessment performed 60—90 days post-release. The aftercare and re-entry program at the McLaughlin Youth Center in Anchorage was recently recognized as a 'Promising Practice' in the *Desktop Guide to Re-Entry for Juvenile Confinement Facilities*, published by the National Partnership for Juvenile Services.

Two Alaskan youth facilities (in Juneau and Anchorage) are participating in the national “Targeted Re-Entry” project of Boys and Girls Clubs of America, in which youth begin their involvement in local clubhouse activities before release and continue that involvement following release. The federal Office of Juvenile Justice and Delinquency Prevention sponsors this initiative. For information about Alaska's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.
State Laws

Legal Resources
Alaska’s Juvenile Code resides in sections 47.12.010 to 47.12.990 and sections 47.14.010 to 47.14.990 of Title 47 (Welfare, Social Services and Institutions).

2001 - 2002 Alaska Delinquency Rules
Alaska Administrative Code Title 7 - Health and Social Services Chapter 52 - Juvenile Correctional Facilities and Juvenile Detention Facilities

Alaska Bar Association

Purpose Clause for Delinquency Proceedings
(a) The goal of this chapter is to promote a balanced juvenile justice system in the state to protect the community, impose accountability for violations of law, and equip juvenile offenders with the skills needed to live responsibly and productively.

(b) The purposes of this chapter are to

1. respond to a juvenile offender's needs in a manner that is consistent with
   (A) prevention of repeated criminal behavior;
   (B) restoration of the community and victim;
   (C) protection of the public; and
   (D) development of the juvenile into a productive citizen;
2. protect citizens from juvenile crime;
3. hold each juvenile offender directly accountable for the offender's conduct;
4. provide swift and consistent consequences for crimes committed by juveniles;
5. make the juvenile justice system more open, accessible, and accountable to the public;
6. require parental or guardian participation in the juvenile justice process;
7. create an expectation that parents will be held responsible for the conduct and needs of their children;
8. ensure that victims, witnesses, parents, foster parents, guardians, juvenile offenders, and all other interested parties are treated with dignity, respect, courtesy, and sensitivity throughout all legal proceedings;
9. provide due process through which juvenile offenders, victims, parents, and guardians are assured fair legal proceedings during which constitutional and other legal rights are recognized and enforced;
10. divert juveniles from the formal juvenile justice process through early intervention as warranted when consistent with the protection of the public;
11. provide an early, individualized assessment and action plan for each juvenile offender in order to prevent further criminal behavior through the development of appropriate skills in the juvenile offender so that the juvenile is more capable of living productively and responsibly in the community;
(12) ensure that victims and witnesses of crimes committed by juveniles are afforded the same rights as victims and witnesses of crimes committed by adults;

(13) encourage and provide opportunities for local communities and groups to play an active role in the juvenile justice process in ways that are culturally relevant; and

(14) review and evaluate regularly and independently the effectiveness of programs and services under this chapter.

Purpose Clause for Juvenile Corrections
The purpose of this title as it relates to children is to secure for each child the care and guidance, preferably in the child's own home, that will serve the moral, emotional, mental, and physical welfare of the child and the best interests of the community; to preserve and strengthen the child's family ties unless efforts to preserve and strengthen the ties are likely to result in physical or emotional damage to the child, removing the child from the custody of the parents only as a last resort when the child's welfare or safety or the protection of the public cannot be adequately safeguarded without removal; and, when the child is removed from the family, to secure for the child adequate custody and care and adequate planning for permanent placement of the child.

Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 18

Extended Age of Delinquency Jurisdiction
In Alaska, the juvenile court may extend jurisdiction until an offender is 19 years old in order to supervise his/her rehabilitation. If the Division of Juvenile Justice requests, the court may grant an extension of supervision until an offender's 20th birthday if it is considered in the best interests of the offender and he/she consents to the extended jurisdiction.

Juvenile Transfer Laws
For information on Alaska's juvenile transfer laws, click here.

Juvenile Justice Leadership

Alaska Juvenile Justice Advisory Committee
The Alaska Juvenile Justice Advisory Committee, the Governor-appointed State Advisory Group (SAG) group, assists the Division of Juvenile Justice in allocating federal Juvenile Justice and Delinquency Prevention Act grant funds. The funds are used to support delinquency prevention and intervention efforts throughout Alaska.

Resources/Contacts
Alaska Bar Association
Alaska Court System
Alaska Juvenile Justice Advisory Committee
Division of Juvenile Justice
Justice Center/Alaska Justice Statistical Analysis Center of the University of Alaska, Anchorage

Publications
Division of Juvenile Justice System Improvements Update Report
Division of Juvenile Justice’s 2004 Annual Report: Systems Improvement Report
Handbook for Victims of Crime in Alaska
**Delinquency Services Summary**

_Decentralized State:_ Delinquency services are organized at both the state and local level in Arizona. Detention, intake screening, predisposition investigation, and probation supervision are organized at the county level under the administrative authority of the juvenile courts. County attorneys also have a role in screening and petitioning delinquency cases. The Arizona Department of Juvenile Corrections administers the state's juvenile correctional institutions and aftercare/re-entry supervision.

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**Court(s) with Delinquency Jurisdiction**

Superior Courts in each county exercise jurisdiction over delinquency matters. Superior Courts are general jurisdiction trial courts. The Chief Justice of the Arizona Supreme Court appoints a Presiding Judge in each county. Counties with more than one Superior Court judge typically also have a separate Division for Juvenile Court and a Presiding Judge of the Juvenile Court. One or more Superior Court judges are generally assigned to the Juvenile Court and hear all delinquency cases. More information can be found on the [Arizona Judicial Branch's web site](http://www.azcourts.gov).

**Highlights**

**Model Delinquency Guidelines Initiative**

The Arizona Supreme Court, through the Administrative Office of the Courts, Juvenile Justice Services Division is working to implement the National Council on Juvenile and Family Court Judges' Model Delinquency Guidelines as a statewide initiative. This project is a two year endeavor to assist Arizona's juvenile courts and their stakeholders in becoming courts of excellence through training and technical assistance. The purpose is to set forth the essential elements of effective practice for the court processes that are involved in the handling of juvenile delinquency cases to produce better results in our delinquency cases. The Guidelines are designed to be aspirational and are grounded in current research and promising practices. Set forth in the Guidelines are sixteen principles to bring about a model court. They are:

1. Juvenile delinquency court judges should engage in judicial leadership and encourage system collaboration.

2. Juvenile delinquency systems must have adequate staff, facilities, and program resources.

3. Juvenile delinquency courts and juvenile abuse and neglect courts should have integrated on family-one-judge case assignments.

4. Juvenile delinquency court judges should have the same status as the highest level of trial court in the state and should have multiple year or permanent assignments.

5. All members of the juvenile delinquency court shall treat youth, families, crime victims, witnesses, and others with respect, dignity, courtesy and cultural understanding.

6. Juvenile delinquency court judges should ensure their systems divert cases to alternative systems.
whenever possible and appropriate.

7. Youth charged in the formal juvenile delinquency court must have qualified and adequately compensated legal representation.

8. Juvenile delinquency court judges should ensure crime victims have access to all phases of the juvenile delinquency court process and receive all services to which they are entitled by law.

9. Juvenile delinquency courts should render timely and just decisions and trials should conclude without continuances.

10. Juvenile delinquency system staff should engage parents and families at all stages of the juvenile delinquency court process to encourage family members to participate fully in the development and implementation of the youth’s intervention plan.

11. The juvenile delinquency court should engage the school and other community support systems as stakeholders in each individual youth’s case.

12. Juvenile delinquency court judges should ensure court dispositions are individualized and include graduated responses, both sanctions and incentives.

13. Juvenile delinquency court judges should ensure effective post-disposition review is provided to each delinquent youth as long as the youth is involved in any component of the juvenile justice system.

14. Juvenile delinquency court judges should hold their systems and the systems of other juvenile delinquency court stakeholders accountable.

15. Juvenile delinquency court judges should ensure the court has an information system that can generate the data necessary to evaluate performance, facilitate information sharing with appropriate agencies, and manage operations information.

16. Juvenile delinquency court judge is responsible to ensure that the judiciary, court staff, and all system participants are both individually trained and trained across systems and roles.

**Reentry Initiative**
The Arizona Department of Juvenile Corrections (ADJC) received a grant in 2002 from the U.S. Office of Justice Program's Serious and Violent Offender Reentry Initiative. In Arizona, this grant provides transition services for paroled juveniles in four designated rural counties: Pinal, Mohave, Cochise, and Yuma. The grant funds Reentry Specialists who assist juveniles, families, and parole services to improve juvenile transition to the community in the areas of education, employment, treatment for substance abuse, mental health care, housing, mentoring and community involvement. Reentry Specialists assist with work clothes, transportation, school tuition, books, and volunteer mentoring. More information about the Initiative's impact during FY05 is available in the ADJC Annual Report.

**Standardized Program Evaluation Protocol (SPEP)**
The Administrative Office of the Courts (AOC)/Juvenile Justice Services Division (JJSD) has implemented the SPEP with the assistance of a team of national experts, under the direction of Dr. Mark Lipsey (Director of the Center for Evaluation and Research Methodology at the Vanderbilt Institute for Public Policy Studies) and Dr. James "Buddy" Howell (Former Director of Research and Program Development at the Federal Office of Juvenile Justice). The SPEP provides a process for systematically evaluating and improving the effectiveness of juvenile treatment programs in reducing recidivism. Specifically, the SPEP identifies how closely the characteristics of Arizona programs, for youth in probation, match those associated with programs that achieve the best outcomes in national research. In addition to assessing a program's effectiveness, the SPEP also identifies specific options for program improvements. This approach to program evaluation will provide the information needed to ensure the programs funded by the courts are effective at reducing recidivism and the appropriate juveniles are receiving services.
**Detention**

Each county’s Board of Supervisors is statutorily responsible for providing and maintaining a juvenile detention center, but the operation of the center is under the authority of the presiding juvenile court judge. County budgets determine funding for detention centers. There are currently 14 secure detention centers in Arizona; one county contracts with a neighboring county for juvenile detention services, two counties share a joint regional facility, and Maricopa County (Phoenix) has two detention centers.

Arizona uses alternatives to secure detention, such as home detention, electronic monitoring, and shelters, but their use varies greatly by county. The number of shelter beds is very limited. A few community-based alternative programs that have agreements with the local juvenile court and county attorney (for certain types of cases) provide some shelter beds. These alternative centers operate 24 hours a day, 7 days a week, and are run by non-profit agencies.

Intake screens detention admissions. Most counties use a detention-screening tool, but it is not a uniform, statewide instrument. Judges may overrule a screening instrument. Other assessments administered at admission include educational assessments, substance abuse assessments, and a health screening that includes a mental health/suicide risk assessment.

Juveniles may be held in detention before adjudication, pre-disposition, while awaiting placement, as a disposition, and as a sanction for probation violation for up to one year. Arizona statute and court rule state that the following are reasonable causes to detain a juvenile: if the juvenile would not otherwise be present at any hearing; if the juvenile is likely to commit an offense injurious to himself or others; if the juvenile must be held for another jurisdiction; if the interests of the juvenile or the public require custodial protection; or as a condition of probation.

A juvenile must be released from detention if a petition is not filed within 24 hours; after a petition is filed, a detention hearing must be held within 24 hours. If a juvenile is held in detention while awaiting disposition, a disposition hearing must be held within 30 days of adjudication.

From FY98-01, the state created a special fund called the State Aid to Detention Fund to help counties renovate, expand, and/or construct new detention centers. A mix of federal, state, and county funds were used for new or renovated centers in 14 counties. In 1999 (revised 2002), the juvenile courts adopted *Operational Guidelines and Best Practices for Juvenile Detention Care in Arizona*, developed specifically for Arizona juvenile detention services.

**Delinquency Intake Screening**

Juvenile probation intake officers from local court-administered juvenile probation departments receive delinquency referrals from law enforcement, parents, school officials, probation officers, or other agencies or individuals in contact with youth. The county attorney is able to designate which offenses the juvenile court retains for diversion, refers directly to a community-based alternative program, or sends to the county attorney for review and possible petition filing. Intake officers make decisions about sending a referral to the county attorney’s office based on the guidelines determined by county attorneys in each county.

When an intake officer receives a referral, that referral can take three different paths to reach resolution: (1) the referral is determined to be ineligible for diversion and is submitted to the county attorney to determine if a petition should be filed; (2) the intake officer determines that the offense does not fit the criteria to be reviewed by the county attorney, and the juvenile offender is referred to a community based alternative program; or (3) the intake officer assigns conditions (consequences) through the juvenile court that must be completed in order for the juvenile to avoid the filing of a petition with the court.

Certain serious, violent, and chronic offenses are automatically sent to the county attorney’s office. The county attorney ultimately determines what charges the juvenile will face.

**Diversion**
Diversion allows a juvenile to avoid formal court processing by participating in a program and/or completing consequences or conditions that have been assigned by a designated agency (such as a community-based diversion program or juvenile court diversion). Diversion requirements and funding for community and court based programs are detailed in A.R.S. 8-321. The Juvenile Justice Services Division (JJSD) of the Administrative Office of the Courts (AOC) within the Arizona Supreme Court funds juvenile justice Diversion programs. More information on the diversion process is available [online](#).

In Arizona, the county attorney has the responsibility to determine which offenses are eligible for diversion. This may be done in collaboration with juvenile court administration. This enables a juvenile to avoid formal court processing and to have their offense adjusted by completing one or more consequences. Diversion is the pathway for the majority of juvenile offenders charged with first or second time misdemeanor offenses (if the offender acknowledges responsibility for the offense). Juveniles who have been identified as chronic violent offenders or have been referred for a DUI offense are not eligible for diversion.

After it is determined that the juvenile should be sent to diversion, a probation/intake officer conducts an interview with the juvenile and at least one parent or guardian. This interview process includes: a risk/needs assessment, determining whether victims were involved in the crime, processing a petition (if applicable), and referring the youth to an appropriate diversion service. If the juvenile acknowledges responsibility for an offense (based on the referral), the probation/intake officer begins the process of adjusting the referral. Adjustment of the referral can only occur after the juvenile completes one or more conditions (consequences) as assigned by the probation/intake officer.

Diversion programs can be either a community-based alternative program operated by the county attorney or administered by the juvenile court. Diversion options include community work service, teen court, day supervision, substance abuse treatment, counseling/education programs, and restitution. Juveniles who admit having committed certain eligible offenses may be diverted to Community Justice Boards, made up of community members who decide on proper consequences for the juveniles' actions. Completing a diversion program cannot be used against the juvenile in any further proceeding, is not an adjudication of incorrigibility or delinquency or conviction of a crime, does not impose civil disabilities resulting from a conviction, and does not disqualify the juvenile in any civil service application or appointment.

The Juvenile Justice Services Division (JJSD) of the Administrative Office of the Courts maintains performance expectations for Juvenile Courts/County Probation Departments related to the administration and provision of Deversion programming.

**Predisposition Investigation**
Juvenile probation officers from local court-administered juvenile probation departments perform predisposition investigations. Disposition recommendations to the court are made using the Arizona Risk/Need Assessment Instrument, a mandated, statewide tool for all cases, as a major component. The assessment is used at the time of a juvenile's first referral to the juvenile justice system and is updated with each subsequent referral. The Arizona Risk/Need Assessment Instrument is also used to collect information at each subsequent stage of juvenile justice processing except detention. When preparing the predisposition report, the juvenile probation officer reviews the needs of the offender, his/her risk to the community, the nature of the offense, and the juvenile's delinquency history and history of referrals and informal adjustments. The report must include a written victim impact statement, information about restitution if it is required, and dispositional recommendations.

**Victim Rights and Services**
Arizona Revised Statutes Title 8, §381 et seq contains the laws regarding victims of crimes by juveniles. Victims of juvenile crime have the same rights in Arizona as victims of adult crime. During Arizona’s 2001 Legislative Session, the legislature passed laws allowing victims of crime and juvenile offenses to exercise their right to be present at legal and court proceedings (ARS 13-4439). These statutes were again updated to expand the rights of victims during the 2005 legislative session. One
statute requires that employers who have a certain number of employees allow an employee who is a victim of a crime to leave work to exercise his or her right to be present at proceedings. An excellent resource for crime victims in Arizona is the Arizona Supreme Court’s Victim’s Rights web page.

**Probation Supervision**

Local juvenile courts administer regular probation, referred to as juvenile standard probation services, and are managed by Directors of Juvenile Court Services. In 7 of the 15 counties, probation departments include both Juvenile and Adult Officers. Chief Probation Officers typically manage these departments. In these combined departments, officers may supervise only juveniles or have a combined caseload comprised of both juveniles and adults. The Juvenile Justice Services Division (JJSD) of the Administrative Office of the Courts (AOC) within the Arizona Supreme Court funds juvenile justice programs for delinquent and incorrigible youth in coordination with local juvenile courts. Funding provided to the juvenile courts for juvenile standard probation programs is mandated to supplement, not supplant, county funding for this component. JJSD also conducts operational reviews of juvenile probation departments, provides training, establishes probation performance measures, and assists juvenile courts in developing probation plans and budgets. The juvenile court judge sets the terms of probation. However, statutes limit probation to one year, except in certain offenses and unless extended by the judge.

Juvenile probation practices in Arizona incorporate the principles of the balanced approach, and many departments adhere to the principles of restorative justice. Juvenile probationers are expected to maintain crime-free behavior, participate in assigned community work programs, pay restitution and fees as assigned, and submit to drug testing as required. The juveniles' risk and needs score from the Arizona Risk/Needs Assessment Instrument, a validated instrument mandated for use throughout the state, determine levels of probation supervision. Juvenile probation officers are also required to develop an individualized supervision plan in addition to the conditions of probation set forth by the court. This is a customized treatment plan that addresses the needs of juvenile offenders, such as mandatory drug testing, counseling, restitution, community service, curfew, and school requirements.

All of Arizona's counties provide the state-funded Juvenile Intensive Probation Supervision (JIPS) program for probationers adjudicated of a second felony offense or as an alternative to commitment or out-of-home placement. JIPS is a highly structured program that includes frequent contact with probationers, a minimum of 32 hours of structured activity per week, mandatory drug testing, treatment requirements, and restrictions on juveniles' time away from home or school. JIPS supervision teams may consist of two juvenile probation officers; one juvenile probation officer and one surveillance officer; or one juvenile probation officer and two surveillance officers. Caseloads are statutorily mandated for JIPS—a 2-person intensive probation team can only supervise 25 juveniles on a caseload at one time and a 3-person team can supervise no more than 40 juveniles at one time. In smaller counties, a waiver may be requested authorizing JIPS supervision by a single probation officer, with a maximum caseload of 15 juveniles. Juvenile probation departments in Arizona may also provide specialized probation supervision and programs depending on available resources. In Maricopa County, the Treatment Supervision Unit supervises juveniles who are in residential treatment, or are on probation and also wards of the Arizona Department of Economic Security (DES). More information about juvenile probation in Maricopa County is available online.

Non-traditional work sites and hours depend on the individual county and available resources and are more common in metropolitan areas than in rural counties. Two urban probation departments maintain Community Justice Centers, which provide probation and other services, such as diversion programs and community work service programs, to juveniles within their own communities. In some cases, probation departments arrange for specific times that a community location, such as a church or school, will be available to specific officers to meet clients. The Safe Schools Program provides State funding for juvenile probation officers to be present full-time at schools, but these officers fill an educational and resource role, not one of providing active caseload supervision. In Maricopa County, some probation officers, called 'virtual probation officers,' use laptop computers instead of spending time in an office, which maximizes the number of field contacts they can make during the day.

Arizona Revised Statutes, the Arizona Code of Judicial Administration, and Administrative Orders from
the Supreme Court set standards or establish parameters for county probation departments in many areas of both juvenile and adult probation, including standards for caseload size, supervision standards, officer certification and training, powers and duties of officers, personnel practices, and financial practices. The legislature has set and oversees a mandated standard for maximum caseload size, based on the American Probation and Parole Association’s caseload standard. A.R.S. 8-203B states that Juvenile Standard Probation officers must not supervise more than an average of 35 juveniles on active juvenile standard probation at one time.

**Juvenile Probation Officer Qualifications, Certification, and Training**
Juvenile probation officers must have a bachelor's degree, preferably in the behavioral sciences. Surveillance Officers must have a High School Diploma or GED, with an appropriate associate's degree preferred.

Juvenile probation officers must be professionally certified in Arizona. The Committee on Probation Education (COPE) provides the Probation Officer Certification Academy, which the Education Services Division of the Administrative Office of the Courts staffs. The Certification Academy provides 70 hours of basic training for probation officers, who must pass a certification test and complete one year of employment in order to be certified by the Arizona Supreme Court. The certification process must be completed within the first year of employment as a juvenile probation officer. Additionally, both Probation Officers and Surveillance Officers assigned to Intensive Supervision must complete an Academy provided by COPE and staffed by the Education Services Division.

COPE also coordinates statewide training for Arizona probation officers. New juvenile probation officers must attend a mandatory orientation within the first 30 days of employment that covers major probation subjects and the practical skills needed to perform the job. Individual probation departments conduct the orientation. All probation officers are also required to successfully complete a 40-hour Defensive Tactics Academy and participate in on-going refresher training. Officers requesting authorization to be armed must also successfully complete a 40-hour Firearms Academy, participate in on-going practices, and re-qualify annually. In addition, juvenile probation officers are required to have 16 hours a year of continuing education, which may be provided in-house or outside of the department. Training may cover new developments in the probation field and procedural developments in the judicial system, as well as any training that is necessary to improve probation officers' abilities.

**Juvenile Corrections Continuum**
The Arizona Department of Juvenile Corrections (ADJC) is the state agency responsible for adjudicated delinquents committed to its jurisdiction by juvenile courts. ADJC manages the state's secure juvenile facilities and provides a variety of rehabilitation, treatment, and education services.

There are more than 900 secure beds available for committed youth in four facilities: Adobe Mountain, Black Canyon, Catalina Mountain, and the Southwest Regional Juvenile Corrections Complex (SWRJCC). SWRJCC is composed of two facilities, Eagle Point and Sunrise Parole Violator Center. Services for committed youth may start in a secure, institutional environment, and then continue in less restrictive, community-based programs. In FY05, the four schools located in each of the secure facilities became graded K-12 schools, allowing juveniles to earn school credits that apply to high-school graduation requirements.

ADJC operates, or contracts for, programs for juveniles with violent offenses, sexual offenses, substance abuse offenses, and a treatment program designed for youth with a history of behavioral health problems.

**Commitment to State**
Commitments to the Arizona Department of Juvenile Corrections (ADJC) are indeterminate with a minimum stay. By statute, the court can specify a minimum period during which ADJC cannot release the juvenile without seeking a modification of the original commitment order. Juvenile court judges consider Commitment Guidelines to the Arizona Department of Juvenile Corrections when determining which juveniles to commit to ADJC. The Arizona Supreme Court developed these guidelines, which reside in the Arizona Code of Judicial Administration.
All newly committed youth are placed in a secure care facility and go through ADJC’s Reception, Assessment and Classification (RAC) process to determine the most appropriate institutional or community placement. Information gleaned from the standardized RAC process is used to develop an Individual Development Plan for each juvenile. Juveniles are classified as to their risk of re-offending through the use of standardized risk instruments and consideration of the most serious offenses committed by the juveniles. The classification process is also used to determine minimum length of stay when the juvenile court does not order one. Clinical, community, educational/vocational, and medical staff complete a needs assessment, which is also used to create the Individual Development Plan. ADJC public risk assessment, Needs Assessment, and Initial Home Evaluation instruments are used to decide where to place juveniles.

Committed juveniles can be placed in secure care facilities run by ADJC or in community placements or services, such as secure and non-secure residential treatment centers, therapeutic group homes, acute care, day treatment, shelter care, independent living training, and evening support. However, the juvenile court may not direct placement for committed juveniles other than ordering a minimum length of stay in secure care. Once a juvenile is committed to ADJC, ADJC is solely responsible for determining the services that the juvenile receives and these services are based on an individualized treatment plan requiring information from a diagnostic psychological evaluation and educational assessment received from the court.

Parole officers supervise juveniles committed to ADJC while they are in placement. Juvenile probation officers may supervise juveniles placed in detention centers as part of their disposition, but this can vary by county.

**Direct Placement**
In Arizona, the juvenile court judge may order juveniles into private placements without committing them to the Arizona Department of Juvenile Corrections. For example, judges can place them in foster homes, group homes, shelters, or residential treatment facilities. Juveniles can also be ordered into locked residential treatment centers as a condition of probation. Arizona statute states that the court may place juveniles in private agencies or institutions, subject to supervision by juvenile probation officers. If a juvenile has been placed in a residential treatment center, this placement must be reviewed every 60 days after the disposition order.

**Release**
The Arizona Department of Juvenile Corrections makes release decisions. However, the juvenile court occasionally recommends early release to a less restrictive placement if the youth successfully completes an intensive, in-patient program. A Superintendent’s Review Board, which is usually comprised of three administrators from Behavioral Health Services, Education, and a facility superintendent or assistant superintendent, determines release from secure care. The mandated Arizona Risk/Need Assessment Instrument is used for re-assessments at this stage of juvenile justice processing. The juvenile court is not required to review release decisions, but the committing court is notified of all potential and actual releases. ADJC makes the decision on where the juvenile will be placed upon release.

**Aftercare/Re-entry**
Parole officers from the Arizona Department of Juvenile Corrections supervise youth on aftercare (parole). High-risk juveniles are placed in a 'continuum of care' step-down program (placement - day support - home).

Arizona is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Arizona's involvement, click [here](#) or read the [Highlight](#). By visiting the [State Activities & Resources page](#), users can read about how other states are using their grants.

**State Laws**

**Legal Resources**
Arizona's Juvenile Code can be found in sections 8-201 to 8-420 of Title 8

Arizona Rules of Court

State Bar of Arizona

Purpose Clause for Delinquency Proceedings
Although no Arizona statute explicitly declares the purposes of the state’s juvenile justice system, numerous appellate court decisions have affirmed that its purpose is generally rehabilitative.

Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: 8
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

Juvenile Transfer Laws
For information on Arizona's juvenile transfer laws, click here.

Juvenile Justice Leadership

Arizona Courts Association
The Arizona Courts Association is a non-profit organization for professionals from all court jurisdictions in the state. This organization aims to improve the operation of Arizona's courts through fostering cooperation and understanding between judges, court personnel, the legal community, and others.

Arizona Juvenile Justice Commission
The Arizona Juvenile Justice Commission, as the State Advisory Group, allocates and disburses federal funding and insures compliance with the core requirements of the JJDP Act of 1974. The AJJC also serves as the Juvenile Crime Enforcement Coalition (JCEC), which provides oversight on the use of Juvenile Accountability Incentive Block Grant (JAIBG) funds and is responsible for creating an enforcement plan to reduce juvenile crime.

Arizona Chief Probation Officers Association
Phone: (520) 753-0741
Fax: (520) 753-1636

Arizona Probation, Parole & Correctional Association
Phone: (520) 290-1535
Fax: (520) 290-6620

Resources/Contacts

Juveniles Processed in the Arizona Court System

Arizona Courts Association
Arizona Judicial Branch
Arizona Juvenile Justice Commission
Department of Juvenile Corrections
Juvenile Justice Services Division, Arizona Supreme Court, Administrative Office of the Courts
Law For Kids
State Bar of Arizona

The National Center for Juvenile Justice strives to make each State Profile as accurate as possible. Please bring any errors, updates, or additions to the attention of the State Profiles project manager. Persons listed as state contacts are not responsible for information contained in these profiles.

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Delinquency Services Summary

**Decentralized State:** Delinquency services are organized at both the state and local level in Arkansas. Secure detention is administered at the local level in Arkansas through county boards, law enforcement agencies, and the juvenile division of circuit courts. County governments fund juvenile probation services that are operated under the administrative supervision of the local circuit court, juvenile division. The Department of Human Services, Division of Youth Services administers delinquency institutions and aftercare services and contracts with private providers for alternatives to secure placements.

### Service Classification

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<tr>
<th>Service Classification</th>
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<tr>
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### Court(s) with Delinquency Jurisdiction

Circuit Courts have jurisdiction over delinquency proceedings. Circuit courts are general jurisdiction trial courts and the juvenile jurisdiction is organized in a juvenile division. For more information, visit the [Arkansas Judiciary web site](http://arkansasjudiciary.org).

### Highlights

**Arkansas DYS Establishes Graduated Sanctions**

Statute (A.C.A. 9-28-701) requires graduated sanctions in Arkansas. Pursuant to the code, the Arkansas Department of Human Services, Division of Youth Services (DYS) has established a service framework for graduated sanctions, utilizing restorative justice services (e.g., community services), intensive supervision, day treatment, and crisis residential services.

**Detention**

Currently, Arkansas has 15 secure detention facilities in the state. Secure detention is funded at the local level and administered by county boards, law enforcement agencies, or the juvenile court. Designated juvenile intake officers screen referrals for admission to secure detention and are guided by statutorily defined criteria or guidelines for detaining a youth (A.C.A. 9-27-336(c)). However, no standard risk screening tool is applied across the facilities to further structure decisions for who may meet statutory guidelines but could safely be returned home. The Division of Youth Services and the Arkansas Advocates for Children and Families encourage alternatives to secure detention through the administration of federal Juvenile Justice and Delinquency Prevention Act funds. As a result, DYS has developed a network of emergency shelter services as an alternative to secure detention. However, the range of detention alternatives and capacity continues to vary across Circuit Courts.

In addition to preadjudication and predisposition holding, Arkansas statutes authorize secure detention as a disposition and a sanction for violating probation. Under statute 9-27-330(a)(11), the court may sentence a delinquent to detention for an indeterminate period not to exceed 90 days or order detention as a sanction for violating the terms of probation. Youth may also be held in secure detention subsequent to disposition, pending placement in a residential facility.

**Delinquency Intake Screening**

Juvenile divisions of local circuit courts must support at least one juvenile "intake officer" and one "juvenile probation officer" as county employees or through contract services. By statute, any person
can submit a delinquency complaint for investigation by an intake officer (see A.C.A. 9-27-310). However, only prosecutors can file delinquency complaints with the court. Therefore, they make the final handling decisions, including the charges levied against an alleged offender. Local arrangements between designated juvenile intake officers and prosecutors regarding drafting petitions vary across Arkansas. In some jurisdictions, the prosecutor reviews legal documents prepared by the designated intake worker. In others, the prosecutor takes a more active role in screening referrals and drafting petitions.

**Diversion**
Prosecuting attorneys make diversion decisions after consulting with intake officers. Statute A.C.A. 9-27-323 outlines the conditions of diversion and limits options to non-judicial probation, participation in a court-approved education, counseling or treatment program, or participation in a court-approved teen court. Further, to qualify for diversion from court, youth must admit involvement in a delinquent act or agree they are a Family in Need of Services (FINS). Under the same statute, diversion agreements must not exceed six months.

As part of the diversion agreement, court intake officers may refer juveniles to services provided by contractors to the Department of Youth Services, including day treatment and intensive supervision and tracking. Day treatment services may also receive referrals directly from schools and parents of youth.

**Predisposition Investigation**
Designated juvenile probation officers are required to make appropriate investigations and report disposition recommendations to the court under A.C.A. 9-27-347. The code section covers the general subject areas that the report must address; however, local courts can impose additional requirements.

In an attempt to provide some statewide uniformity and structure to decision-making for disposition, the Arkansas Administrative Office of the Courts developed a risk assessment instrument to guide recommendations for disposition presented with the predisposition study. Statute 9-28-208 requires a completed risk assessment instrument to accompany any recommendations for commitment to state custody.

**Victim Rights and Services**
Arkansas Crime Victim Rights Law (16-90-1101 to 1115) extends rights to victims of certain crimes — offenses against minors, sex offenses, felonies resulting in physical injury, and felonies involving deadly weapons.

Under this law, victims generally have a right to privacy from public disclosure of their identity and a right to information from law enforcement and the prosecutor. They also have a right to be interviewed during the development of pre-sentence reports, to attend court hearings with an advocate or support person, and to prepare and present impact statements. However, some exceptions apply to victims of juvenile crime. For example, victims do not have a right to submit victim impact statements in juvenile proceedings, although the juvenile court may grant permission in individual cases.

In addition, victims of juvenile offenders are eligible to receive all of the services provided to victims of adult offenders, such as access to the Arkansas Victim Notification Program (VINE), an automated victim information 24-hour hotline. VINE excludes information about juvenile offenders, unless a youth is charged as an adult.

The Arkansas Crime Information Center provides detailed information concerning Arkansas victim rights in a [Victim’s Guide](#), including information concerning juvenile court exceptions and procedures.

The [Arkansas Attorney General](#) administers the state’s [Crime Victims Reparation Program](#). The program provides financial assistance to help victims pay expenses related to victimization, such as uninsured medical and dental costs and lost income.

**Probation Supervision**
Juvenile divisions of local circuit courts must support at least one juvenile "intake officer" and one "juvenile probation officer" as county employees or through contract services. Designated juvenile
Probation officers for each circuit court's juvenile division provide community supervision of youth placed on probation. The court orders the terms and conditions of probation, which are explained to the youth and his or her parents at an initial conference following the disposition hearing.

Various court service offices across the state have implemented a range of specialized community-based delinquency prevention and intervention programs using funds from federal Juvenile Justice and Delinquency Prevention formula grants. Programs include those that provide structure to youth during after-school hours, mentoring, family mediation, alternatives to secure detention, gender specific services for females, and alternatives to incarceration to reduce the overrepresentation of minorities in confinement.

The state Administrative Office of the Courts provides oversight for juvenile services in local courts, with standards, training requirements, and a statewide membership association.

**Juvenile Probation Officer Qualifications, Certification, and Training**

By statute, the state court certifies designated juvenile intake and probation officers after a four-week program administered by the Administrative Office of the Courts. Initial certification must be completed within one year of employment. Certification is required for the county to receive state subsidies for designated intake officer and juvenile probation officer positions. When counties meet this requirement, the state pays half of a certified officer's annual salary—up to $15,000 annually.

Each year, intake and juvenile probation officers must be re-certified in a skill test. No additional on-going training requirements exist beyond yearly re-certification.

**Juvenile Corrections Continuum**

The Division of Youth Services (DYS), within the Department of Human Services, administers juvenile correctional institutions for youth placed in its custody. The agency currently administers a medium-risk secure facility for males and contracts with private providers for a wide range of community-based services, specialized services, and residential programs for serious offenders. A comprehensive listing of DYS services, including community-based programs and those for serious offenders, is provided on the [DYS web site](#).

State General Revenue, through the DYS budget, pays for DYS residential placements. However, Medicaid funds help pay the costs of residential treatment for youth who are Medicaid eligible.

**Commitment to State**

Youth are committed to the legal custody of the Division of Youth Services (DYS) for indeterminate periods not to exceed 2 years or the juvenile's 21st birthday, except where the court finds an extension necessary to safeguard the welfare of the juvenile or the public interest. In commitment orders, the court may recommend a certain DYS program or option, including a community-based program. However, the agency has the final authority for placement specifics. The court retains jurisdiction only if the commitment order includes a period of probation upon release. Case management or supervision services for youth in placement are otherwise provided through a community-based provider network that is directly linked to aftercare services provided in the state.

When entering an order for a DYS commitment, the court must consider the Administrative Office of the Court's Risk Assessment System for Arkansas Juvenile Offenders under A.C.A. 9-28-208 and 9-27-330, (a)(1)(B)(i). A copy of the completed risk assessment instrument must accompany orders for DYS commitment and considers items such as previous offenses, seriousness of offense, age at first adjudication, possession/use of a weapon, and previous out of home placements.

**Blended Sentencing**

Arkansas implemented a model of blended sentencing under the Extended Juvenile Jurisdiction Act (EJJ), effective July 1999. In cases where the EJJ designation is requested and granted and the youth is adjudicated delinquent, the juvenile court can impose a disposition and suspend a criminal sentence subject to review by the juvenile court. Juveniles age 12 and under at the time of the alleged offense are presumed incompetent both as to the fitness to proceed and criminal responsibility, and the
prosecutor must overcome the presumption of incompetence by a preponderance of the evidence in order to proceed under EJJ. For a summary of Arkansas' blended sentencing provisions, click here.

**Direct Placement**
Circuit court juvenile divisions can transfer legal custody of a youth to a licensed agency responsible for the care of delinquent juveniles, outside of those managed through commitments to the Division of Youth Services. The court makes release decisions for direct placements and often may order probation to extend through the direct placement and afterwards for reentry. Aftercare is either provided as part of the placement service purchased from the agency or by the court ordering a period of probation to extend through the placement period and for a period of time when the youth returns home.

**Release**
The committing court may submit a written request for a youth to be released from Division of Youth Services (DYS) custody. However, by statute, the agency makes the final determination concerning the length of commitment and release. Upon release from a DYS commitment, the committing court only retains jurisdiction over the youth if the original commitment order includes an order for probation upon release.

Upon completing a DYS comprehensive treatment plan, a DYS contract provider for community services (see Aftercare) submits a release summary that outlines the juveniles' progress in the program. The DYS Placement Unit considers the summary, makes the release decision, and completes the appropriate release paperwork for consideration by the DYS Director. The juvenile is released from custody upon the Director signing the appropriate document.

An exception for release authority exists. DYS does not have the power to release Extended Juvenile Jurisdiction (EJJ) juveniles who are serious offenders and under the jurisdiction of the committing court. In the case of EJJ cases, DYS petitions the court to release the juvenile in question.

**Aftercare/Re-entry**
The Division of Youth Services (DYS) has developed casework management services for youth committed to DYS facilities. Case managers maintain regular contact with the youth while in placement, develop release plans, and provide services to the families of youth in placement. They also serve as an advocate or liaison to the youth's community while they are in placement. Case managers may also be called upon to provide transportation and supervision services. DYS has established a specialized casework management unit to provide these services for youth returning from DYS serious offender program placements.

DYS provides aftercare programming through community-based service contracts referred to as Supervised Transitional Living Services (STLS). DYS provides a system of graduated sanctions through STLS and a continuum of non-residential aftercare services that include day treatment, targeted case management, intensive supervision and tracking, drug screening, and crisis residential treatment. Where possible, restorative justice principles are required to be part of treatment programming. In addition to DYS aftercare services, the committing court may order a period of probation upon release.

Arkansas is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Arkansas' involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

**State Laws**

**Legal Resources**
Arkansas Family Code, Title 9, Subtitle 3 contains the core of the statutes governing delinquency court proceedings and are available online on the Arkansas General Assembly web site by selecting "Research Resources," then "Arkansas Code."

While state court rules specific to juvenile court proceedings do not exist, the Arkansas Supreme Court
issues orders that can impact juvenile court operations. The orders are available online on the Supreme Court's web site by selecting "Court Rules and Administrative Procedures." In addition to administrative procedures, local court rules may support the statute requirements with additional structure for delinquency and dependency cases in certain counties.

In addition to the online statute, the Arkansas Administrative Office of the Courts (AOC) publishes a *Benchbook for the Circuit Court, Juvenile Division*. The *Benchbook* is offered as a general resource guide for juvenile court practitioners and can be obtained by contacting the AOC at (501) 682-9400.

**Arkansas Bar Association**

**Purpose Clause for Delinquency Proceedings**
This subchapter shall be liberally construed to the end that its purposes may be carried out:

(1) To assure that all juveniles brought to the attention of the courts receive the guidance, care, and control, preferably in each juvenile's own home when the juvenile's health and safety are not at risk, which will best serve the emotional, mental, and physical welfare of the juvenile and the best interest of the state;

(2)

(A) To preserve and strengthen the juvenile's family ties when it is in the best interest of the juvenile;

(B) To protect a juvenile by considering the juvenile's health and safety as the paramount concerns in determining whether or not to remove the juvenile from the custody of his parents or custodians, removing the juvenile only when the safety and protection of the public cannot adequately be safeguarded without such removal;

(C) When a juvenile is removed from his own family, to secure for him custody, care, and discipline as nearly as possible equivalent to that which should have been given by his parents, with primary emphasis on ensuring the health and safety of the juvenile while in the out-of-home placement; and

(D) To assure, in all cases in which a juvenile must be permanently removed from the custody of his parents, that the juvenile be placed in an approved family home and be made a member of the family by adoption;

(3) To protect society more effectively by substituting for retributive punishment, whenever possible, methods of offender rehabilitation and rehabilitative restitution, recognizing that the application of sanctions which are consistent with the seriousness of the offense is appropriate in all cases; and

(4) To provide means through which the provisions of this subchapter are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.


**Purpose Clause for Juvenile Corrections**
The General Assembly recognizes that the state has a responsibility to provide its youth with appropriate services and programs to help decrease the number of juvenile offenders in the state and to create a better future for the state's youth and that reforms in the juvenile justice system require oversight by an organization with special expertise in the problems of juvenile offenders. Therefore, the General Assembly declares that this subchapter is necessary to create a single entity within the Department of Human Services with primary responsibility for coordinating, sponsoring, and providing
services to Arkansas' youth and to create a structure within state government which will be responsive to the needs of the state's youth.


**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: 10  
Upper Age: 17  
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
For information on Arkansas' juvenile transfer laws, [click here](#).

**Juvenile Justice Leadership**

**Arkansas Advocates for Children & Families**
The Arkansas Advocates for Children & Families is a membership organization of youth advocates in the State.

**Arkansas Coalition for Juvenile Justice**
The Governor established the Arkansas Coalition for Juvenile Justice under the federal Juvenile Justice and Delinquency Prevention Act to guide the expenditure of State and federal funds for juvenile justice. The Division of Youth Services provides staff support to the Coalition.

**Arkansas Judicial Council's Committee for Juvenile Justice**
The Arkansas Judicial Council, Inc. has a standing Committee for Juvenile Justice to organize the juvenile court bench for positions on policy issues affecting juvenile justice. For more information, contact the Arkansas Administrative Office of the Courts at (501) 682-9400.

**Arkansas Juvenile Officers Association**
The Arkansas Juvenile Officers Association is a membership of juvenile intake and probation officers across the state. It provides standards for practice in the state for intake officers and juvenile probation officers in concert with the Arkansas Judicial Council. For more information, contact the Arkansas Administrative Office of the Courts at (501) 682-9400.

**Arkansas Youth Service Providers Association**
The AYSNA is composed of all youth service provider agencies in Arkansas who contract with the Division of Youth Services to provide aftercare, interstate compact, and alternative services to the court.

**Resources/Contacts**
- [Arkansas Advocates for Children & Families](#)
- [Arkansas Bar Association](#)
- Arkansas Coalition for Juvenile Justice
- [Arkansas Crime Information Center](#)
- [Arkansas General Assembly](#)
- [Arkansas Judiciary](#)
- [Division of Youth Services](#)
- [State Attorney General](#)

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Juvenile Justice Specialist  
Department of Human Services  
P.O. Box 1437, Slot 450  
Little Rock, AR 72203-1437  
Phone: (501) 682-1339  
cassondra.williams@arkansas.gov
NCJJ State Profiles: California

Delinquency Services Summary

**Decentralized State:** Delinquency services are organized at both the state and local level in California. County probation departments administer detention, commitment, delinquency intake screening, predisposition investigation, and probation supervision. The Department of Juvenile Justice (DJJ) division of the California Department of Corrections and Rehabilitation administers the state’s delinquency institutions and parolee supervision. Minors are committed to the State’s DJJ by the county court system.

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**Court(s) with Delinquency Jurisdiction**

Superior Courts exercise jurisdiction over delinquency matters. Superior Courts are general jurisdiction trial courts. In many counties in California, there are numerous court rooms referred to as departments, and designated departments handle juvenile matters. For more information, visit the [Judicial Branch of California’s web site](https://www.judicial.ca.gov).

**Highlights**

**California Department of Corrections and Rehabilitation Created**

The departments and boards of the former Youth and Adult Correctional Agency, including the California Youth Authority and the Youthful Offender Parole Board, were reorganized into the California Department of Corrections and Rehabilitation (CDCR) in mid-2005. The CDCR now consists of three divisions: Adult Operations, Adult Programs, and DJJ. For more information, visit [CDCR’s web site](https://www.cdc.ca.gov).

**Juvenile Justice Reform Plan**

In fulfillment of a 2004 consent decree resulting from a class-action lawsuit, the Department of Corrections and Rehabilitation (CDCR) released a plan to reform California’s State level juvenile corrections system in November 2005. The plan includes providing rehabilitative treatment to all juvenile offenders committed to the DJJ, reducing the number of juveniles living in each existing unit, and rebuilding older youth correctional institutions.

**Graduated Sanctions Demonstration Site**

The Santa Clara County Juvenile Court is participating in a national graduated sanctions project that the Office of Juvenile Justice and Delinquency Prevention awarded to the [Juvenile Sanctions Division](https://www.ojjdp.gov) of the National Council of Juvenile and Family Court Judges. Santa Clara County has an outstanding juvenile mental health court and serves as a source of cross-site technical assistance on the processing and treatment of juvenile mental health issues. For more information, contact John Dahl at (408) 435-2001.

**Detention**

Juvenile detention in California is funded by both state and local governments. State law requires all county boards of supervisors to establish and maintain juvenile halls or to establish joint juvenile halls with other counties. All but three of California’s 58 counties have their own juvenile halls and many operate their own camp and ranch facilities. The California Department of Corrections and Rehabilitation (CDCR), Corrections Standards Authority (CSA) provides oversight and sets standards for
the construction and operation of juvenile halls and inspects them biannually for compliance with those standards. There are 60 juvenile halls in California, with approximately 8,221 beds available (over 23% of the available beds are in Los Angeles) and there are 66 camps and ranches throughout California which provide 5,706 beds.

Alternatives to detention include home confinement (home supervision or electronic monitoring), day reporting centers, and shelters. In addition to holding juveniles in secure detention prior to adjudication, disposition, and placement, a juvenile court may commit a juvenile to a local juvenile hall as a disposition or as a sanction for a violation of probation. State statute outlines specific criteria for holding a juvenile in detention: (1) for violations of court orders; (2) if the juvenile escaped from a commitment; (3) if the juvenile is a risk to flee; (4) for the safety of the juvenile or community; and (5) if the juvenile is charged with certain offenses. Detained juveniles must be released within 48 hours if a petition has not been filed. If a petition is filed, a detention hearing must be conducted the next day the court is in session. Detained cases must be adjudicated within 15 days and disposed within 10 days after adjudication.

Risk assessment instruments are used at detention screening, but the instruments and procedures employed and the person who performs the screening vary from county to county. Detention regulations set by the CSA require juvenile hall administrators to have policies and procedures in place regarding risk/needs assessments and the classification of juvenile offenders. Regulations are not prescriptive on what assessments must be used, but they do specify the minimum that must be assessed at screening, such as screening for suicide risk, mental health problems, developmental disabilities, and medical or health problems. Classification of offenders is based on information such as criminal history, age, maturity, sophistication of the crime, emotional stability, gang involvement, program needs, legal status, and public safety consideration. The guidelines and regulations for juvenile facilities are available online.

**Delinquency Intake Screening**
For the most part, juvenile probation officers from county probation departments receive referrals from law enforcement. Depending on the county, parents, schools, or community members may also make referrals. Generally, probation officers decide whether a case will be handled formally or informally. If the probation officer decides that a referral should be handled formally, the case will be sent to the district attorney's office for review and for determination of the charges. The prosecutor can either: (1) file a petition to have the juvenile declared "a ward of the court" (i.e., a delinquent); or (2) send the referral back to the probation officer (if the prosecutor thinks the juvenile may benefit from informal supervision).

However, referrals regarding certain serious and violent offenses (listed in California's Welfare and Institutions Code Section 707) must be sent directly to the district attorney within 48 hours for screening. By statute, if the probation officer does not send a referral to the district attorney, the referring person can take the referral directly to the DA's office.

**Diversion**
Probation intake officers may decide to send a juvenile to a diversion program, or they may choose to handle the case through informal supervision. California Welfare and Institutions Code, Section 654, deals with diversion. Diversion programs, usually for first-time, non-violent offenders, may be run by county probation offices, county district attorneys’ offices, or community-based organizations. The types of diversion programs available vary by county. By statute, the length of a juvenile's participation in a diversion program must not exceed six months, and if a juvenile does not participate in an ordered program within 60 days, a petition may be filed with the juvenile court.

California Welfare and Institutions Code, Section 654, deals with informal supervision. If the probation intake officer chooses to handle the case through informal supervision, the juvenile may be required to pay restitution, participate in counseling and/or educational programs, or participate in community service or mediation programs. By statute, informal supervision must not exceed 6 months, and, if a juvenile does not participate in an ordered program within 60 days, a petition may be filed with the juvenile court.
In Los Angeles County, the District Attorney’s office offers the Juvenile Offender Intervention Network (J.O.I.N.) program. In the J.O.I.N. program, first-time, non-violent juvenile offenders and their parents consent to a contract in which juveniles agree to take responsibility for their acts, pay restitution, maintain school attendance, and participate in community service activities. Family counseling and parenting classes are also required.

In Sacramento County, first-time offenders charged with non-violent misdemeanors may have their cases heard by Neighborhood Accountability Boards (NAB). Community volunteers conduct hearings and enter into diversion contracts with juvenile offenders. Contracts usually last for six months and may include restitution and community service. For more information, visit Sacramento County Probation’s Community Programs and Partnerships web site.

**Predisposition Investigation**

Juvenile probation officers from county probation departments investigate offenders' backgrounds and make placement and sentencing recommendations to the court. The predisposition report includes disposition and placement recommendations, the juvenile's prior arrest record, a description of the current offense, statements from the juvenile and others, and a statement from the victim. County probation departments vary in their use of risk/needs assessments or standardized assessment tools in making predisposition recommendations.

**Victim Rights and Services**

The statutory rights of victims in California reside in the Penal Code, Section 679.02. The “Victims’ Bill of Rights,” enacted in 1982, is part of California’s Constitution. Victims’ rights in California apply to victims of juvenile as well as adult offenders and include the following:

- to keep their address confidential (in cases of child abuse, spousal abuse, or sex crimes)
- to not be threatened or intimidated
- to be notified of, attend, and express their views (oral, written, or taped impact statements) at disposition hearings
- to be informed of the final disposition of the case (upon request)
- to be notified of, attend and express their views at parole hearings (upon request)
- to be notified of an offender’s placement on parole
- to be notified of an offender’s escape or placement in a furlough program (upon request)
- to restitution and return of property
- to be notified of a pretrial disposition before a change of plea is entered (upon request).

The Office of Victims’ Services, Office of the Attorney General, California Department of Justice works with other victims’ services agencies to provide advocacy, support, education, and referral services to victims and their families. Local Victim/Witness Assistance Centers, usually found in county district attorney or probation offices, provide advocacy and direct services to victims. California’s Office of Emergency Services, Criminal Justice Programs Division provides funding for the centers and mandates that the centers provide the following services to victims: crisis intervention; emergency assistance; resource and referral counseling; follow-up counseling; property return assistance; court escort/court support; case status/disposition information; notification of family, friends, and employer; and Victim of Crime Claims assistance. The Criminal Justice Program Division also funds the Attorney General’s Office of Victims’ Services victim notification services for victims whose cases are handled by the Attorney General’s office.

The Victim Compensation and Government Claims Board of the California Board of Control runs the Victim Compensation Program (VCP), where victims of violent crime can apply for compensation for the emotional, physical, and financial losses that resulted from the crime.

Within the CDCR, DJJ (California’s juvenile corrections agency), the Office for Victim and Survivor
Services provides the following services for victims of juvenile offenders committed to DJJ: notification of an offender’s release, transfer, or escape; notification of and accompaniment to Board of Parole hearings; restitution collection and disbursement; assistance with the preparation of victim impact statements; and referrals for counseling, financial assistance, and restraining orders.

Probation Supervision
Probation is administered at the county level in California. With the exception of San Francisco, each of California's 58 counties has a probation department that handles both adults and juveniles. San Francisco has separate departments for adults and juveniles. California's Welfare and Institutions Code Section 270 sets the mandate that counties have a probation department.

The Chief Probation Officer administers the probation department and is appointed, depending on the county charter, by the Board of Supervisors or the Presiding Judge for the Superior Court. Probation practices vary from county to county. The primary staff of the probation department are probation officers who are sworn peace officers with the powers of arrest, search, and seizure. Some counties have family courts and may assign the same probation officer for juvenile and adult members of the family.

California is incorporating balanced approach principles into juvenile probation practice. No statewide agency oversees probation operations; however, the Chief Probation Officers of California Association is currently exploring alternatives for a state system. The California Welfare and Institutions Code sets mandatory and voluntary statewide standards for juvenile probation practice. Compliance with the standards is connected to the availability of state funds for probation. No statewide standard sets caseload size in California.

Case plan protocols are used to develop individualized case plans in addition to the conditions of probation set forth by the court. California does not mandate the use of a risk/needs assessment for determining levels of probation supervision; however, most jurisdictions use one. San Diego County, for example, uses the San Diego Regional Resiliency Checkup (SDRRC), a strength-based and family-focused assessment tool, to develop individualized case plans based on a juvenile's risk and protective factors. In Orange County, probation officers use the Standard Assessment - Risk Verification Criteria/Guidelines to determine a juvenile's appropriateness for placement in their 8% Early Intervention Program.

Probation departments in California provide specialized probation services, such as intensive supervision, aftercare, drug and alcohol, or sex offender probation services. Since each county has its own probation department, types of services available vary. State and federal grant money fund specialized probation programs. Certain probation departments may also provide probation services in non-traditional ways, such as 'out-stationing' probation officers at different locations within the community, including schools, community-based agencies, and police or sheriff's stations.

Some probation departments evaluate their probation programs; however, this varies from county to county.

Juvenile Probation Officer Qualifications, Certification, and Training
Although the majority of counties require a minimum of a bachelor's degree for entry-level deputy probation officers, specific qualifications for the position vary from county to county. At a minimum, juvenile probation officers in California must be high school graduates.

California does not certify its juvenile probation officers. The Corrections Standards Authority is responsible for establishing and maintaining selection criteria and statewide training standards (through the the Standards and Training for Corrections or STC program) for the entry-level position of probation officer. STC’s selection criteria include successful completion of a written exam and job-related Basic Core training curricula by entry-level personnel within their first year of employment. The Core courses (170 hours for probation officers) contain subject matter that directly relates to the performance of job tasks and consists of modules that are specific in content and time allocated to the training subject. In addition to passing CSA’s written exam (or an approved alternative) and
Successfully completing the Core training, the selection standards for entry-level positions include but are not limited to the following:

- Competence in oral communication as demonstrated in an interview.
- Past behavior compatible to job requirements as demonstrated by a background investigation.
- Competence in the performance of entry-level duties as demonstrated by successful completion of the employer's probationary period.
- Possession of the skills and abilities for the position as demonstrated by meeting CSA's current guidelines for vision, hearing, and medical screening.
- A minimum age of 18 years prior to appointment.

Local agencies are also expected to adhere to the additional selection and training standards set forth in Section 830 et seq. of the California Penal Code (training in arrest, search and seizure, firearms) and Section 1029 through 1031 of the California Government Code (requirements established in the areas of citizenship, education, and felony conviction status). Local counties may also institute additional requirements upon candidates that exceed the minimum standards and are specific to their agency. Core training is to be completed in the first year of employment.

Currently, the Corrections Standards Authority provides services to 179 agencies participating in the STC program, including all probation departments within the state. These agencies are required to provide annual training to staff (40 hours for probation officers) after the first year of employment.

Juvenile Corrections Continuum
The California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ), administers juvenile corrections. It operates 8 juvenile correctional institutions, 1 youth conservation camp, and 16 parole offices. DJJ receives most of its commitments from the juvenile courts, but about 3% are young adults under the age of 25 sentenced to the CDCR Division of Adult Institutions and ordered by the court to be housed by DJJ. A list of the state's juvenile correctional facilities can be found here.

General fund expenditures and county payments fund state delinquency institutions. Under a law that went into effect in 1997, counties must pay a sliding fee schedule to send juveniles to DJJ. Before 1997, counties paid a few hundred dollars a year per ward. Today, counties pay a minimum fee of $150 per month per ward, which increases under a sliding fee scale that is based on offense seriousness. Under this system, counties pay more to send less serious offenders to DJJ, and pay less to send more serious offenders. This change in the fee structure serves as an incentive for counties to develop community-based programs for offenders charged with less serious crimes.

Commitment to the State Detention Facility
California's basic disposition model is indeterminate up to the maximum sentence that could be imposed on an adult convicted of the same offense. Over the years, dispositions for juveniles committed to the Division of Juvenile Justice (DJJ) have increased as California has extended mandatory sentences for adults. In September 2007, Senate Bill 81/Assembly Bill 191 changed eligibility requirements for commitments to DJJ. To now be eligible for a commitment to DJJ, a youth's most recent sustained petition must be an offense described in WIC 707 (b) or PC 290 (d)(3).

Intake Process
Upon acceptance, DJJ sets an initial parole consideration date using category offense guidelines contained in the California Code of Regulations (Title 15). Decisions regarding length of stay are made through the use of confinement guidelines that are based on the seriousness of the offense. Upon delivery to DJJ, juveniles go to one of three reception centers/clinics (two for males and one for females) where they are screened to determine training, treatment, and education needs. They are then placed in a program that best meets these identified needs. Possible placements include youth conservation camps, where offenders perform various conservation tasks, and youth correctional facilities, which range from intermediate to high security.

Blended Sentencing
For juveniles tried in adult court under certain circumstances, a judge can impose either a juvenile or an adult correctional sanction. A remanded juvenile tried in criminal court (juveniles 14 or 15 years old) may be eligible for a DJJ commitment if the offense meets new Senate Bill 81 requirements. For more information on California's blended sentencing provisions, click here.

**Types of Dispositions for Placement**
In California, the juvenile court judge can order juveniles placed in foster care, group homes, residential treatment centers, juvenile ranches or camps, or other alternative programs without commitment to the Division of Juvenile Justice. While in placement, youth are supervised by juvenile probation officers and a probation officer must see youth in foster care, residential treatment facilities, and group homes, as well as those placed with relatives and non-relatives at least once a month.

**Release**
The Division of Juvenile Justice (DJJ) reviews cases and can modify a date by which the wards can be considered for release to parole. DJJ and the Juvenile Parole Board review cases annually. The initial parole consideration date can change depending on the wards' progress (or lack of) in the institution. The offender can be considered for release to parole if he or she successfully completes treatment goals, behaves well in the institution, and has met the Juvenile Parole Board's standards of expectations for rehabilitation and diminished risk to the community for public safety.

CDCR's Board of Parole Hearings is responsible for releasing offenders from commitment (discharge and parole orders and conditions), parole revocations, and disciplinary appeals. The Board of Parole Hearings is a 17-member commission appointed by the Governor and requiring confirmation by the state Senate. Five of the members hear only juvenile matters, while the other 12 members hear only adult matters.

If released, the offender may have to abide by standard parole rules (paying restitution, keeping in touch with parole agent, submitting to searches and not leaving the state without permission) as well as any special conditions (determined by individual needs - counseling, substance abuse treatment, drug testing, etc.). The Board of Parole Hearings alone makes the final release decision following a parole consideration hearing.

**Aftercare/Re-entry**
Aftercare services are incorporated into parole supervision in California. The parole system is a 'step down' process; as parolees advance through the program, their need for services and supervision decreases. A description of parole services is available here.

California is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about California's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

A program in San Diego County called Breaking Cycles provides aftercare services through in-home services and supervision by 'teams' of probation officers, community family monitors, alcohol and drug specialists, and Youth and Family Counselors. The program assists juveniles in making the transition from commitment to self-sufficiency once they are released into the community. For more information on other aftercare programs in San Diego County, visit http://www.sdcounty.ca.gov/probation/juvenile_information_community_supervision.html and scroll to the bottom of the page.

**State Laws**

**Legal Resources**
California's Juvenile Code resides in the Welfare and Institutions Code (numerous sections).

Juvenile Court Rules Chapter 3, page 147 (859)

California Bar Association
Purpose Clause for Delinquency Proceedings

(a) The purpose of this chapter is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. When removal of a minor is determined by the juvenile court to be necessary, reunification of the minor with his or her family shall be a primary objective. When the minor is removed from his or her own family, it is the purpose of this chapter to secure for the minor custody, care, and discipline as nearly as possible equivalent to that which should have been given by his or her parents. This chapter shall be liberally construed to carry out these purposes.

(b) Minors under the jurisdiction of the juvenile court who are in need of protective services shall receive care, treatment and guidance consistent with their best interest and the best interest of the public. Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This guidance may include punishment that is consistent with the rehabilitative objectives of this chapter. If a minor has been removed from the custody of his or her parents, family preservation and family reunification are appropriate goals for the juvenile court to consider when determining the disposition of a minor under the jurisdiction of the juvenile court as a consequence of delinquent conduct when those goals are consistent with his or her best interests and the best interests of the public. When the minor is no longer a ward of the juvenile court, the guidance he or she received should enable him or her to be a law-abiding and productive member of his or her family and the community.

(c) It is also the purpose of this chapter to reaffirm that the duty of a parent to support and maintain a minor child continues, subject to the financial ability of the parent to pay, during any period in which the minor may be declared a ward of the court and removed from the custody of the parent.

(d) Juvenile courts and other public agencies charged with enforcing, interpreting, and administering the juvenile court law shall consider the safety and protection of the public, the importance of redressing injuries to victims, and the best interests of the minor in all deliberations pursuant to this chapter. Participants in the juvenile justice system shall hold themselves accountable for its results. They shall act in conformity with a comprehensive set of objectives established to improve system performance in a vigorous and ongoing manner. In working to improve system performance, the presiding judge of the juvenile court and other juvenile court judges designated by the presiding judge of the juvenile court shall take into consideration the recommendations contained in subdivision (e) of Standard 24 of the Standards of Judicial Administration, contained in Division I of the Appendix to the California Rules of Court.

(e) As used in this chapter, "punishment" means the imposition of sanctions. It shall not include a court order to place a child in foster care as defined by Section 727.3. Permissible sanctions may include the following:

1. Payment of a fine by the minor.

2. Rendering of compulsory service without compensation performed for the benefit of the community by the minor.

3. Limitations on the minor's liberty imposed as a condition of probation or parole.

4. Commitment of the minor to a local detention or treatment facility, such as a juvenile hall, camp, or ranch.

5. Commitment of the minor to the Department of the Youth Authority. "Punishment," for the purposes of this chapter, does not include retribution.

(f) In addition to the actions authorized by subdivision (e) the juvenile court may, as appropriate, direct
the offender to complete a victim impact class, participate in victim offender conferencing subject to the victim's consent, pay restitution to the victim or victims, and make a contribution to he victim restitution fund after all victim restitution orders and fines have been satisfied, in order to hold the offender accountable or restore the victim or community.


**Purpose Clause for Juvenile Corrections**

It is the purpose of this code, in establishing programs and services which are designed to provide protection, support or care of children, to provide protective services to the fullest extent deemed necessary by the juvenile court, probation department or other public agencies designated by the board of supervisors to perform the duties prescribed by this code to insure that the rights or physical, mental or moral welfare of children are not violated or threatened by their present circumstances or environment. Such essential services may be provided irrespective of whether the child or the family of the child is otherwise known to the responsible local agency.


**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)

Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 24

**Extended Age of Jurisdiction**

California's extended age of juvenile court jurisdiction is 21; however, if a juvenile is committed to the Department of Juvenile Justice for certain offenses, the juvenile court retains jurisdiction until the offender is 25 years old. For youth committed to a state hospital or public/private mental health facility for the certain offenses, the court may retain jurisdiction until the offender's 25th birthday.

**Juvenile Transfer Laws**
For information on California's juvenile transfer laws, [click here](#).

**Juvenile Justice Leadership**

**California Probation Parole and Correctional Association**
The California Probation Parole and Correctional Association is a membership organization that represents correctional personnel in California (adult/juvenile, state/local, field/institutional). CPPCA's activities include public education, legislative advocacy, research, standards development and professional development.

**California State Juvenile Officers Association**
The Chief Probation Officers of California membership organization's main goals are the coordination and implementation of probation practices in the state.

**Family and Juvenile Law Advisory Committee**

**Resources/Contacts**

- [Board of Parole Hearings](#)
- [California Bar Association](#)
- [California Department of Corrections and Rehabilitation](#)
- [California Probation Parole and Correctional Association](#)
- [California State Juvenile Officers Association](#)
- [Center for Families, Children & the Courts](#) (Judicial Council of California, Administrative Office of the Courts)
Delinquency Services Summary

**Decentralized State:** Delinquency services are organized at both the state and local level in Colorado. Local district attorneys' offices are responsible for juvenile delinquency intake screening. Juvenile probation officers from local probation departments in Colorado's 22 judicial districts are responsible for predisposition investigation and probation supervision. Chief probation officers in each district answer to that district's Chief Judge. The Department of Human Services, Division of Youth Corrections, is responsible for juvenile detention, the juvenile corrections continuum, and juvenile parole.

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**Court(s) with Delinquency Jurisdiction**

In most of the state, District Courts exercise jurisdiction over delinquency proceedings. District Courts are general jurisdiction trial courts. The [Denver Juvenile Court](https://www.denvercourts.gov/juvenilecourt), a limited jurisdiction trial court, has jurisdiction over delinquency proceedings in the 2nd Judicial District. For more information, visit the [Colorado Judicial Branch's web site](https://www.courts.state.co.us/).

**Highlights**

**Colorado Juvenile Risk Assessment (CJRA) Protocol**

Colorado’s Division of Youth Corrections, Senate Bill 94 program began use of the Colorado Juvenile Risk Assessment (CJRA) pre-screen instrument in 2008 for all youth who are detained in a secure or staff secure facility. The CJRA offers information directed at a youth’s risk to re-offend. The CJRA is completed prior to a youth’s detention hearing. The use of the CJRA is envisioned to compliment current practices in Judicial Districts in making decisions to release youth with bond conditions or for what is commonly called “emergency release”. The CJRA offers a validated assessment of risk, which can be used in making these decisions. In addition to a “pre-screen”, the Colorado Juvenile Risk Assessment also includes a full assessment protocol. This protocol is currently in use in the Division’s commitment continuum. The full assessment instrument is designed to assist in the development of case management plans for youth.

**MacArthur Models for Change Action Network**

In 2007, based largely on the groundwork set by Colorado’s Juvenile Justice and Delinquency Prevention Council's Three Year Plan, Colorado was selected to become one of four new Models for Change- Juvenile Justice/Mental Health Action Network states through a grant from the John T. and Catherine C. MacArthur Foundation. Through this grant, Colorado is working on two fronts. First is the systematic incorporation of a research-based mental health screening protocol within all juvenile justice agencies in Denver. This includes pilot-testing the MAYS1-2 within the Denver Juvenile Probation Department to collect information and data that will be used to develop a juvenile justice-system wide mental health screening protocol. This protocol, which will be used to train intake staff from a variety of juvenile justice agencies in Denver, will include procedures for the application of the MAYS1-2 as well as for communication and information-sharing across agencies. The second area of focus is the development and distribution of Colorado’s Children in Crisis (CIC) curriculum. This will include an 8 hour training for previously trained CIT officers which will focus on adolescent development, information about mental disorders specific to a juvenile population, and how to connect with needed
mental health services for juveniles. A broader 24 hour CIC course will be also developed with a target of non-CIT trained law enforcement officers, school resources officers, and school administrators and personnel which will include information from the eight hour course as well as information on substance abuse and co-occurring disorders, legal and family issues and communication and de-escalation techniques.

Detention
The Division of Youth Corrections (DYC), located in the Department of Human Services, provides secure detention services to juveniles. Under Senate Bill 03-286, DYC's secure detention capacity is limited to 479 beds and a working group must annually review the allocation of detention beds to the local catchment areas, to allocate beds within each judicial district, and establish emergency release guidelines, and detention placement guidelines.

Colorado statute requires the detention of juveniles when their immediate welfare or the protection of the community requires. Once a juvenile is detained, a detention hearing must be held within 48 hours. If the court extends detention at the detention hearing, the district attorney must file a petition alleging a juvenile to be delinquent within 72 hours. In addition to holding pre-adjudicated juveniles, DYC detention centers also hold youth who receive a disposition of short-term detention and committed youth who receive a new charge. Colorado also uses detention (up to 45 days) as a sanction for a probation violation.

The chief judge in each of Colorado's 22 judicial districts appoints a screening team that performs detention intake and screening functions. The screening team uses the Juvenile Detention Screening and Assessment Guide to decide where to place a juvenile on detention. The guide uses a decision tree format based on identifying factors that contribute to a juvenile's risk for out-of-home placement and matching youth needs with the most appropriate placements. Colorado uses a continuum of detention placements. The continuum includes: release (no detention); home detention with services; shelter care; staff-secure detention; and secure detention.

The state-funded Detention Continuum Initiative, known as Senate Bill 94, supports this screening function and community-based alternative supervision and treatment services. Local juvenile services planning committees determine the services needed; therefore, the structure of the intake/screening functions and the services provided may vary from district to district. Intake/screeners locate the least restrictive environment for juveniles who have been taken into temporary custody while still providing for the safety of the juvenile and the community. Certain mandatory holds apply. Other intake responsibilities are interviewing the juvenile and involved persons and agencies and reporting the finding of the screening process to the court at the detention hearing. The local planning committees also oversee compliance with the detention caps, the bed loaning process and the emergency release process. With these additional responsibilities, state funds to support the Continuum of Detention Initiative have decreased during the last few years.

Senate Bill 94 supports new community-based alternatives to detention by funding initiatives that aim to decrease reliance on secure settings for juvenile offenders. The Division of Youth Corrections uses the bill to allocate funds to each judicial district for community-based programs that provide local alternatives to the incarceration of committed youth.

The SB 94 Program experienced two continuing major system changes in FY 2006-07. The first was that it was the fourth fiscal year of implementation of the statutory cap on the use of juvenile detention beds. Although SB 94 Programs again successfully managed to their caps, it was clear that the strain of doing so has remained high for some districts. The second area of major system change was the opportunity provided by funding increases allocated by the Colorado State General Assembly. In FY 2006-07 funding for the SB 94 Program was increased 14.2% from the FY 2005-06 level, partially restoring past reductions. The additional increase projected for FY 2007-08 will bring the SB 94 Program budget back to a point 2.6% higher than in FY 2002-03 (not adjusted for any Cost of Living Increases missed during those years), when State program capacity cuts began.

DYC has continued to operate successfully within the detention bed caps. At the local level, however,
one of the most important challenges noted in last year’s evaluation report was significant evidence of increased capacity strain across all detention facilities and judicial districts in the state. In FY 2006-07 there were some positive indications that strain might be decreasing, especially in some facilities and districts. However, despite statewide improvement in days at or above 90% of capacity, it continues to be a concern for some districts. While the statewide bed cap of 479 was never exceeded on any day in FY 2006-07, on all but three days one or more facilities experienced high capacity strain (defined as bed occupancy of 90% or higher). On any given day the system averaged about five (42%) facilities at or above 90% capacity. (Source: SB 94 Annual Report FY 2006-2007 by the TriWest Group for the CDHS/Division of Youth Corrections)

In January 2008, the Division of Youth Corrections, Senate Bill 94 program began use of the Colorado Juvenile Risk Assessment (CJRA) pre-screen instrument for all youth who are detained in a secure or staff secure facility. The implementation of the CJRA is in response to HB 07-1161 which authorizes the Division of Youth Corrections to train Senate Bill 94 screening teams in the use of the Division’s risk assessment, which will be required to be used in making decisions related to a youth being released from detention. The CJRA does not replace the Juvenile Detention Screening and Assessment Guide (JDSAG) as these instruments have distinct purposes in Senate Bill 94 and should not be viewed as interchangeable: the JDSAG serves as a policy instrument related to decisions to detain either at arrest or referral to detention and the CJRA offers information directed at a youth’s risk to re-offend. The CJRA is completed prior to a youth’s detention hearing and its use is envisioned to compliment current practices in Judicial Districts in making decisions to release youth with bond conditions or for what is commonly called “emergency release”. The CJRA offers a validated assessment of risk, which can be used in making these decisions.

**Delinquency Intake Screening**

The district attorney receives referrals from law enforcement or probation officers and decides whether to divert the case from formal filing, file charges, request an informal adjustment or deferred adjudication, and/or direct file to the criminal court.

**Diversion**

Pursuant to the Colorado Children’s Code [(19-1-103(44) C.R.S.)], the goal of Diversion is to prevent further involvement of the youth in the formal legal system. Diversion of a juvenile or child may take place either at the pre-filing level as an alternative to filing of a petition; at the post adjudication level as an adjunct to probation services following an adjudicatory hearing; or a disposition as a part of sentencing. Juvenile diversion programs concentrate on holding the youth accountable for their behavior while involving them in programs and activities to prevent future criminal and delinquent behavior. Programs of this type provide local communities alternatives for holding youth accountable for their behavior, can help change the way youth think about their behavior, ensure that youth take responsibility for their actions, and ensure that victims and communities feel safe and restored.

For over 20 years, the Colorado General Assembly had appropriated general funds to help support juvenile diversion programming as authorized under §19 2-303, C.R.S. In FY02-03, $2,483,702 for Diversion was vetoed from the state appropriations bill and reverted to the state General Fund to help address the state budget shortfall. Although juvenile diversion programs in district attorneys’ offices and community-based agencies were supported in part with local funds, state funding assistance had been critical in maintaining this early intervention component of the juvenile justice system. Due to the loss of state funding, federal Juvenile Accountability Incentive Block Grant (JAIBG) funds were used to provide bridge funding. In FY03-04, $500,000 in Diversion funding was reinstated on a one-time basis, using Tobacco Settlement Funds instead of state General Fund and 18 district attorney or community-based diversion programs were funded. Beginning in FY 2006, the Colorado state legislature again appropriated $1,241,851 in funding to begin to make whole the Diversion programming that was eliminated in 2002. As of July 1, 2008, a total of 23 programs in seventeen judicial districts were funded.

**Predisposition Investigation**

Juvenile probation officers from local probation departments perform pre-sentence investigations (PSI). A battery of assessments is completed for the PSI. The Colorado Young Offender - Level of Supervision Inventory (CYO-LSI) is the primary assessment instrument used. Secondary assessments are also done
and may include substance abuse, mental illness, or domestic violence screenings. The PSI report may include offense details; victim statements; amount of restitution requested; criminal, education, employment, and substance abuse history; description of family and peer relationships; programs available in the juvenile's judicial district; review of placement and commitment criteria; and disposition and treatment recommendations.

Colorado statute stipulates that juvenile probation departments must conduct pre-sentence investigations unless waived by the court. Pre-sentence investigations are prioritized for youth with felony adjudications and offenses involving unlawful sexual behavior.

**Victim Rights and Services**

In 1992, Colorado voters amended the state Constitution to include victim rights. The statutory rights of victims are found in *The State of Colorado’s Victim Rights Act*. The Victim Rights Act states that any person who is a victim of any crime, whether committed by an adult or a juvenile, shall have the right to be heard when relevant, informed, and present at all critical stages of the criminal or juvenile justice process. “Critical stages” can include: filing of charges; adjudication; disposition; and the parole, release, transfer (if the victim requests notification) or escape (if requested) of an offender. In addition to the right to be informed and present, the victim also has a right to be heard at hearings on disposition of the case; the right to a secure waiting area; and the right, upon request, to have his/her address kept confidential.

While most of the responsibility for providing assistance and information to victims of juvenile crime in Colorado falls to district attorneys’ offices, other agencies—law enforcement, juvenile probation departments, and the Division of Youth Corrections—also have responsibilities related to the Victim Rights Act. In some counties, the District Attorney’s office may have a specialist assigned specifically to juvenile crime victims. For example, *Pueblo County’s DA’s Office* has a Victim Assistance Specialist located in its Juvenile Unit. The Victim Assistance Specialist in this unit works only with victims of juvenile offenders. The responsibilities of this position include gathering restitution information, going to court with victims, informing victims of new court dates, and answering questions about the court process. The Victim Assistance Specialist in the Juvenile Unit also works with Juvenile Deputy District Attorneys to insure that the victim rights are fulfilled.

The Colorado Division of Criminal Justice’s *Office for Victims Programs*, within the Department of Public Safety, develops standards for the administration of victim programs, administers federal and state victims-related grant programs, and operates the *crime victim compensation program*.

**Probation Supervision**

In Colorado, probation (except municipal probation) is part of the Judicial Department and is administered by probation officers in 22 judicial districts. The *Division of Probation Services (DPS)*, Office of the State Court Administrator, Colorado Judicial Branch, provides coordinated support services to probation departments. Depending on the area of the state, judicial districts are comprised of between one and seven counties. The county or counties that make up the judicial district cover operating expenses.

Juvenile probation services are based on restorative justice principles, which are reflected in the Division of Probation Services' statement of common ground (i.e., the mission statement). This emphasis on restorative practices signifies a shift from DPS' former traditional offender management approach.

By statute, a probation department must use all suitable methods, including counseling, to aid each juvenile under its supervision, and to perform other duties in connection with the care and custody of juveniles as the court may direct. The probation department collects restitution and may operate or refer a juvenile to a community service or work program. A probation officer has the authority of a peace officer. Most probation officers carry juvenile-specific caseloads; however, officers in rural districts may have both adult and juvenile caseload responsibilities.

Non-traditional probation practices and programs are common in Colorado and are based on restorative
justice principles. Examples include stationing probation officers in neighborhoods or schools. In addition, Colorado probation is heavily specialized. Within the limits set by state standards and funding, each judicial district can develop any specialized probation program that meets the needs of the local community and court. However, each judicial district's capacity to provide the programs varies. One example of a current statutory specialized program is the Juvenile Intensive Supervision Probation.

The Colorado Young Offender - Level of Supervision Inventory (CYO-LSI), a statewide, mandated classification instrument used to assess all juveniles on probation, determines levels of probation supervision. The CYO-LSI is an automated, standardized assessment that was developed in Colorado for probation supervision, treatment, and placement decisions. The assessment measures risk of re-offending, identifies needed services, and is also used as a re-assessment tool to measure juveniles' progress while on probation. The CYO-LSI, in conjunction with a case-planning model, is also used to develop case supervision plans that supplement the conditions of probation set forth by the juvenile court. Graduated sanctions are used when juveniles violate or otherwise do not comply with probation conditions.

The Division of Probation Services' Evaluation Unit evaluates all state probation programs by tracking the programs' outcomes and performance measures. In addition, the state legislature mandates an annual recidivism study. The Division of Probation Services also performs internal performance reviews of probation departments statewide.

Mandated statewide guidelines and standards set by statute, local policy, and state Supreme Court directives govern regular and specialized probation services. Compliance with the standards is not connected to funding. Standards for caseload size exist only for specialized probation programs.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Juvenile probation officers must have bachelor's degrees in Colorado.

While Colorado does not certify its probation officers, officers are required to obtain a minimum of 40 hours of continuing education per year through the Division of Probation Services' professional development program. This program is designed to start officers off with a broad overview of the probation system and specific skill sets required to perform day to day duties. Each year's schedule of classes is meant to build on education received in the previous year's classes. As officers progress through Colorado's probation officer job classifications, increased skill, knowledge, and experience are required. The professional development program requires a minimum of 140 hours of mandatory and elective training in the first two years and a minimum of 80 hours of mandatory and elective training in the next two years. Officers are encouraged to complete an apprenticeship in a particular area of interest by year five. This includes training in specialty areas, such as sex offenders, drug court case management, restorative justice program implementation, domestic violence, and a specialization in female and juvenile supervision. In addition to providing training for probation officers, the Division provides at least 46 hours per year of training geared to supervisors and chief probation officers.

The Colorado Judicial Branch's Probation Advisory Committee, through the Training Subcommittee, works closely with the training staff from the Division of Probation Services to maintain a high degree of integrity in the training program and to continue to improve and enhance the type of training offered to the probation staff in Colorado. Recognizing that not all needs can be met through the Division's professional development unit, the Division of Probation Services collects information on “outside” training that is applicable to probation officers, supervisors and administrators and makes registration information available to the Chief Probation Officers on a regular basis.

**Juvenile Corrections Continuum**

The Division of Youth Corrections (DYC), Department of Human Services, administers juvenile corrections in Colorado.

Juveniles may be placed in **11 state-operated detention and commitment facilities**. Available facilities include intensive secure facilities, medium care units, secure detention, staff secure facilities, and non-secure community residential programs.
Commitment to State

Generally, the court may commit an adjudicated delinquent to the Division of Youth Corrections (DYC) for a determinate period of up to two years. Statute requires specific dispositions for special offenders (sections 19-2-907 through 19-2-919). The Division of Youth Corrections may not transfer custody or control over the juvenile during the determinate period; however, the juvenile may be granted parole during that time.

DYC determines the placement of adjudicated youth. Within 30 days of commitment to DYC, juveniles are examined and evaluated at a regional assessment center. Assessment instruments include the Colorado Juvenile Risk Assessment (CJRA) a validated risk assessment; the Woodcock-Johnson educational assessment; the Massachusetts Youth Screening Instrument, a mental health screening; the SUS-1A (Substance Use Survey), CCAR (Colorado Client Assessment Record), and other instruments. In addition to these evaluations, evidence, reports, examinations, and studies from the sentencing hearing may be used to determine placement.

The Division of Youth Corrections has embarked upon an initiative to redesign its assessment and classification services, with the goal of developing a comprehensive, state-of-the-art assessment, diagnostic and classification system that is founded in evidence based theory and principles. Effective June 2006, every youth committed to the Division is assessed for actuarial risk using the Colorado Juvenile Risk Assessment Instrument (CJRA), a fourth generation risk instrument development by the Washington State Institute for Public Policy (WSIPP). This instrument measures criminogenic risk, needs and protective factors both from a static and dynamic perspective. Currently, this instrument is being utilized by 8 states nationwide and efforts are continually underway to improve its predictive and case-planning components. The CJRA replaces the Colorado Young Offender Level of Service Inventory (CYO-LSI) that the Division had utilized for over a decade. Unlike the CYO-LSI, the CJRA also incorporates protective factors scales that are valuable when developing case-plans and referring youth to specific residential placements. The CJRA also has a built-in pre-screen, a 27-item questionnaire that can be quickly utilized in making screening decisions.

The Department of Human Services can contract with governmental agencies or private providers for placement options. Placements for committed youth include state-operated facilities, training schools, conservation camps, diagnostic and evaluation centers, halfway houses, nonresidential transitional programs, and day reporting/treatment centers. Case managers, who are also known as parole officers, supervise juveniles committed to DYC.

Youthful Offender System

Youthful offenders are juveniles who are 14 years old or older and are convicted in adult court of a Class 1 or 2 felony, a crime of violence felony, certain firearms offenses, or use of deadly weapon in the commission of a person felony; or are 16 years old or older charged with a Class 3 felony and have been adjudicated within past two years for a felony.

The Colorado Department of Corrections, Division of Adult Parole, Community Corrections, and Youthful Offender System provides a Youthful Offender System program that combines community supervision and reintegration services. This program is aimed at serious juvenile offenders who have been directly filed in the district court as adults, but are diverted upon sentencing to the YOS program rather than placed directly in adult facilities. Senate Bill 04-123 capped the YOS facility at 256 beds. A juvenile may be sentenced to YOS for a determinate period of not less than one year nor more than five years and a mandatory period of parole supervision for a period of one year. If offenders successfully complete the program, they are not required to serve additional time in adult prison. If they do not successfully complete the program, juveniles are taken to an adult facility to serve the rest of their original sentences. Community parole officers supervise youthful offenders after release from the program.

The facility received its first offenders in March 1994 and from its opening through 2007 a total of 1,066 offenders have been sentenced to YOS, including 46 (4.3%) female offenders. The number of admissions declined from 107 in FY 96 to a low of 50 in FY 05. YOS admissions increased to 61 in FY 07. The average age of offenders sentenced to YOS has increased from 16.6 in FY 94 to 17.1 in FY 07,
with a median age of 19.7 for offenders currently incarcerated at YOS. The Colorado Department of Corrections reports that only 19% of offenders who complete the program return to prison within three years of release.

**Blended Sentencing**  
Colorado has blended sentencing provisions. For more information, click here.

**Direct Placement**  
By statute, the juvenile court judge can order a juvenile to be placed out of the home, such as in a hospital or with a relative, or can grant custody of the juvenile to social services, which will then place the juvenile in a community setting, without committing the juvenile to state commitment. At the time the juvenile is placed into an out-of-home setting, the court must set a review hearing within 90 days to determine if continued placement is necessary and is in the best interest of the juvenile and community. The court retains jurisdiction over the juvenile. The social services agency supervises treatment of juveniles in its custody of social services, while probation departments oversee any probation requirements.

**Release**  
Commitment release decisions are made in several ways in Colorado. The release date can be determined by court order through mandatory sentencing; in this case, the juvenile cannot be released until the sentence is completed. Also, discretionary release is possible, in which DYC uses a set of behavioral criteria to determine if a juvenile should be released. There is currently no risk/need assessment used in making release decisions.

Finally, the juvenile may come before the Juvenile Parole Board, an independent agency that interviews the juvenile and reviews his or her record when deciding whether to grant parole. The Juvenile Parole Board has the authority to grant, defer, suspend, or revoke the parole of a juvenile. Nine part-time members, who are appointed by the Governor and confirmed by the Senate, serve on the Board. Members are chosen from the Department of Human Services, the Department of Public Safety, the Department of Education, and the Department of Labor and Employment. One member is a local elected official, and four members are citizens. In some counties, the Community Review Board must approve paroled juveniles' placement into residential programs. Statute authorizes the Community Review Board to approve residential community placements of juveniles under the jurisdiction of the Juvenile Parole Board.

**Aftercare/Re-entry**  
Juvenile parole officers from the Division of Youth Corrections supervise juveniles in aftercare (called parole in Colorado). By law, all juveniles released from commitment must have a period of mandatory services and supervision to aid in their transition back into the community. In 2003, the mandatory length of parole for youth committed to the Division of Youth Corrections was reduced to six months for less serious offenses. However, under certain circumstances, the hearing panel may extend the period of parole supervision.

The Division of Youth Corrections (DYC) identifies transition services as a priority and has increased the resources available to youth on parole. In fiscal year 2005-06 the State Legislature allowed DYC some flexibility to spend up to 10% of its residential funding on transition services for youth returning to the community. This effort is referred to as the Continuum of Care Initiative. The Division identified a sample of youth who could potentially benefit from increased services on parole and began utilizing the funding flexibility allowed by the Legislature to increase transition services to youth.

Colorado is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Colorado's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

**State Laws**
Legal Resources
Colorado's Children's Code resides in sections 19-2-101 to 19-2-1105 of Title 19, which can be found in the Colorado Revised Statues.

Colorado Rules of Juvenile Procedure can found under Colorado Court Rules.

Colorado Bar Association

Purpose Clause for Delinquency Proceedings
(1) The general assembly hereby finds that the intent of this article is to protect, restore, and improve the public safety by creating a system of juvenile justice that will appropriately sanction juveniles who violate the law and, in certain cases, will also provide the opportunity to bring together affected victims, the community, and juvenile offenders for restorative purposes. The general assembly further finds that, while holding paramount the public safety, the juvenile justice system shall take into consideration the best interests of the juvenile, the victim, and the community in providing appropriate treatment to reduce the rate of recidivism in the juvenile justice system and to assist the juvenile in becoming a productive member of society.

(2) The general assembly hereby finds that the public has the right to safe and secure homes and communities and that when a delinquent act occurs such safety and security is compromised; and the result is harm to the victim, the community, and the juvenile offender. The general assembly finds that the juvenile justice system should seek to repair such harm and that victims and communities should be provided with the opportunity to elect to participate actively in a restorative process that would hold the juvenile offender accountable for his or her offense.


Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: 10
Upper Age: 17
Extended Age of Delinquency Jurisdiction: The juvenile court retains jurisdiction until the completion of the terms of the dispositional order, regardless of the type of commitment.

Juvenile Transfer Laws
For information on Colorado's juvenile transfer laws, click here.

Juvenile Justice Leadership

Colorado Association of Probation Offices
The Colorado Association of Probation Offices (CAPO) is a non-profit organization that provides opportunities for training, collaboration, advocacy, and leadership for probation professionals in Colorado.

Juvenile Justice and Delinquency Prevention Council
The Council is appointed by the Governor as the State Advisory Group and is charged with advising and making recommendations to the Governor and the legislature on juvenile justice issues. The Council reviews and approves applications for federal funding through the Juvenile Justice and Delinquency Prevention Act, monitors and evaluates the projects funded, and oversees compliance with the core requirements of the JJDP Act.

Office of Adult and Juvenile Justice Assistance
The Office of Adult and Juvenile Justice Assistance (OAJJA) of the Colorado Department of Public Safety, Division of Criminal Justice, administers six major federal criminal and juvenile justice funding programs and provides staffing support to the Justice Assistance Grant (JAG) Board and the Juvenile Justice and Delinquency Prevention (JJDP) Council. In addition, staff from OAJJA is actively involved in policy initiatives intended to improve the criminal and juvenile justice systems.
Resources/Contacts
Colorado Association of Probation Offices
Colorado Bar Association
Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics
(Statistical Analysis Center)
Colorado Judicial Branch
Denver Juvenile Court
Division of Criminal Justice, Office of Adult and Juvenile Justice Assistance
Division of Youth Corrections
Juvenile Justice and Delinquency Prevention Council
Juvenile Parole Board
Office of the State Court Administrator, Colorado Judicial Branch, Division of Probation Services

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Delinquency Services Summary
Combination State: The state operates most delinquency services for youth in Connecticut. However, responsibility is divided between the judicial and executive branches. The Judicial Branch, Court Support Services Division provides pre- and post-adjudication services, encompassing detention and probation supervision, while the Department of Children and Families (DCF) administers the juvenile corrections continuum and aftercare services.

Service Classification

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Court(s) with Delinquency Jurisdiction
In Connecticut, the Superior Court for Juvenile Matters has exclusive original jurisdiction over delinquency matters. Superior Courts are general jurisdiction trial courts. There are 13 juvenile courts statewide. For more information, visit the [Connecticut Judicial Branch web site](http://www.jud.ct.gov/).

Highlights

Age of Jurisdiction
In Connecticut, 16- and 17-year-old offenders are currently considered to be adults. Before [HB 5215](http://www.cnj.org/laws/5215.html), offenders in this age group could apply for Youthful Offender (YO) status if they did not commit a class A felony. YOs are entitled to juveniles confidentiality, maximum sentencing limits, and the chance to expunge their records. Under the new law, effective January 1, 2006, 16- and 17-year-olds arrested for crimes other than Class A felonies will automatically be treated as Youthful Offenders unless a prosecutor objects. On January 1, 2010, the age of adult jurisdiction for criminal matters will change from 16 to 18, except for all Class A and some Class B felonies. The prosecutor can object however and petition to have a case raised to adult court. The youthful offender option will no longer exist, as it will be superceded by the new statute. This is known as "Raise-the-Age" in CT.

Graduated Sanctions Demonstration Site
Connecticut's judicial branch is participating in a national graduated sanctions project that the Office of Juvenile Justice and Delinquency Prevention awarded to the [Juvenile Sanctions Division](http://www.ojjdp.gov) of the National Council of Juvenile and Family Court Judges. The project is based in Hartford. Public and private funding sources have been blended to implement a Juvenile Review Board that can process and manage 200 cases. A 64-bed Risk Reduction Center provides intervention and treatment to high risk delinquent boys and offers a gender-specific track for girls. For more information, contact Geoffrey Scales, a Juvenile Probation Supervisor with the Connecticut Judicial Branch, Court Support Services Division, at (860) 244-7913 or [Geoffrey.Scales@jud.state.ct.us](mailto:Geoffrey.Scales@jud.state.ct.us).

Detention
The Connecticut Judicial Branch, Court Support Services Division (CSSD) operates three state-run pretrial detention facilities. In addition, CSSD contracts for three community-based detention programs for girls and for alternative detention programs.

Alternatives to detention are available in non-residential and residential settings for preadjudicated youth ages 10 - 16. The non-residential Alternative to Detention Program is a highly structured, seven-day per week program suited for non-violent juveniles. The Alternative Detention Center, a
residential program, is a 24-hour, staff-secure environment that holds juveniles who are unable to remain at home while awaiting trial. Services include education, group discussions on various topics, substance/alcohol abuse education, and a mental health component.

Detention in Connecticut is solely for pre-trial custody. Detention hearings are normally conducted on the business day after the juvenile is admitted to the detention center. Detention hearings are conducted at least every 15 days until the juvenile is released.

There are official criteria for admitting juveniles to detention centers. Admission is limited to juveniles who are: (1) charged with a serious juvenile offense; (2) subject to an outstanding arrest warrant or court order to take into custody; (3) ordered by the court to be held; or (4) transferred from another detention center to await a court appearance. Police officers who want to detain a juvenile who does not meet the above criteria may apply for an “Order to Detain” from a Superior Court Judge. These applications are typically sought when a juvenile’s parents cannot be located or refuse to have the juvenile returned to the home and the Department of Children and Families (DCF) is unable to provide temporary shelter.

Detention staff may recommend to the court releasing or confining juveniles based on a structured assessment instrument.

**Delinquency Intake Screening**

After an arrest, the juvenile probation supervisor at the Superior Court for Juvenile Matters receives a police arrest report. This supervisor decides whether the case should be scheduled for a court hearing (handled judicially) or handled informally (non-judicial processing). Judicial cases include more serious offenses, juveniles who have prior delinquent convictions or an extensive prior history with the court (e.g. status offenses), and all cases where the juvenile denies the charges.

**Diversion**

Police may decide not to arrest a juvenile and refer him or her to Juvenile Review Boards. These municipality- and city-operated Boards are generally comprised of police officers, school officials, social workers, daycare providers, and probation officers.

In addition, the juvenile probation supervisor at the Superior Court for Juvenile Matters may decide to handle a case informally (non-judicial processing) based on the seriousness of the offense and the juvenile’s past court history. A juvenile probation officer, rather than a judge, deals with these non-judicial cases. The probation officer has the option of dismissing the case, placing the juvenile under supervision for a period of up to 180 days, or recommending judicial handling.

The Office of Alternative Sanctions, operating under the Court Support Services Division, creates and sustains a full range of alternatives to incarceration for both pre- and post-conviction juvenile populations. Its programs and treatment services are based upon the individual or family assessment and evaluation process and case management plan. Probation treatment services address mental health needs, histories of physical or sexual abuse, substance abuse problems, health problems, and education.

Cases suitable for diversion may also be referred to Youth Service Bureaus (YSBs) that contract with other community-based non-profit organizations to provide diversion services for youth. YSBs address the needs of youth around child welfare, mental health, juvenile justice, and prevention issues.

**Predisposition Investigation**

Probation officers assigned to the Judicial Branch’s Court Support Services Division conduct predisposition investigations. The Predispositional Study (PDS) is a comprehensive psychosocial history on juveniles that collects family, school, and community information. A psychological evaluation may also be included. In addition, the PDS includes a risk/needs assessment. It is generally conducted after adjudication and prior to disposition.

**Victim Rights and Services**

Victims of juvenile crime in Connecticut have statutory rights, including the right to attend delinquency
proceedings, make a statement either orally or in writing regarding disposition, and receive restitution (see the Juvenile Justice Act, C.G.S.§46b-122, 124, 134, 138, and 140). Crime victims are also entitled to notification of hearings and release decisions.

The Office of Victim Services (OVS), within the Connecticut Judicial Branch, provides information and service to victims, their families, and other eligible individuals. Currently, there are four court-based juvenile victim advocates in Connecticut in Hartford, New Haven, Bridgeport, and Waterbury. In other jurisdictions, the assigned probation officer maintains contact with victims to let them know what their rights are, inform them of hearings, and make referrals as needed. For more information about victims' services in Connecticut, call OVS at 800-822-8428.

Probation Supervision
Juvenile probation officers assigned to the Judicial Branch, Court Support Services Division (CSSD), supervise juveniles on probation through 13 court offices.

CSSD has implemented a risk/needs assessment tools and mental health screening tools, including the Juvenile Assessment Generic (JAG) and the Massachusetts Youth Screening Instrument - Second Version (MAYSI-2). CSSD also developed a Probation Classification System with four graduated levels and standards of monitoring and services for risk-based offender supervision.

Under Connecticut statute section 46b-141b, the juvenile probation unit conducts an intake risk assessment of a juvenile referred to juvenile probation and makes a case classification evaluation. If the juvenile probation unit deems it appropriate, the proposed probation plan may be submitted to a professional evaluation team. Teams may include a juvenile probation officer, a representative of the Office of Alternative Sanctions, a school employee, and any other interested parties. The evaluation team develops a probation treatment plan for each juvenile within 15 days of the date of the referral of the case to the professional evaluation team. The probation treatment plan includes: type of residential or nonresidential placement; projected length of placement for the juvenile and the projected cost; and type of services needed by the juvenile and the projected cost. The court must approve the plan.

The Judicial Branch, Court Support Services Division contracts for approximately $30 million of residential and day reporting services for juveniles placed on probation and court-ordered to community-based programs as a condition of probation. Some of these programs have short-term residential components. Placement in the community versus commitment is assessed, in part, through a risk/needs assessment instrument (Juvenile Assessment Generic).

The court may order that a juvenile be placed under the supervision of a probation officer and comply with specific conditions, which can include restitution; community service; Juvenile Risk Reduction Centers which provide drug, alcohol, and mental health programs; cooperation with Multisystemic Therapy programming; electronic monitoring; vocational probation; and structured wilderness programs. The court may also suspend commitment to the Department of Children and Families and order participation in any of the sanctions listed above as a condition of probation. In addition, the Office of Alternative Sanctions, operating under the Judicial Branch's Court Support Services Division, creates and sustains a full range of alternatives to incarceration for post-conviction juvenile populations. Its programs and treatment services are based upon the individual or family assessment and evaluation process and case management plan. Probation treatment services address mental health needs, histories of physical or sexual abuse, substance abuse problems, health problems, and education.

Juvenile Probation Officer Qualifications, Certification, and Training
The Judicial Branch's Court Support Services Division provides 144 hours of pre-service training for juvenile probation officers. Topics include an overview of juvenile justice; juvenile law and legal issues; intake, assessment, and referral; supervision; and basic officer safety.

Juvenile Corrections Continuum
The Connecticut Department of Children and Families (DCF) is the state agency responsible for public residential placement of juvenile offenders committed to the Department as delinquent. DCF operates
the Connecticut Juvenile Training School and is responsible for both public and private juvenile residential placement.

**Commitment to State**
Commitments to the Department of Children and Families (DCF) are indeterminate. If the court deems placement in a DCF facility is appropriate, statute provides for commitments for a maximum of 18 months in non-SJO (Serious Juvenile Offender) cases and for up to 4 years in SJO cases. SJO commitments may also include orders placing offenders away from their community of residence for a period of up to four years (exile orders). The court works closely with DCF to determine the most appropriate placement option for a juvenile who is adjudicated delinquent. Decisions concerning placements are ultimately DCF's responsibility. For juveniles believed to be the greatest risk to the community, the court may commit them to the DCF for residential placement in a privately contracted school, or, if the Juvenile is male, to the state operated Juvenile Training School.

**Direct Placement**
The courts routinely place youth in residential settings unless it is determined that the youth is in need of a secured placement.

**Release**
Decisions concerning release from placement are ultimately the responsibility of the Department of Children and Families.

**Aftercare/Re-entry**
Juvenile offenders can be released from placement by the Department of Children and Families (DCF) and returned to their homes. However, the juveniles remain committed and come under the supervision of DCF Parole Services until the term of commitment imposed by the court expires.

DCF places a strong emphasis on community reintegration. Placement planning and pre-release transition activities take place while juveniles are still in residential placement to allow for a graduated and structured return to the community. In addition to Parole Services supervision, most juveniles also enter into community-based, Outreach, Tracking and Reunification Programs or participate in Multisystemic Therapy programs.

There is also an educational re-entry and delinquency prevention component known as the STEP program, and Family Functional Therapy (FFT) has also been implemented as a treatment model by DCF.

**State Laws**

**Legal Resources**
Juvenile Justice Act, Title 46b (Family Law), Chapter 815t (Juvenile Matters)

Connecticut Bar Association

**Purpose Clause for Delinquency Proceedings**
It is the intent of the General Assembly that the juvenile justice system provide individualized supervision, care, accountability and treatment in a manner consistent with public safety to those juveniles who violate the law. The juvenile justice system shall also promote prevention efforts through the support of programs and services designed to meet the needs of juveniles charged with the commission of a delinquent act. The goals of the juvenile justice system shall be to:

1. Hold juveniles accountable for their unlawful behavior;
2. Provide secure and therapeutic confinement to those juveniles who present a danger to the community;
3. Adequately protect the community and juveniles;
(4) Provide programs and services that are community-based and are provided in close proximity to the juvenile's community;

(5) Retain and support juveniles within their homes whenever possible and appropriate;

(6) Base probation treatment planning upon individual case management plans;

(7) Include the juvenile's family in the case management plan;

(8) Provide supervision and service coordination where appropriate and implement and monitor the case management plan in order to discourage reoffending;

(9) Provide follow-up and nonresidential postrelease services to juveniles who are returned to their families or communities;

(10) Promote the development and implementation of community-based programs including, but not limited to, mental health services, designed to prevent unlawful behavior and to effectively minimize the depth and duration of the juvenile's involvement in the juvenile justice system; and

(11) Create and maintain programs for juvenile offenders that are gender specific in that they comprehensively address the unique needs of a targeted gender group.

Citation: Connecticut General Statutes Annotated Title 46b. Family Law Chapter 815t. Juvenile Matters Part I. General Provisions. § 46b-121h. Current through Gen. St., Rev. to 1-1-05.

**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 16
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
For information on Connecticut's juvenile transfer laws, [click here](#).

**Juvenile Justice Leadership**

**Juvenile Justice Advisory Committee**
The Juvenile Justice Advisory Committee (JJAC) is the State Advisory Group (SAG) appointed by the Governor charged with advising the Governor and the Office of Policy and Management on juvenile justice and delinquency prevention issues. In addition, the JJAC is responsible for oversight of federal funding of the Connecticut juvenile justice system.

**Juvenile Justice Council**
A Juvenile Justice Council, comprised of the Chief Court Administrator of the Judicial Branch and the Commissioner of the Department of Children and Families, meets on a regular basis to address issues of mutual interest and concern.

**Office of the Child Advocate**

**Connecticut Juvenile Justice Alliance**
The Connecticut Juvenile Justice Alliance (CTJJA) was launched in November 2001 as a collaborative effort of several nonprofit organizations. The Alliance partners with agencies and the community to prevent youth from becoming involved in the criminal justice system and to advocate for juvenile justice system reform.

**Resources/Contacts**
[Connecticut Bar Association](#)
[Connecticut Judicial Branch](#)
Connecticut Juvenile Justice Alliance
Department of Children and Families
Juvenile Justice Advisory Committee
Office of the Child Advocate
Center for Children's Advocacy

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Delinquency Services Summary

Centralized State: A single state executive agency administers a full range of services to delinquents. The Department of Services for Children, Youth and Their Families, Division of Youth Rehabilitative Services administers detention, diversion, probation supervision through eight district probation offices, commitment programs, and aftercare. The prosecutor's office conducts intake, and Family Court workers perform predisposition investigations.

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Court(s) with Delinquency Jurisdiction

The Family Court, a unified statewide Court with limited jurisdiction, exercises jurisdiction over delinquency proceedings in three court branches. For more information, visit the Delaware Family Court web page.

Highlights

Juvenile Detention Alternatives Initiative Updates
In October 2002, the Department of Services for Children, Youth and Their Families, Division of Youth Rehabilitative Services (DYRS), Family Court, Justice of the Peace Court, the Attorney General’s Office, and the Public Defender’s Office partnered with the Annie E. Casey Foundation in the Juvenile Detention Alternatives Initiative (JDAI).

Risk Assessment Instrument
In January 2006, the Risk Assessment Instrument (RAI) was fully implemented in the Family Court and Justice of the Peace Court. The RAI is an objective screening tool used to bring uniformity to detention decisions and reduce inappropriate admissions to secure detention. The goal is to effectively reduce incidences of failure to appear and re-arrest prior to disposition and to generate data from the RAI to drive decision-making regarding system reform.

Mental Health Evaluations
Delaware is striving to develop new strategies for meeting the mental health needs of all youth involved in the juvenile justice system. Through collaboration with the Division of Child Mental Health Services, substance abuse screening and assessment services for detained youth and transition services to mental health treatment in the community has greatly improved. As of 2006, all state operated juvenile facilities have full time psychologists on staff. The psychologists are instrumental in assisting with difficult youth, providing training for staff on mental health issues, interventions and strategies, evaluating youth for suicidal ideation and gestures and conducting individual and group counseling.

Juvenile Justice Program Highlights
The Delaware Criminal Justice Council's Juvenile Justice Team will highlight one program each quarter on its Juvenile Justice web page. This will promote programs operating throughout the state that are funded via one of the Criminal Justice Council's Juvenile Justice funding areas.

Detention
The Department of Services for Children, Youth and Their Families, Division of Youth Rehabilitative
Services (DYRS) operates Delaware's secure detention facilities. DYRS operates two detention centers: the William Marion Stevenson House Detention Center and the New Castle County Detention Center (NCCDC).

Statute outlines the criteria for holding youth in detention pending adjudication, including if there is a risk that the youth will not attend the adjudicatory hearing; the youth is a fugitive from another jurisdiction on a delinquency petition; the youth is charged with an offense that, if committed by an adult, would constitute a felony; the youth willfully failed to appear at a hearing on a delinquency petition and is at risk of running away; or the youth has repeatedly failed to comply with court-ordered placement pursuant to a delinquency petition in an out-of-home residential setting.

Youth may be held in detention pending adjudication. Secure detention cannot be ordered as a disposition; however, it can be used as a placement pending commitment to a non-secure detention facility (see explanation below) and can be used as a sanction only under specific circumstances (see Aftercare/Re-entry).

Detention hearings must be held the next day court is in session. If the court determines that the juvenile must remain in detention pending adjudication, the court must review the status of the case and the reasons for detention every 30 days. Additional information about detention and detention procedures can be found in Delaware’s Rules of Criminal Procedure.

Delaware is participating in the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative. For more information on this reform effort, please see the highlight. As part of this initiative, a Legal Memorandum (03-269: Non Secure and Secure Juvenile Procedures for Delinquents) went into effect to allow a broader use of non-secure detention and alternatives. If a judge wishes to order a juvenile defendant to a non-secure detention facility and there are no beds available, the commitment would be to the closest secure detention facility (either Stevenson House or NCCDC) and the last section on the worksheet would be completed so that the commitment would state: “The defendant should be transferred to a non-secure facility as soon as space becomes available or to another detention alternative as DYRS deems appropriate.” This language gives DYRS the ability to move a youth as soon as a bed or alternative placement becomes available.

**Delinquency Intake Screening**

Peace Officers (law enforcement) are often the first point of contact for juveniles entering the juvenile justice system in Delaware. Once the Attorney General’s Office (or prosecutor) is provided with the complaint against the juvenile and decides to proceed with prosecution, a petition is filed with the court.

**Diversion**

The Attorney General’s Office (or prosecutor) is responsible for making juvenile diversion decisions. Diversion usually consists of arbitration or a specialized program alternative, such as teen court or drug court. Although drug court is technically not a diversion program, it operates similar to one. Youth must be referred to the program by the Attorney General, meet entry criteria, and plead to a specific drug related charge. After the youth is adjudicated, the youth is generally placed on a Level I administrative probation. Following screening and assessment by the Division of Children’s Mental Health, the youth begins the recommended treatment, which ranges from outpatient to residential. Treatment is lowered as the youth progresses. Group status review hearings are held every three weeks. The youth’s progress in treatment, as well as school attendance, curfew compliance, and behavior are monitored. Sanctions may be handed out for violations, and serious violations may result in dismissal from the program. If the youth is not charged with a new offense for a period of six months following graduation, the Court will automatically vacate the delinquency adjudication and dismiss the charges. The Motor Vehicle Division is subsequently advised that any loss of driving privileges arising out of the adjudication, which is now vacated, are to be restored.

**Predisposition Investigation**

Limited predisposition reports are compiled on each youth adjudicated delinquent in Delaware. However, “predisposition investigations” are not a routine part of Delaware’s juvenile court procedure.
Pre-sentence reports are not submitted to the Court or anyone else involved in the case unless the juvenile has entered a guilty plea or has been found guilty. The pre-sentence report contains information that will be helpful to the court when making disposition decisions, such as probation or commitment. The pre-sentence report is not a public record and is only available for review by the sentencing judge, the juvenile and his attorney, the juvenile’s custodian, the Department of Children, Youth and Families (if the juvenile is committed to its custody), and the probation department (if the juvenile is placed on probation). In select cases (such as domestic violence cases), a pre-sentence officer may conduct a more extensive pretrial investigation.

Victim Rights and Services
Delaware's [Victims' Bill of Rights](#) extends rights to victims of adult and juvenile offenders who have committed certain types of offenses. If offense criteria are met, victims have the right to be notified by the Attorney General’s Office about the scheduling of court proceedings; be present at court proceedings; present impact statements; and have minimal or no contact with the defendant, including a separate court waiting area if possible. In addition, the Department of Services for Children, Youth and Their Families (DSCYF) must notify victims about committed juveniles' projected release date, actual release, and any escapes. The Bill of Rights also requires that DSCYF provide the victim with information concerning the terms of probation, parole, or other condition of release and the juvenile’s level of compliance with the sentence, probation, parole or other conditions.

The Department of Justice's [Attorney General Victim/Witness Unit](#) is a statewide unit that assists victims of crimes and their families.

Probation Supervision
The Department of Services for Children, Youth and Their Families, Division of Youth Rehabilitative Services, Community Services Unit, provides probation supervision through eight judicial districts. Persons who supervise youth on probation are called "Family Service Specialists;" however, the title "Probation Officer" is commonly used.

Programs include intensive case management, family treatment, day treatment, residential programs, mental health counseling and sex offender treatment.

A risk/needs assessment instrument is used to evaluate each new probationer. In addition, a case plan, which includes contact standards as well as standard conditions of supervision, is developed upon entry. The Division of Youth Rehabilitative Services' (DYRS) [Dispositional Guidelines](#) establish five levels of programming, including three levels of community supervision. DYRS makes a service level recommendation to the court, which makes the final determination.

- **Level I**, minimum intensity or administrative probation, is appropriate for juvenile offenders who are low risk and do not require the supervision of a juvenile probation officer but are monitored within an adequate family or community structure.

- **Level II**, moderate intensity probation, is intended for low to moderate risk juvenile offenders who are supervised by DYRS probation officers or DYRS-contracted programs with community providers. At this level, DYRS conducts a risk and needs assessment of youth to determine appropriate referrals to the "Back on Track" program (a rehabilitative program coordinated by a community-contracted provider) or Level II probation.

- **Level III**, intensive probation, is characterized by close supervision and comprehensive services. Level III includes a Multisystemic Therapy Program in which a DYRS-contracted provider works intensively with the juvenile, family, and community in addressing the root causes of the delinquent act. DYRS probation staff and/or contracted providers provide intensive probation services. The caseload for each worker is five juveniles and their families.

Level IV and V refer to secure placements (see [Commitment to State](#)).

While there is no standard caseload size, the process of assigning caseloads is under review in an effort...
to assign similar cases to probation officers who would become "specialists" in working with case-specific youth.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Juvenile probation officers must have a bachelor's degree in social work, criminal justice, sociology, or a related field. Delaware does not certify its juvenile probation officers. Training consists of an orientation for new hires and three classes specific to community services. The training curriculum is currently being revised.

**Juvenile Corrections Continuum**

The Department of Services for Children, Youth and Their Families, Division of Youth Rehabilitative Services (DYRS) operates the Ferris School for Boys, a maximum secure care facility for males. The average length of stay is six months, followed by a six-week transition program at Mowlds Cottage. DYRS contracts with a number of private residential facilities for female juvenile offenders.

DYRS also relies on a number of out-of-state residential placement facilities to provide services to adjudicated youth. Efforts are being made to reduce the number of out-of-state placements and use the contract savings to hire additional probation officers. The intent is for the probation officers to provide increased supervision contacts while keeping youth closer to home.

**Commitment to State**

Family Court judges may commit juveniles to the custody of the Department of Services for Children, Youth and Their Families. In its commitment order, the court specifies the level of placement after considering the service plan proposed by the Division of Youth Rehabilitative Services as well as the "presumptive level of placement" indicated by the State’s Dispositional Guidelines (see Probation Supervision for more information). (Note: Technically, under the Dispositional Guidelines, all adjudicated youth receive the disposition of a secure, locked commitment. However, the court orders the commitment suspended for offenders requiring a lower level of security and orders placement at an appropriate program level.)

Level IV and V refer to secure placements. Level IV, Staff Secure Programs, is a court-ordered commitment to an out-of-home placement under 24-hour staff supervision. Before the court orders an offender whose previous charge level is I-III to a Level IV placement, DYRS must give a recommendation to the court on the appropriateness of Multisystemic Therapy.

Level V, Locked Secure Programs, requires court-ordered commitment to an out-of-home placement. These are the most restrictive rehabilitative programs available. The decision to commit a juvenile to a Level V program is based on 1) an assessment of the current offense; 2) past delinquency history; 3) probability of the juvenile representing a risk to society; and 4) the juvenile’s specific characteristics and treatment needs.

State law requires commitment of a defined category of repeat felony offender (designated "a child in need of mandated institutional treatment") for a minimum of six months. Otherwise, commitments are indeterminate.

**Blended Sentencing**

Delaware does not have blended sentencing provisions.

**Direct Placement**

Youth must be committed to the Department of Services for Children, Youth and Their Families for placement in a private residential facility.

**Release**

The Division of Youth Rehabilitative Services (DYRS) determines when to release committed offenders and may do so whenever it appears that release is in the best interests of the youth and that public security would not be threatened. However, DYRS must first give notice of release to the Family Court.
Aftercare/Re-entry

The Community Services Unit of the Division of Youth Rehabilitative Services provides aftercare services. Probation officers monitor youth and their progress while in a placement facility and prepare youth to make the transition to their community. Once released from residential placement and after the transition period, youth are required to maintain timely contacts with their probation officers. DYRS, in some instances, needs to sanction the youth on aftercare status for non-compliance. This is accomplished via Administrative Holds, which last 24, 48, or 72 hours, or via Aftercare Revocations (Step I/Step II) lasting 1 to 2 weeks and 2 to 4 weeks, respectively. Previously, these youth have been held at the detention centers. Youth sanctioned for noncompliance are now being held at Mowlds Cottage, the Level IV step down program from Ferris School.

Grace/Snowden Cottage residential treatment programs are designed to address the needs of adjudicated adolescents that are having difficulty successfully completing community-based services. Grace and Snowden Cottages provide education, individual and family counseling, psychological/psychiatric services, aftercare and transition services, outside programming, and gender specific programming. Referrals and recommendations related to drug/alcohol treatment or specific mental health treatment services are made as appropriate. Probation officers partner with program staff and the families of the youth to ensure that aftercare plans and community-based linkages are appropriate.

The Serious Juvenile Offender (SJO) Program targets serious juvenile offenders who need supervision after being released from Level IV and V placements (see Dispositional Guidelines for a description of levels). The Community Services Unit implemented this program in 1999. Armed probation officers partner with police officers to monitor compliance with nighttime curfew.

State Laws

Legal Resources

Delaware Code, Title 10 (Court and Judicial Procedure), Chapter 9 (The Family Court of the State of Delaware)

Rules of Criminal Procedure

Delaware State Bar Association

Purpose Clause for Delinquency Proceedings

(a) In the firm belief that compliance with the law by the individual and preservation of the family as a unit are fundamental to the maintenance of a stable, democratic society, the General Assembly intends by enactment of this chapter that 1 court shall have original statewide civil and criminal jurisdiction over family and child matters and offenses as set forth herein. The court shall endeavor to provide for each person coming under its jurisdiction such control, care, and treatment as will best serve the interests of the public, the family, and the offender, to the end that the home will, if possible, remain unbroken and the family members will recognize and discharge their legal and moral responsibilities to the public and to one another.

(b) This chapter shall be liberally construed that these purposes may be realized.


Purpose Clause for Juvenile Corrections

(a) The General Assembly finds and declares that parents have the primary responsibility for meeting the needs of their children and the State has an obligation to help them discharge this responsibility or to assume this responsibility when parents are unable to do so; while the State has a basic obligation to promote family stability and preserve the family as a unit, and protect and safeguard the well-being of children through the provision of a comprehensive program of social services and facilities for children and their families who require care, guidance, control, protection, treatment, rehabilitation or
The intent and purpose of this chapter are to:

(1) Provide humane and scientific treatment, care and highest attainable degree of individual development for the dependent wards of this State;

(2) Provide for the delinquent such wise conditions of modern education and training as will restore the largest possible portion of such delinquents to useful citizenship;

(3) Promote the study of the causes of dependency and delinquency and of mental, moral and physical defects, with a view to cure and ultimate prevention; and

(4) Secure, by uniform and systematic management, the highest attainable degree of economy in the administration of the state institutions under supervision of the Division of Child Protective Services consistent with the objects in view.


Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

Juvenile Transfer Laws
For information on Delaware's juvenile transfer laws, click here.

Juvenile Justice Leadership

Child Placement Review Board
The Child Placement Review Board is a citizen-based committee that reviews cases of youth who are in foster care and adjudicated youth. The State Legislature established this Board in 1978.

Delaware Criminal Justice Council
This Council, as Delaware's State Advisory Group (SAG), allocates and disburses federal funding and insures compliance with the core requirements of the JJDP Act of 1974.

Resources/Contacts
Child Placement Review Board
Delaware Criminal Justice Council
Delaware Family Court
Delaware State Bar Association
Department of Justice’s Victim/Witness Unit
Department of Services for Children, Youth and Their Families' Division of Youth Rehabilitative Services
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Delinquency Services Summary

*Combination System:* Responsibility for administering delinquency services is divided between the judicial and executive branches. The Family Court of the District of Columbia Superior Court administers juvenile probation services, encompassing delinquency intake, predisposition investigation, and probation supervision. The Department of Youth Rehabilitation Services administers secure detention, community-based alternatives, residential placement, and aftercare.

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<tr>
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Court(s) with Delinquency Jurisdiction

The Superior Court of the District of Columbia, Family Court exercises jurisdiction over delinquency proceedings. The Family Court is a limited jurisdiction trial court. For more information, visit the Superior Court of the District of Columbia's [Family Court web page](#).

Highlights

**New Cabinet-Level Agency Created**

In April 2003, the District of Columbia’s Office of the Inspector General began an inspection of the Youth Services Administration, the agency administering detention, commitment, and aftercare, revealing severe problems. The report recommended elevating the Youth Services Administration to a cabinet-level agency. Subsequently, the [Department of Youth Rehabilitation Services Establishment Act of 2004](#) replaced the Youth Services Administration, formerly part of the Department of Human Services, with a Cabinet-level department called the Department of Youth Rehabilitation Services. The goals of DYRS include reducing the population at Oak Hill Youth Center, the secure juvenile detention center and delinquency institution, which is scheduled to close by October of 2006. For more information, please read this DYRS [press release](#).

**Omnibus Juvenile Justice Act of 2004**

The [Omnibus Juvenile Justice Act of 2004](#) ordered the Oak Hill Youth Center to be closed and replaced by smaller facilities, increased parental accountability, extended rights of victims of juvenile offenders, and enacted the Juvenile Competency Act of 2004. Mayor Anthony Williams has posted “Issues and Answers” about this Act [online](#).

**Juvenile Detention Alternatives Initiative**

The Annie E. Casey Foundation selected the District of Columbia as a Juvenile Detention Alternatives Initiative site. The Family Court, Court Social Services, Department of Youth Rehabilitation Services, the Office of the Attorney General, the Public Defender Service and the police will collaborate to "right size" the juvenile detention system.

**Detention**

The Department of Youth Rehabilitation Services administers juvenile detention. Delinquents who require secure detention are held at the new 80-bed Youth Services Center in Northeast DC and at the Oak Hill Youth Center in Laurel, MD, which is scheduled to close in 2009.

Ten contracted shelter homes provide staff-secure detention in District residential communities.
Electronic monitoring and home detention are also used for less serious offenders, and private contractors may provide pretrial supervision services, such as Evening Reporting Centers and Intensive 3rd Party Monitoring (a program comprised of case advocacy, intensive supervision, and case management), to facilitate home and community-based placements for youth who would otherwise be detained. Foster homes are utilized as alternatives to detention.

The District of Columbia Code Section 16-2310 and Superior Court Juvenile Rule 106 outline criteria for detaining youth. Juveniles are held for detention on a pre- and post-adjudication basis, and secure detention can be used as a disposition option and sanction for probation violations pursuant to 16-2320 and 16-2327.

Hearings for juveniles placed in secure detention prior to adjudication must be held within 30 days; however, juveniles charged with very serious crimes such as murder, first-degree sexual abuse, and armed robbery must have a hearing within 45 days. Hearings may be continued for additional 30-day periods under certain circumstances.

The District of Columbia Superior Court Social Services Central Processing Unit administers a risk assessment tool on all youth who are arrested and transported to Court Social Services (after 3 PM) or by the Juvenile Intake Office during daily operations (7:30 AM - 3:00 PM).

**Delinquency Intake Screening**
Per District of Columbia statute, only the Office of the Attorney General for the District of Columbia (OAG) may file a complaint. Section 16-2305 provides that the Superior Court's Social Services Division and the OAG are responsible for a two-stage intake process. "Intake probation officers" in the Social Services Division receive delinquency petitions and make recommendations for filing a petition. The prosecutor subsequently reviews the intake officer's recommendation for legal sufficiency and makes a separate determination that there is sufficient evidence that warrants the filing of a complaint. OAG has final authority for charging cases and drafting and filing a court petition. When the Social Services Division decides not to recommend the filing of a petition, the complainant has a right to notice of the decision and a right to appeal to the prosecutor who makes a final decision under 16-2305.

**Diversion**
The Director of Social Services recommends diverting cases to the Office of the Attorney General Juvenile Section, and they then determine the suitability of the case for adjustment, which may include diversion. Statute section 16-2305.02 outlines the "adjustment process." Factors considered include the juvenile’s age, use of violence or weapons, safety risk, and prior adjudications.

Diversion periods last for six months and may be extended once for an additional six month period upon written application to the Director of Social Services and prosecutor. The Superior Court's Social Services Division administers a range of diversion program options, including substance abuse treatment, a Child Guidance Clinic, and a Youth Court program.

**Predisposition Investigation**
Upon the filing of a delinquency petition, the Superior Court's Social Services Division is responsible for gathering information to make a disposition recommendation. Within the Division, "diagnostic probation officers" prepare predisposition reports concerning the youth's circumstances and provide written recommendations to the court for disposition of the case.

Although the District of Columbia does not have standardized sentencing guidelines, probation officers may only make one of three disposition recommendations: dismissal, probation, or commitment. There are various conditions and levels of probation and commitment that can be recommended depending on, but not limited to, the type of charge, previous juvenile record and behavior, and mental health or substance abuse issues.

**Victim Rights and Services**
Title VI of the Omnibus Juvenile Justice Act of 2004 is the Victims of Juvenile Offenders Bill of Rights
and Delinquency Accountability. The Act extends rights to victims of juvenile offenders, including the right to attend certain juvenile court proceedings, be notified about significant events, access confidential information about suspects, submit victim impact statements, receive restitution, and have a separate waiting area.

In 2004, the District of Columbia established an Office of Victim Services. The Superior Court of the District of Columbia administers the crime victims’ compensation program.

**Probation Supervision**
The Superior Court's Social Services Division provides community supervision through Probation Officers whose caseloads are exclusively comprised of juvenile offenders.

Probation Officers work in two downtown locations and three Field Units (located in the city’s northeast, southeast, and northwest quadrants). They have had evening hours for over 10 years to accommodate the schedules of the youth and their families. Additionally, probation officers are assigned to work in Central Processing when court is not in session (3:00 PM to 7:30 AM and holidays, weekends, and snow days).

Although the District of Columbia does not mandate a risk/needs assessment instrument for determining levels of supervision, Probation Officers can recommend levels of supervision to the court depending on, but not limited to, the type of charge, the respondent's previous juvenile record and behavior, and mental health or substance abuse issues.

Probation Officers are required to develop an individualized supervision plan for each juvenile in addition to the Conditions of Probation set forth by the court. The supervision plan is initially developed during the predisposition investigation phase and amended throughout supervision with involvement by the youth and parents in concert with the court-ordered conditions.

No standard sets caseload size. Instead, work is distributed on an equitable basis.

**Juvenile Probation Officer Qualifications, Certification, and Training**
Probation Officers must have a bachelors’ degree in a related field or a bachelor’s degree plus three years of experience. The District of Columbia does not certify its probation officers.

Probation Officers participate in a New Probation Officer Training Academy designed by probation staff that covers basic core competencies, court operations, referral resources, safety, and security. In addition, Probation Officers participate in ongoing training, which includes conferences and court-sponsored trainings.

**Juvenile Corrections Continuum**
The Department of Youth Rehabilitation Services provides a continuum of services for committed delinquents and Persons In Need of Supervision (PINS), ranging from community-based programs to two secure delinquency institutions: Oak Hill Youth Center in Laurel, MD (which is scheduled to close) and Youth Services Center on Mount Olivet Road in Northeast DC. Services include Extended and Therapeutic Family Homes (2-4 youth maximum), Supervised Independent Living, Multisystemic Therapy, Evening Reporting Centers, 3rd Party Monitoring (intensive supervision and case management) as well as an array of positive youth development programming. DYRS coordinates residential and group home care for adjudicated youth.

**Commitment to State**
When the court commits an adjudicated delinquent to the Department of Youth Rehabilitation Services (DYRS), legal custody transfers to YRS. The court can determine the length of commitment or it can commit to DYRS for an indeterminate period not to exceed the youth’s 21st birthday. If a youth is committed, DYRS provides supervision, not the Probation Officer.

The Department of Youth Rehabilitation Services completes initial assessments and develops individualized treatment plans for committed youth within delineated time frames.
**Blended Sentencing**

The District of Columbia does not have blended sentencing provisions.

**Direct Placement**

The court may place juveniles already on probation in a private placement without committing the juvenile to the Department of Youth Rehabilitation Services. In that case, the juvenile must attend the program as a condition of probation. Probation Officers provide supervision, generally for a year. The release decision is based on the youth's progress in the program. If the placement was court-ordered, the court must approve the release.

**Release**

The Department of Youth Rehabilitation Services makes the release decision in all commitment cases.

**Aftercare/Re-entry**

The Department of Youth Rehabilitation Services is implementing a continuum of care designed to prepare youth in successfully transitioning to adulthood and to decrease their likelihood of reentering the criminal justice system.

Committed youth transitioning from secure placements to the community may stay in Trudy Wallace Pre-Release House, a small, home-like environment operated by the agency. Youth may also be placed in Extended and Therapeutic Family Homes, Multisystemic Therapy, or Supervised Independent Living placements operated by community-based organizations.

The District of Columbia is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about the District's involvement, click [here](#). By visiting the [State Activities & Resources page](#), users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

**State Laws**

**Legal Resources**

[DC Code](#)

[District of Columbia Bar](#)

**Purpose Clause for Delinquency Proceedings**

The purpose of this subchapter is to create a juvenile justice system capable of dealing with the problem of juvenile delinquency, a system that will treat children as children in all phases of their involvement, while protecting the needs of communities and victims alike. In furtherance of this purpose, the following goals have been established for delinquency cases in the Family Court:

1. To provide due process through which juveniles and all other interested parties are assured fair hearings, during which applicable constitutional and other legal rights are recognized and enforced;
2. To promote youth development and prevent delinquency through early intervention, diversion, and community-based alternatives;
3. To preserve and strengthen families whenever possible and to remove a child from the custody of the child’s parents, guardian, or other custodian only when it is determined by the appropriate authority to be in the child’s best interests or when necessary for the safety and protection of the public;
4. To hold a child found to be delinquent accountable for his or her actions, taking into consideration the child's age, education, mental and physical condition, background, and all other relevant factors;
5. To place a premium on the rehabilitation of children with the goal of creating productive citizens and to recognize that rehabilitation of children is inextricably connected to the well-being and strength of their families;
6. To serve children in their own neighborhood and communities whenever possible;
7. To hold the government accountable for the provision of reasonable rehabilitative services;
8. To provide for the safety of the public; and
9. To achieve the foregoing goals in the least restrictive settings necessary, with a preference at all times for the preservation of the family and the integration of parental, guardian, or custodial accountability and participation in treatment and counseling programs.


**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
For information on the District of Columbia's juvenile transfer laws, [click here.](#)

**Juvenile Justice Leadership**

[Juvenile Justice Advisory Group](#)
The Juvenile Justice Advisory Group operates as the State Advisory Group (SAG) guiding the expenditure of federal funds.

**Resources/Contacts**

[Council of the District of Columbia](#)
[Department of Youth Rehabilitation Services](#)
[District of Columbia Bar](#)
[Superior Court of the District of Columbia - Family Court](#)

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Delinquency Services Summary

Centralized State: A single state executive department administers most services to delinquents in Florida. The Florida Department of Juvenile Justice (DJJ) is specifically charged under Florida Statute (985.02(3)) with developing and coordinating comprehensive services and programs statewide for the prevention, early intervention, control, and rehabilitative treatment of delinquent behavior. DJJ is accordingly organized in four program offices: Prevention and Victims Services, Detention Services, Probation and Community Corrections, and Residential Services.

DJJ’s Probation and Community Corrections Office administers intake, investigation, and community supervision services, including aftercare. Services at the local level are organized in district offices corresponding with the geographical divisions of judicial circuits. Juvenile probation officers are generally responsible for delinquency intake, diversion, intervention, and community supervision in Florida. The circuit offices have the flexibility to separate the intake and assessment function from the community supervision and treatment aspects of probation. However, the position of juvenile probation officer is designed to follow a youth from entry to exit from the juvenile justice system.

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Court(s) with Delinquency Jurisdiction

Circuit Courts exercise jurisdiction over delinquency proceedings. In more populous jurisdictions, the court may have specialized its jurisdiction over juvenile matters in a special division of the circuit court (e.g., the "Juvenile Division," or the "Family Division"). Circuit Courts are general jurisdiction trial courts, along with any juvenile or family divisions thereof. For more information, please visit the Florida State Courts web site, and then select "Circuit Courts."

Highlights

The Blueprint Commission
The Blueprint Commission was created by Florida’s Department of Juvenile Justice in response to several key concerns, such as repeat juvenile offenders, the overrepresentation of minority youths and the alarming growth of girls in the juvenile justice population. The Commission will bring together citizens and juvenile justice stakeholders who care deeply about the public safety and at-risk youth of Florida. The role of the Commission is to examine Florida’s juvenile justice system and offer recommendations to address key issues such as ensuring public safety, providing treatment and intervention for troubled youth, and maintaining a fair and balanced approach to assessing the needs of all youth. More information related to the Blueprint Commission can be found at the following link: http://www.djj.state.fl.us/blueprint/index.html

The Office of Program Accountability
In August 2006 the Department created the Office of Program Accountability. The Office of Program Accountability is responsible for Quality Assurance, Programming and Technical Assistance and Research and Planning. Historically, Quality Assurance focused on process issues and Research and Planning on outcomes. There was a lack of focus in the area of quality programming and quality improvement. The Programming and Technical Assistance unit was designed specifically to fill that gap.
Quality Assurance

Quality Assurance (QA) is a statutorily mandated process by which all programs and direct services to youth operated by the department or under contract with the department are evaluated annually. Standards of quality care have been developed based on state law, departmental policy, and evidence-based best practice by which these programs and services are evaluated. The QA process uses a team approach for reviews whereby QA staff lead teams of management-level provider and department personnel and spend up to a week in each program evaluating all aspects of its operation. The programs are then rated for their quality of performance under the standards. Each year, the department publishes the Comprehensive Program Accountability Report to the Governor and Legislature that lists all programs and their quality assurance rating for the year. Decisions are made to revise, enhance, or eliminate programs based on quality assurance evaluations. Contracts are also awarded using a provider’s quality assurance history as proof of past practice. Statutory Authority: s. 985.632. (4)(b) of the Florida Statutes.

Programming and Technical Assistance Unit

The primary goal of the Programming and Technical Assistance Unit (PTA) is to strengthen the Department's prevention, intervention, and treatment services so that youth are served in environments that employ evidence-based practices. The PTA process is founded on the concept of continuous improvement while focusing on processes and outcomes directed toward achieving treatment goals and objectives.

DJJ Statistics and Research Web Page

For detail concerning a wide range of recent and long-range initiatives to improve juvenile justice in Florida and juvenile justice news in general, visit the Department of Juvenile Justice (DJJ) Office of Research and Planning web page. DJJ’s Office of Research and Planning provides excellent background and detail about juvenile justice in Florida, including summaries of system workload, funding, and important program outcome research.

Delinquency Profile Data Analysis Tool

The Department of Juvenile Justice's Office of Research and Planning has developed a data tool to help examine juvenile justice trends at the circuit/county level. The current DJJ Profile of Delinquency Cases and Youths Referred can be downloaded from the DJJ web site and used to examine transfer data and explore other critical juvenile justice issues, including disproportionate minority contact (DMC) with the juvenile justice system. The Profiles are improved in each release and currently provide impressive detail for examining juvenile justice processing at the local level. The Profile is contained in a Microsoft Excel Workbook and requires a Pentium 4 and 256 RAM to install and run properly. For additional information, call Nathan Epps, in the DJJ Office of Planning and Research, at 850-921-0986.

Prevention and Victim Services

The Department of Juvenile Justice's (DJJ) Office of Prevention and Victim Services manages community-based prevention programs that target youth most at risk of becoming delinquent. The Office also coordinates state and federal funding opportunities for delinquency prevention. Additional information is available on the Office's web page.

Graduated Sanctions Demonstration Site

Lee County (Fort Myers), Florida is participating in a national graduated sanctions project that the Office of Juvenile Justice and Delinquency Prevention awarded to the Juvenile Sanctions Division of the National Council of Juvenile and Family Court Judges. This site’s graduated sanctions activities include expedited diversion and restitution options at the front end of the system and implementation of an Aftercare Board to transition youth returning from commitment programs to employment, internships, and skills development opportunities. Lee County also established a Trauma Network to work with trauma-affected delinquent youth. Assessment data is being analyzed to indicate the prevalence of trauma by race and gender.

Detention Services

The Department of Juvenile Justice (DJJ) operates a range of detention services in Florida through its Detention Office, including secure and home detention services. Currently, DJJ administers 26 secure
detention centers with 2,057 beds. For additional detail concerning Florida's detention capacity, home detention program, statistics, and a listing of facility locations, visit DJJ's Juvenile Justice Detention web page.

Effective October 1, 2005, responsibility for funding preadjudication/disposition holding and home-based alternatives was transferred from the state to the counties. DJJ continues to administer secure detention facilities across the state, but has developed cost assessment and payment procedures for counties to reimburse DJJ for the costs of these services. The legislation makes exceptions for fiscally strapped counties and allows the State’s Chief Financial Officer to withhold funds if a county fails to remit DJJ detention payments. For more information, please visit the Florida Department of Juvenile Justice’s County Detention Fund Shift Information web page.

Staff in one of Florida’s Juvenile Assessment Centers (see Delinquency Intake Screening) or DJJ probation staff conduct intake screening for secure detention, determining whether youth meet the statutory requirements for secure detention (985.24), including whether the youth presents a substantial risk of not appearing at a subsequent hearing, presents a public safety risk, has a history of committing property offenses prior to disposition, has committed contempt of court, or requests protection from bodily harm. By statute, DJJ must apply a standardized Florida Detention Risk Assessment Instrument (DJJ analyzes data from Florida’s standardized risk screening system and produces Quality Assurance and Program Reports). Youth may be held pending adjudication, disposition, or placement, as a disposition for contempt of court and certain juvenile gun law violations, or as a sanction for failure to appear in court or for violating the conditions of probation. Generally, a 21-day limit exists for secure detention. However, youth charged with certain serious offenses can be held up to 30 days.

DJJ recently implemented detention-centered youth and family literacy training in its secure detention programs — a six week program of tutoring and counseling for juveniles, their siblings, and caregivers, supported with funds for family daycare and transportation to attend the program.

**Delinquency Intake Screening**

Per Florida statute, any person or agency having knowledge of a youth who has committed a delinquent act or violated the law may make a written report or complaint of the act to the Department of Juvenile Justice (DJJ). By DJJ policy, intake involves a screening to determine if the report complies with the standards of probable cause and that scheduling a family intake conference and completing DJJ's Positive Achievement Change Tool will serve the best interest of the youth and public.

DJJ juvenile probation officers screen delinquency referrals and develop recommendations for a final determination by the local prosecutor (state attorney). Juvenile probation officers forward recommendations to the state attorney, including charges and suggested manner of handling (e.g., the appropriateness of diversion). Thereafter, the state attorney is vested with the authority to make the final decisions with regard to the referral and drafting and filing a complaint or diverting the case as outlined in 985.15.

Florida statute authorizes the establishment of Juvenile Assessments Center (JACs) under 985.135. JAC staff sometimes performs DJJ intake responsibilities for delinquency cases. JACs coordinate intake through local partnerships of law enforcement, schools, human services, DJJ, and other stakeholders to better coordinate the intake of youth possibly in need of social services. For additional detail concerning JACs, please see the DJJ Community Corrections Handbook. The Miami/Dade County JAC web site contains additional detail concerning the functioning of a JAC.

**Diversion**

The Positive Achievement Change Tool (PACT) administered by DJJ at intake structures the decision to divert youth from court, with DJJ most often providing the diversion services. However, the state attorney makes the final decision and can be involved in administering diversion services. For example, under 985.155, the state attorney may establish local Restorative Justice Boards consisting of five volunteer members for the purpose of establishing deferred prosecution or diversion programs for first-time, nonviolent juvenile offenders. In addition to the state attorney, juvenile court judges may be
involved in administering diversion programs under Florida statute. Specifically, under 985.304, juvenile courts may establish Community Arbitration Boards to provide a "speedy and informal" mechanism at the local level for handling minor delinquency. Juvenile court judges are further authorized under Florida statutes (985.306) to develop delinquency pretrial intervention (diversion) programs to provide substance abuse education and treatment alternatives to court for first-time drug offenders. Although neither provision places a maximum duration on the diversion contract, the latter option has a one-year minimum.

Florida statutes further provide a police diversion option of "civil citations" for youth charged with misdemeanor offenses. Under 985.13, law enforcement officers are authorized to issue civil citations, which may assess not more than 50 community service hours and may require participation in intervention services appropriate to the juvenile's identified needs, including family counseling, urinalysis monitoring, and substance abuse and mental health treatment services.

Finally, DJJ administers a range of diversion from court programs including community service, intensive delinquency diversion services, teen court, and victim offender arbitration or mediation.

**Predisposition**

Upon the Circuit Court entering a finding that a child has committed a delinquent act, Florida statute (985.43) outlines the responsibilities of Department of Juvenile Justice (DJJ) juvenile probation officers to prepare predisposition reports and other assessments. The predisposition report must be submitted no later than 48 hours prior to the court disposition hearing, and, under the statute, must include a classification of risk for the youth to re-offend in the context of his or her program and supervision needs. Under the statute, DJJ makes special provisions for "multidisciplinary assessments" and requires juvenile probation officers to prioritize the offender's needs. Where a residential placement is anticipated, the juvenile probation officer must also enlist the services of a licensed clinician to prepare a "comprehensive evaluation" for physical health, mental health, substance abuse, academic, educational, or vocational problems. Finally, the report must include recommendations for appropriate services and/or placement to meet the youth's needs with the minimum program security that reasonably ensures public safety. DJJ policies that further define predisposition report formats and procedures for administering the Florida risk assessment system are also available online.

**Victim Rights and Services**

In Florida, victims of juvenile crime have basic rights to be informed, to request restitution and services, and have input into the case of the juvenile who perpetrated the crime. This page on the DJJ web site lists the rights of victims of juvenile crimes, describes available services, and provides links to victim services contacts and information.

The Department of Juvenile Justice's (DJJ) Prevention and Victims Services Office manages services to victims of juvenile offenders in close coordination with victim services offices in the Circuit Courts and juvenile probation officers in DJJ district offices. The Office also coordinates its efforts with the network of resources organized by Florida Business Partners for juvenile crime and the Faith Community Network.

**Probation Supervision**

The Department of Juvenile Justice (DJJ) administers programs to meet the supervision needs for youth living with their families in the community. Juvenile probation officers solely supervise youth as opposed to carrying mixed caseloads of youths and adults. The Positive Achievement Change Tool administered to develop the predisposition reports uses statistically proven risk and needs factors to determine risk to reoffend and recommend an appropriate supervision level, per DJJ policy contact standards for "Intensive, General or Minimum" supervision. Court orders define any additional requirements for community supervision, such as community service hours and restitution. The duration of community supervision is dependant on the youth's adjudicated offense, but can extend to age 19, and by statute (see 985.435(2)), the probation plan for each offender must include a "penalty" component for failure to meet the conditions of the case plan for probation as well as a "treatment" component (e.g., outpatient substance abuse counseling or evidence-based treatment programs).
DJJ administers a range of specialized community supervision services, including evidence-based programs designed to address the youth's identified criminogenic needs. The programs are specific to the communities served by each circuit office and facilitated by various contracts and interagency agreements for local services. One of DJJ's most recent specialized probation programs initiatives is for Intensive Delinquency Diversion Services (IDDS). IDDS was created in November 2000 and operates in all 20 judicial circuits. The program revised and replaced DJJ's former Juvenile Alternative Services Program (JASP). IDDS identifies juveniles who are at high risk of becoming chronic delinquents and targets them for individualized intensive supervision and services for five to seven months. Using criteria similar to the research-driven 8% Solution program in Orange County, California, juveniles at high risk of becoming chronic delinquents are identified based on first arrest at age 15 or younger and three of four other risk factors: poor school performance; unstable family situation; substance abuse; and behaviors such as running away and belonging to a gang.

DJJ probation officers work in the community and with School Resource Officers to visit and monitor youth in schools. However, probation offices are established in traditional district office settings.

The effectiveness of DJJ's community supervision efforts are gauged by its Office of Research and Planning, with the most recent installment of the Comprehensive Accountability Report (CAR). Florida also measures the cost effectiveness of its interventions across all of its prevention and interventions divisions.

Standards for juvenile probation practice in Florida are mostly defined in DJJ policy manuals. The DJJ Community Corrections Handbook has recently been updated and contains the state-specific standards concerning juvenile probation practice. In addition, DJJ's Quality Assurance program maintains the state's standards for juvenile probation practice.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Department of Juvenile Justice entry-level juvenile probation officers must have a bachelor's degree and one year of experience in the field of criminal justice, social services, or education. A Senior JPO position requires two years of experience, and a JPO Supervisor position requires three years. A master's degree can substitute for a year of experience.

DJJ employee certification procedures are available online. Certification prior to employment is not a prerequisite; However, after being hired, JPOs are required to complete a multi-phase field training and evaluation program. A standardized "basic training" curriculum incorporates web-based academic studies job observation and activities, daily observational reports by supervisors, verbal and physical intervention techniques (Protective Action Response), CPR and First Aid, and an on-site academy phase, followed by testing.

JPOs at all levels must complete 24 hours of job related in-service training annually and maintain current certifications in CPR/First Aid and PAR. JPO Supervisory in-service training requires instruction in areas of management and employee supervision. For additional detail concerning juvenile justice training programs in Florida, please visit DJJ's Bureau of Staff Development and Training.

**Juvenile Corrections Continuum**

The Department of Juvenile Justice's Residential Services Office administers residential programs to serve delinquent youth across a spectrum of four security levels, including maximum security facilities, and specialized treatment resources for youth with mental health or substance abuse issues and sex offenders. The Office also operates or contracts for services with wilderness camps and youth academies. In addition, programs are structured to provide schooling, counseling, vocational training, and specialized treatment. For additional detail concerning the range of residential facilities in Florida and current operating procedures, visit DJJ's Juvenile Justice Residential and Correctional Facilities web page. Minimum-risk commitments in a day treatment format are available through the Probation and Community Intervention Office.

During the intake process following arrest, the Positive Achievement Change Tool (PACT), a comprehensive, research-validated screening tool is completed. The PACT incorporates portions of the
MAYSI 2 (Massachusetts Youth Screening Instrument) to identify those youth in need of further mental health or substance abuse evaluation.

The DJJ Quality Assurance process includes annual reviews of individual programs, providing them with a report card on a number of measurable standards such as security, staff development, mental health treatment, and education. The goal of the process is continual improvement. Current reports are available online.

Florida statutes include a process for parents paying for the custodial or supervision services that DJJ provides to their children. Florida’s Invest in Children License Tag initiative also helps to fund a broad range of services. The fund generated 3.7 million between 1995 and 2002.

Commitment to State
Florida's basic disposition model is both indeterminate and determinate, with a minimum length of stay for certain commitments. Circuit Courts commit youth to the Department of Juvenile Justice but specify their risk level as outlined in the juvenile code. Five levels of risk exist: Minimum-Risk Non-Residential; Low-Risk Residential; Moderate-Risk Residential; High-Risk Residential; and Maximum-Risk Residential, with minimum lengths of stay mandated for certain commitments. The courts may consider information in the predisposition report prepared by juvenile probation officers, which includes a risk classification scale and prioritization of offender needs. However, the juvenile court judge makes the final decision for a DJJ commitment.

The only review requirement for public or private placements is for a hearing to occur before a youth is released from residential care. However, any party to the case may submit a motion for a court hearing, and DJJ juvenile probation officers are required to meet face-to-face with youth in a residential commitment facility on a monthly basis, if the facility is within the same county or within a 50-mile radius. If the program is beyond that distance, telephone contact or written correspondence must occur monthly.

Blended Sentencing
Florida has a model for blended sentencing where juveniles prosecuted as adults can receive juvenile sanctions rather than criminal ones (with exceptions made for certain offenders). For more information, click here. Florida Statutes do not permit a combination of adult and juvenile sanctions simultaneously.

Release
There is no separate parole authority in Florida. The Department of Juvenile Justice makes release decisions and reintegrates youths into the community. However, by statute, both High-Risk and Maximum-Risk commitments have minimum duration, and DJJ is implementing longer dispositions for serious juvenile offenders in residential and correctional facilities based on risk and needs assessments. The average stay in high-risk residential programs is now 15 months, and the average stay in maximum-risk programs is 24 months.

Aftercare/Re-entry
Aftercare services in Florida are called "conditional release" and fall under the Department of Juvenile Justice's (DJJ) Probation and Community Intervention Office, with juvenile probation, diversion, and day treatment services.

DJJ (directly or through contract services) administers a range of programs for juveniles who have completed the initial phase of their commitment. DJJ creates individualized transition plans and organizes conditional release programming under case management or day treatment models. Juvenile probation officers may be directly involved in the aftercare supervision of youth or in the monitoring of contract aftercare programs. Under the DJJ program for Post Commitment Probation, the committing court can choose to retain jurisdiction and set the conditions for continued supervision.

Legal Resources
The core of the statutes governing court proceedings in delinquency proceedings are contained in Title XLVII, Criminal Procedure and Corrections, Chapter 985, Delinquency; Interstate Compact on Juveniles.
The statutes are available online at www.leg.state.fl.us/Welcome/index.cfm.

The Florida Rules of Juvenile Procedure support statutes requirements with additional structure for delinquency and dependency cases, and are available online at the Florida Bar Association web site.

**Purpose Clause for Delinquency Proceedings**

(1) The purposes of this chapter are:

(a) To provide judicial and other procedures to assure due process through which children and other interested parties are assured fair hearings by a respectful and respected court or other tribunal and the recognition, protection, and enforcement of their constitutional and other legal rights, while ensuring that public safety interests and the authority and dignity of the courts are adequately protected.

(b) To provide for the care, safety, and protection of children in an environment that fosters healthy social, emotional, intellectual, and physical development; to ensure secure and safe custody; and to promote the health and well-being of all children under the state's care.

(c) To ensure the protection of society, by providing for a comprehensive standardized assessment of the child's needs so that the most appropriate control, discipline, punishment, and treatment can be administered consistent with the seriousness of the act committed, the community's long-term need for public safety, the prior record of the child, and the specific rehabilitation needs of the child, while also providing whenever possible restitution to the victim of the offense.

(d) To preserve and strengthen the child's family ties whenever possible, by providing for removal of the child from parental custody only when his or her welfare or the safety and protection of the public cannot be adequately safeguarded without such removal; and, when the child is removed from his or her own family, to secure custody, care, and discipline for the child as nearly as possible equivalent to that which should have been given by the parents; and to assure, in all cases in which a child must be permanently removed from parental custody, that the child be placed in an approved family home, adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court.

(e) 1. To assure that the adjudication and disposition of a child alleged or found to have committed a violation of Florida law be exercised with appropriate discretion and in keeping with the seriousness of the offense and the need for treatment services, and that all findings made under this chapter be based upon facts presented at a hearing that meets the constitutional standards of fundamental fairness and due process.

2. To assure that the sentencing and placement of a child tried as an adult be appropriate and in keeping with the seriousness of the offense and the child's need for rehabilitative services, and that the proceedings and procedures applicable to such sentencing and placement be applied within the full framework of constitutional standards of fundamental fairness and due process.

(f) To provide children committed to the Department of Juvenile Justice with training in life skills, including career education.

(2) The Department of Juvenile Justice or the Department of Children and Family Services, as appropriate, may contract with the Federal Government, other state departments and agencies, county
and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(a) When the Department of Juvenile Justice or the Department of Children and Family Services contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. Each contract entered into by either department for services delivered on an appointment or intermittent basis by a provider that does not have regular custodial responsibility for children and each contract with a school for before or aftercare services must ensure that the owners, operators, and all personnel who have direct contact with children are of good moral character. A volunteer who assists on an intermittent basis for less than 40 hours per month need not be screened if the volunteer is under direct and constant supervision by persons who meet the screening requirements.

(b) The Department of Juvenile Justice and the Department of Children and Family Services shall require employment screening pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.

(c) The Department of Juvenile Justice or the Department of Children and Family Services may grant exemptions from disqualification from working with children as provided in s. 435.07.

(3) It is the intent of the Legislature that this chapter be liberally interpreted and construed in conformity with its declared purposes.

Citation: West's Florida Statutes Annotated Title XLVII. Criminal Procedure and Corrections Chapter 985. Delinquency; Interstate Compact on Juveniles Part I. General Provisions. Current through Chapter 484 and H.J.R. No. 1 and S.J.R. No. 2394 (End) of 2004 Special 'A' Session of the Nineteenth Legislature.

Purpose Clause for Juvenile Corrections

(1) General protections for children.--It is a purpose of the Legislature that the children of this state be provided with the following protections:

(a) Protection from abuse, neglect, and exploitation.

(b) A permanent and stable home.

(c) A safe and nurturing environment which will preserve a sense of personal dignity and integrity.

(d) Adequate nutrition, shelter, and clothing.

(e) Effective treatment to address physical, social, and emotional needs, regardless of geographical location.

(f) Equal opportunity and access to quality and effective education, which will meet the individual needs of each child, and to recreation and other community resources to develop individual abilities.

(g) Access to preventive services.

(h) An independent, trained advocate when intervention is necessary, and a skilled guardian or caretaker in a safe environment when alternative placement is necessary.

(2) Substance abuse services.--The Legislature finds that children in the care of the state’s dependency and delinquency systems need appropriate health care services, that the impact of substance abuse on health indicates the need for health care services to include substance abuse services where appropriate, and that it is in the state’s best interest that such children be
provided the services they need to enable them to become and remain independent of state care. In order to provide these services, the state's dependency and delinquency systems must have the ability to identify and provide appropriate intervention and treatment for children with personal or family-related substance abuse problems. It is therefore the purpose of the Legislature to provide authority for the state to contract with community substance abuse treatment providers for the development and operation of specialized support and overlay services for the dependency and delinquency systems, which will be fully implemented and utilized as resources permit.

(3) Juvenile justice and delinquency prevention.--It is the policy of the state with respect to juvenile justice and delinquency prevention to first protect the public from acts of delinquency. In addition, it is the policy of the state to:

(a) Develop and implement effective methods of preventing and reducing acts of delinquency, with a focus on maintaining and strengthening the family as a whole so that children may remain in their homes or communities.

(b) Develop and implement effective programs to prevent delinquency, to divert children from the traditional juvenile justice system, to intervene at an early stage of delinquency, and to provide critically needed alternatives to institutionalization and deep-end commitment.

(c) Provide well-trained personnel, high-quality services, and cost-effective programs within the juvenile justice system.

(d) Increase the capacity of local governments and public and private agencies to conduct rehabilitative treatment programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

The Legislature intends that detention care, in addition to providing secure and safe custody, will promote the health and well-being of the children committed thereto and provide an environment that fosters their social, emotional, intellectual, and physical development.

(4) Detention.--

(a) The Legislature finds that there is a need for a secure placement for certain children alleged to have committed a delinquent act. The Legislature finds that detention under part II should be used only when less restrictive interim placement alternatives prior to adjudication and disposition are not appropriate. The Legislature further finds that decisions to detain should be based in part on a prudent assessment of risk and be limited to situations where there is clear and convincing evidence that a child presents a risk of failing to appear or presents a substantial risk of inflicting bodily harm on others as evidenced by recent behavior; presents a history of committing a serious property offense prior to adjudication, disposition, or placement; has acted in direct or indirect contempt of court; or requests protection from imminent bodily harm.

(b) The Legislature intends that a juvenile found to have committed a delinquent act understands the consequences and the serious nature of such behavior. Therefore, the Legislature finds that secure detention is appropriate to provide punishment that discourages further delinquent behavior. The Legislature also finds that certain juveniles have committed a sufficient number of criminal acts, including acts involving violence to persons, to represent sufficient danger to the community to warrant sentencing and placement within the adult system. It is the intent of the Legislature to establish clear criteria in order to identify these juveniles and remove them from the juvenile justice system.

(5) Serious or habitual juvenile offenders.--The Legislature finds that fighting crime effectively requires a multipronged effort focusing on particular classes of delinquent children and the development of particular programs. This state's juvenile justice system has an inadequate number of beds for serious
or habitual juvenile offenders and an inadequate number of community and residential programs for a significant number of children whose delinquent behavior is due to or connected with illicit substance abuse. In addition, a significant number of children have been adjudicated in adult criminal court and placed in this state’s prisons where programs are inadequate to meet their rehabilitative needs and where space is needed for adult offenders. Recidivism rates for each of these classes of offenders exceed those tolerated by the Legislature and by the citizens of this state.

(6) Siting of facilities.--

(a) The Legislature finds that timely siting and development of needed residential facilities for juvenile offenders is critical to the public safety of the citizens of this state and to the effective rehabilitation of juvenile offenders.

(b) It is the purpose of the Legislature to guarantee that such facilities are sited and developed within reasonable timeframes after they are legislatively authorized and appropriated.

(c) The Legislature further finds that such facilities must be located in areas of the state close to the home communities of the children they house in order to ensure the most effective rehabilitation efforts and the most intensive postrelease supervision and case management.

(d) It is the intent of the Legislature that all other departments and agencies of the state shall cooperate fully with the Department of Juvenile Justice to accomplish the siting of facilities for juvenile offenders.

The supervision, counseling, rehabilitative treatment, and punitive efforts of the juvenile justice system should avoid the inappropriate use of correctional programs and large institutions. The Legislature finds that detention services should exceed the primary goal of providing safe and secure custody pending adjudication and disposition.

(7) Parental, custodial, and guardian responsibilities.--Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision to deter their participation in delinquent acts. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state’s responsibility to ensure that factors impeding the ability of caretakers to fulfill their responsibilities are identified through the delinquency intake process and that appropriate recommendations to address those problems are considered in any judicial or nonjudicial proceeding. Nonetheless, as it is also the intent of the Legislature to preserve and strengthen the child's family ties, it is the policy of the Legislature that the emotional, legal, and financial responsibilities of the caretaker with regard to the care, custody, and support of the child continue while the child is in the physical or legal custody of the department.

Citation: Florida Statute § 985.02. Legislative intent for the juvenile justice system. Current through Chapter 484 and H.J.R. No. 1 and S.J.R. No. 2394 (End) of 2004 Special ‘A’ Session of the Nineteenth Legislature.

**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 21

**Extended Age of Delinquency Jurisdiction**
DJJ commitments generally cannot exceed age 21. However, the statute provides an exception for DJJ to retain jurisdiction until age 22 to allow youth released from maximum-risk programs to participate in conditional release services. Upon committing a youth to DJJ, the committing court specifies risk level; however, DJJ decides the remaining placement specifics.
Juvenile Transfer Laws
For information on Florida's juvenile transfer laws, click here.

Juvenile Justice Leadership

County Councils and District Boards
The Florida Legislature authorized County Councils and District Boards to promote community partnerships and mobilize local leadership for juvenile justice.

Office of Research and Planning
The Office of Research and Planning in the Department of Juvenile Justice develops useful outcome data for understanding the performance of DJJ programs. The Office is among the most sophisticated research departments in the states for gathering and analyzing outcome information for juvenile justice services.

Other stakeholders in juvenile justice in Florida include:

- Florida Alcohol and Drug Abuse Association
- Florida Association of School Social Workers
- Florida Juvenile Justice Association
- Florida Network of Youth and Family Services
- Florida Prosecuting Attorney's Association
- Florida Sheriff's Association
- Governor's State Advisory Group

Statewide Children's Advocacy Groups in Florida include:

- Florida Juvenile Justice Foundation
- Children's Campaign Incorporated
- Clearinghouse on Human Services
- Voices for Florida's Children

Resources/Contacts
Florida Blueprint Commission
Children's Campaign Incorporated
Department of Juvenile Justice
Florida Alcohol and Drug Abuse Association
Florida Association of School Social Workers
Florida Bar Association
Florida Network of Youth and Family Services
Florida Prosecuting Attorneys Association
Florida State Courts
Justice Research Center
Miami-Dade Juvenile Assessment Center
Office of Research and Planning, Department of Juvenile Justice
Voices for Florida's Children

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NCJJ State Profiles: Georgia

Delinquency Services Summary
Combination State: The Georgia Department of Juvenile Justice, a state executive agency, administers most delinquency services, including secure detention and commitment programs. However, several local juvenile courts have opted to provide all or a portion of delinquency intake screening, predisposition investigation, probation supervision, and aftercare services.

Service Classification

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Court(s) with Delinquency Jurisdiction
Juvenile Courts exercise jurisdiction over delinquency proceedings. Juvenile Courts are limited jurisdiction trial courts. For more information, visit the Judicial Branch of Georgia's Juvenile Court webpage.

Highlights

Georgia Juvenile Code Revision Project
In early 2004, the Juvenile Law Committee of the Young Lawyers Division of the State Bar of Georgia agreed to rewrite the Georgia Juvenile Code. The goal is to create a code that reflects model codes and is comprehensive and well-organized. JUSTGeorgia was created in 2006 as a partnership advocating fairness for children in the state's justice and social service systems. The coalition was initiated by philanthropic funding to Georgia Appleseed, The Barton Child Law and Policy Clinic of the Emory University School of Law, and Voices for Georgia's Children. The primary goal of JUSTGeorgia is to create a long term coalition that will advocate, monitor, and report on the conditions, laws, and policies that affect the justice and safety of Georgia's young people. Fundamental to this goal are two initial objectives:

1) To work for the passage of a new Juvenile Code that reflects the scientific findings and best practices in the child development field; and
2) To identify and change policies in Georgia's underlying social services system that can prevent detention and sustain healthy behaviors outside the juvenile justice system.

More information is available online.

Graduated Sanctions
In 2005, a new law established a graduated alternative sanctions program for youth on probation. This program is monitored by the Department of Juvenile Justice, in conjunction with the Council of Juvenile Court Judges of Georgia. The graduated alternative sanctions program must be implemented in each judicial circuit in consultation with the judge of the juvenile court. The graduated alternative sanctions program may include, but is not limited to: community service, electronic monitoring, increased reporting or intensive supervision, home confinement, day or evening reporting centers, or treatment intervention.

Graduated Sanctions Demonstration Site
Troup County Juvenile Court is participating in a national graduated sanctions project that the Office of Juvenile Justice and Delinquency Prevention awarded to the Juvenile Sanctions Division of the National...
Council of Juvenile and Family Court Judges. Troup County Juvenile Court fielded a multidisciplinary planning team to review its dependency guidelines and develop a comparable assessment format for delinquent offenders embarking on a graduated sanctions program. Troup County also established an Assessment Center to provide risk and needs assessment data on petitioned youth. A service matrix systematically links those youth with appropriate services. This rural county implemented a taxi token program to help youth attend therapeutic and other court-ordered services. The county’s continuum of services includes a mentoring program for delinquent youth lacking adequate parental resources. For more information, contact Judge Michael Key, Troup County Juvenile Court, at (706) 884-6601 or Michael@kmglawfirm.com.

Detention
The Department of Juvenile Justice, Division of Community Corrections, operates 1 staff-secure and 23 secure Regional Youth Detention Centers throughout the state. The Division of Community Corrections has 5 regions, which are divided into 13 districts.

Juveniles may be detained for the following reasons: to protect the person or property of others or of the youth; if the youth may abscond or be removed from the jurisdiction of the court; if no one is able to provide supervision and care for the youth and to return him or her to the court when required; or if the court has ordered the youth's detention or shelter care. Detention hearings must be held within 72 hours.

A juvenile can be held in detention pre-adjudication, pre-disposition, and while awaiting placement. Juveniles can also be sentenced to secure detention in a Youth Development Campus, a juvenile corrections institution, for a 90-day maximum period. Regional Youth Detention Centers are not typically used as a disposition option. However, there is an exception for juveniles who are adjudicated delinquent and committed to confinement for a DUI offense, and no other secure facility is available. Secure detention can be used as a sanction for probation violations.

The Department of Juvenile Justice has spent the past four years engaged in detention reform and in promulgating the use of a validated statewide detention assessment instrument.

The Community Detention Program provides a non-secure alternative to detention in a Regional Youth Detention Center. The program consists of two services:

- In-Home Supervision: allows the youth to remain at home while awaiting court hearings or out-of-home placement
- Electronic Monitoring: uses technology and monitoring equipment to allow all juvenile offenders to remain in the community in lieu of detention.

Since July 2003, Clayton County has operated an alternative juvenile detention program called FAST-START (Finding Alternatives for Safety and Treatment-Stabilization through Assessment and Rehabilitation and Treatment). This program allows the juvenile court to have a juvenile assessed before a detention hearing instead of after. A panel of professionals, comprised of representatives from the state's juvenile justice department, the Clayton County School District, the Department of Family and Children Services, mental health, a community volunteer, and two advocacy agencies, assess the juveniles. More information is available online.

Delinquency Intake Screening
Statute defines a "Juvenile Court Intake Officer" as an officer assigned to conduct intake who receives, screens, and examines all properly executed complaints filed concerning delinquent children who are received by the court. Intake Officers file juvenile complaints, decide whether to handle them formally or informally, and make the charging decision.

Intake officers must be court-employed intake or probation officers, court service workers, or other Department of Juvenile Justice staff designated by the judge(s) or associate judges exercising juvenile court jurisdiction. Generally, a Juvenile Probation/Parole Specialist with the Department of Juvenile Justice receives, reviews, and processes complaints, recommends detention or release where necessary,
and provides services for juveniles and their families, including diversion and referral to other community agencies.

The prosecutor has no role before the Intake Officer files the petition.

**Diversion**

Intake officers may, by authority of the judge, "informally adjust" appropriate cases. They must regularly compile the case files or a report on cases that were informally adjusted for the juvenile court judge's review.

Prior to a petition being filed or on the court's withdrawal of a petition, the case may be informally adjusted if the case meets the following prerequisites: the case is in the jurisdiction of the court; informal adjustment would be in the best interest of the public and the youth; and the youth and his or her parents, guardian, or other custodian voluntarily consent. If a youth is alleged to have committed a designated felony act (as defined by statute), the case cannot be subject to informal adjustment without the prior written notification of the District Attorney or his or her authorized representative.

If conditions favor an informal adjustment, an Informal Adjustment Agreement is prepared, which is valid up to three months and may be extended by court order for an additional three-month period. Informal adjustment alternatives are counseling and adjustment, counseling and advisement, referral to counseling, and individualized agreements that may include mediation.

**Predisposition Investigation**

In most counties, the Department of Juvenile Justice assigns staff to the court to conduct predisposition investigations. In 11 urban counties, local juvenile courts (Chatham, Clayton, Cobb, Dekalb, Dougherty, Fulton, Glynn, Gwinnet, Hall, Spalding, and Whitfield Counties) administer investigations.

Georgia does not use a standardized assessment tool to conduct the predisposition investigation.

**Victim Rights and Services**

Georgia extends certain rights to victims of juvenile offenders. By statute, victims may submit a victim impact statement in any delinquency proceeding if the offense meets certain criteria. The district attorney or the judge may use the victim impact statement during any stage of the proceedings involving predisposition, disposition, or determination of restitution.

Statute also allows the court to require juveniles to pay restitution to the victims of their offenses.

Statute also requires the Department of Juvenile Justice to notify the victims of certain repeat juvenile felony offenders when their offender is released or paroled.

The Criminal Justice Coordinating Council administers crime victim compensation and has posted a Victim Services Directory.

**Probation Supervision**

Juvenile probation supervision is administered in one of three ways in Georgia:

1. In 134 of Georgia's 159 counties, the Department of Juvenile Justice (DJJ) assigns staff to the court to provide probation and aftercare supervision services.

2. In 13 urban counties, local juvenile courts administer probation supervision services (Chatham, Clayton, Cobb, Dekalb, Dougherty, Floyd, Fulton, Glynn, Gwinnet, Hall, Spalding, Troup, and Whitfield Counties).

3. Twelve counties maintain a mixture of DJJ and local juvenile court service staff to provide probation supervision services, with DJJ staff most often providing aftercare supervision for youth returning from placement (Carroll, Columbia, Coweta, Crawford, Fayette, Gordon, Heard, Henry, Newton, Peach, Upson, and Walton Counties).
By state court rule, the probation officer, with the approval of the probation supervisor, may ask the judge to release a juvenile early from probation. The recommendation should include a history of the juvenile's involvement with the court, an account of conduct and progress during probation, and the reason for making the request. If the judge approves early termination, the probation officer must notify the juvenile and his or her parents.

Also by state court rule, a probation officer may request that the judge change a condition of a juvenile's probation if that rule of probation has become inappropriate. The parent and juvenile must be notified of the proposed modifications and have an opportunity to appear and object or may agree in writing to the proposed changes and waive objections. Upon the written approval of the change by the judge, the juvenile and his or her parents shall be served with a copy of the modification order. By statute, the juvenile court can extend an order of probation until the juvenile reaches age 21.

The balanced approach is the guiding philosophy behind Georgia's juvenile probation practices.

**Juvenile Probation Officer Qualifications, Certification, and Training**

In Georgia, the position of Juvenile Justice Probation/Parole Specialist is not a certified position. State policy and procedures mandates training, which the Department of Juvenile Justice monitors. Juvenile Justice Probation/Parole Specialists must attend 40 hours of mandatory pre-service training and 120 hours of mandatory fundamental orientation within the first year of employment. Juvenile Justice Probation/Parole Specialists must attend 24 hours of continuing training a year.

**Juvenile Corrections Continuum**

The Department of Juvenile Justice (DJJ), Division of Facilities and Classification, operates eight Youth Development Campuses, which are secure, long-term rehabilitation facilities for youth sentenced or committed to DJJ custody by juvenile courts. DJJ has a list and descriptions of facilities and their capacities on-line.

**Commitment to State**

Adjudicated delinquents are committed to the Department of Juvenile Justice (DJJ), which is then vested with legal custody of the youth. An order of disposition committing a youth to DJJ continues in force for two years unless DJJ discharges the youth sooner. The court that committed the youth may extend its commitment order for an additional two years. An order committing a delinquent youth as a designated felon is in force for an initial period of five years.

The youth is initially confined in a youth development campus for 12 to 60 months. The youth must not be discharged from DJJ's custody until at least one year of custody has occurred. The custody of a designated felon may be extended for an additional period of 12 months provided that no initial placement or extension of custody may continue beyond the youth's 21st birthday.

DJJ determines all of the placement specifics for adjudicated delinquents. DJJ assesses all youth committed to it using the Comprehensive Risk/Needs Assessment (CRN). CRN is the assessment instrument used to classify youth and to determine risk, placement, and level of service. The CRN is periodically used to reassess the youth to determine changes in risk and needs.

**Blended Sentencing**

Georgia does not use any blended sentencing procedures.

**Direct Placement**

In Georgia, the juvenile court judge cannot order juveniles into placements without committing them to the Department of Juvenile Justice.

**Release**

Once the court transfers legal custody of a youth to the Department of Juvenile Justice (DJJ), only DJJ has the authority to release that youth. An order of disposition committing a youth to DJJ continues in force for two years unless DJJ discharges the youth sooner. The court that committed the youth may extend its commitment order for an additional two years. An order committing a delinquent youth as a
designated felon is in force for an initial period of five years. The youth must not be discharged from DJJ's custody until at least one year of custody has occurred. The custody of a designated felon may be extended for an additional period of 12 months provided that no initial placement or extension of custody may continue beyond the youth's 21st birthday.

**Aftercare/Re-entry**

The Department of Juvenile Justice (DJJ) defines aftercare services as services provided through the Court Services Program for those youth returning home from DJJ institutions or other programs. These support services promote a smooth transition of youth into the community through supervision, counseling, and assistance in networking with appropriate agencies. Department of Juvenile Justice Juvenile Probation/Parole Specialists provide aftercare supervision. However, some courts provide aftercare with court employees - see the [Probation section](#) for more information.

Currently, the Department of Juvenile Justice and the Department of Corrections are splitting a $2 million federal grant to provide aftercare programs for juveniles after their release as part of the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For more information, click [here](#). By visiting the [State Activities & Resources page](#), users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

**State Laws**

**Legal Resources**
The Juvenile Code resides in [Georgia Statutes, Title 15, Chapter 11](#).

[State Bar Association of Georgia](#)

**Purpose Clause for Delinquency Proceedings**

This chapter shall be liberally construed to the end:

(1) That children whose well-being is threatened shall be assisted and protected and restored, if possible, as secure law-abiding members of society;

(2) That each child coming within the jurisdiction of the court shall receive, preferably in his or her own home, the care, guidance, and control that will be conducive to the child's welfare and the best interests of the state; and

(3) That when a child is removed from the control of his or her parents the court shall secure for the child care as nearly as possible equivalent to that which his or her parents should have given the child.


The General Assembly finds that appropriate services to children and youth are vitally important for the future of this state. The intent of this article is to provide for the effective coordination and communication between providers of children and youth services and juvenile justice systems at all levels of state government. The General Assembly further declares its intent to reduce the number of children committed by the courts to institutions operated by the Department of Juvenile Justice and the Department of Human Resources or other state agencies; and to provide a preventative, comprehensive plan for the development of community based alternatives so that children who have committed delinquent acts and children who are at risk of becoming dependents of state government and its institutions may not have to be committed to a state detention facility or other such facility. Additionally, it is the intent of this article to provide for noninstitutional disposition options in any case before the juvenile court where such disposition is deemed to be in the best interest of the child and of the community.

**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 16
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
For information on Georgia's juvenile transfer laws, [click here](#).

**Juvenile Justice Leadership**

**Georgia Council of Juvenile Court Judges**
The Council of Juvenile Court Judges is composed of all judges of the courts exercising jurisdiction over juveniles. The Council Staff supports juvenile courts through legal research services, legislative tracking, and specialized programs to assist in protecting the best interests of children and the state.

For more information, contact: Georgia Council of Juvenile Court Judges, 230 Peachtree Street, Suite 1625, Atlanta, GA 30303; Phone: (404) 657-5027; Fax: (404) 657-5038.

**Governor's Office For Children and Families**
Wanting to ensure that Georgians are using child welfare resources – funding, policy, and personnel – in a way that is targeted, consistent, and most effective, in January 2008 Governor Perdue took steps to unite and coordinate the efforts of four agencies responsible for serving Georgia’s children and families. This initiative united the Children’s Trust Fund Commission (CTFC) with the Children and Youth Coordinating Council (CYCC), creating the newly organized Governor’s Office for Children and Families (GOCF), which will fund a spectrum of prevention, intervention, and treatment services for all children. Through a community-based system of care, GOCF offers prevention and intervention for children, youth and families to ensure they are educated, healthy, safe and growing. GOCF is working to build capacity in communities to enable sustainability of activities and services. By strengthening the use of needs assessment and evaluation tools, GOCF seeks to ensure that we are using Georgia's child welfare resources - funding, policy, and personnel - in a way that is properly targeted, consistent, and effective.

**Resources/Contacts**
**Governor’s Office For Children and Families**
**Criminal Justice Coordinating Council**
**Department of Juvenile Justice**
**Georgia Council of Juvenile Court Judges**
**Judicial Branch of Georgia's Administrative Office of the Courts**
**State Bar Association of Georgia**

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Delinquency Services Summary

*Combination State:* Delinquency services are organized at the state level in Hawaii. However, responsibility is divided between the judicial and executive branches. Family Courts are responsible for secure detention, delinquency intake, predisposition investigation, and probation supervision. The Office of Youth Services, within the Department of Human Services, administers commitment programs and aftercare.

### Service Classification

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<tr>
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### Court(s) with Delinquency Jurisdiction

Family Court Divisions of the Circuit Courts (First, Second, Third, and Fifth Circuits) exercise jurisdiction over delinquency proceedings and are general jurisdiction trial courts. The judicial districts are made up of four circuits, representing the four major islands. The First Circuit is the largest and serves Honolulu. For more information, visit the [Hawaii State Judiciary web site](http://www.hawaii.gov/jud/court/index.cfm).

### Highlights

#### Juvenile Drug Courts

Juvenile Drug Courts were started in the First Circuit Court in 2001 and in the Third Circuit Court in 2005. The focus of these courts is on providing intensive supervision and comprehensive treatment services for youth and their families. Involvement in the drug courts usually lasts a minimum of 8 months. The drug courts use a model of rapid intervention, immediate access to treatment, judicial leadership, frequent and direct contact with the drug court judge, and graduated sanctions and incentives.

#### Girls Court

The Family Court of the First Circuit began a court for juvenile girls in 2004. The focus of the court is gender-specific programming to address the special needs of adolescent girls in the judicial system. The girls and their parents/guardians attend court proceedings once every five weeks. Following their appearance in court, parents/guardians attend a parent education and support group. The girls meet separately to focus on issues such as teen pregnancy prevention, domestic violence prevention and intervention, healing from trauma, substance abuse, and setting positive and healthy goals. The girls receive intensive supervision and participate in workshops and activities. Completion of the program is determined on a case-by-case basis and is based on personal growth and achievement of individual goals.

#### Settlement Reached with U.S. Department of Justice

In February 2006, the State of Hawaii reached a settlement agreement with the federal government over civil rights violations at the Hawaii Youth Correctional Facility (HYCF) operated by the Hawaii Department of Human Services. The violations included instances of failing to protect youth from self-harm, excessive violence, excessive disciplinary isolation, an inadequate grievance system, and inadequate access to medical, mental health, and special education services. Under the three-year agreement, the state is required to implement reforms to address and correct these violations. For more information, read the [U.S. Department of Justice’s press release](http://www.usdoj.gov/opa/pr/2006/20060217_112542.htm).
Detention
The Family Court of the First Circuit, Detention Services Branch, administers the only secure detention facility in the state for youth. Youth from other judicial circuits are transported to this detention facility. A portion of funding for secure detention services is provided as a line item in the state court budget and a portion is contained in the general fund for running the state court. Non-secure detention options include shelters, foster homes, and residential group homes.

Detention is used to hold juveniles as necessary and appropriate, prior to the filing of a petition and prior to adjudication and disposition. By statute, juveniles can be held in detention for the safety of the juvenile or community. After being detained, a juvenile must be released within 24 hours (excluding weekends and holidays) unless an order of detainment exists. The secure facility is also used to hold juveniles pending placement in treatment programs. Juveniles can be sentenced to detention for an indeterminate period of time (family judges determine duration on a case by case basis). Detention may also be used as a sanction for probation violations.

A police officer or probation officer can take a juvenile directly to the detention center if he or she determines that the juvenile requires detention by considering the juvenile's welfare and the protection of the community. By statute, before the juvenile is accepted for detention, an authorized staff member of the detention center or officer of the court makes a prompt inquiry into the case and decides whether to release or detain the juvenile. The youth may then be admitted to detention, and the case becomes the responsibility of the appropriate Family Court branch/unit. This unit assesses the charge (type of offense, actual charge, and severity of offense) and whether the youth is a flight risk and makes recommendations regarding continued detention to the court at the detention hearing. If the youth is already on probation, the assigned probation officer will assess the youth's response to probation, severity of the charge, and frequency of violations and make a recommendation regarding continued detention at the detention hearing.

Delinquency Intake Screening
Law enforcement initiates complaints regarding juvenile offenses, which are then forwarded to the Office of the Prosecuting Attorney to determine the charge's legal sufficiency, and then to the Family Court. The Law Violations unit of the Family Courts receive delinquency referrals. Depending on the circuit, intake units may come under an Intake Branch (law violation intake unit and person in need of supervision intake unit), a Services Branch (intake section and probation services section), or a stand-alone intake unit. The general process of filing a petition is through the intake/supervision probation officer assigned to the case.

Diversion
Juveniles who are first-time offenders or are charged with misdemeanors may be eligible for diversion projects or informal adjustment at the Family Court. Hawaii Revised Statutes section 571-31.4 addresses diversion from court or informal adjustment, with Hawaii Family Court Rule 124 providing detail concerning detention procedures. The statutes and court rules give the family court officer the authority to determine whether informal adjustment is suitable for a youth and place a three month duration on informal adjustment without review by a judge.

Prosecutors and police are all involved in making decisions regarding diversion from formal court proceedings, particularly since police are often involved in operating diversion programs.

Court diversion options include restitution, community service, educational programs, or other diversion programs. Other community-based diversion programs may be available through community resources.

The Department of Human Services, Office of Youth Services (OYS) and the Juvenile Justice State Advisory Council (JJSAC) established Adolescent Diversion Services (also known as Ho'okala) in 1993. This is a statewide diversion program that diverts non-violent juvenile offenders and status offenders from being locked up in adult facilities at the time of their arrest. The program provides 24-hour crisis intervention and assessment services for juveniles, as well as referral and case management services. The program also helps youth access appropriate services. Ho'okala is provided through contracts with
four agencies in Hawaii, Kauai, Maui, and Oahu.

Police departments also operate diversion programs, and various non-profit agencies offer services for
diversion. For example, the Honolulu Police Department runs an Evening Counseling Program for
first-time offenders, which provides counseling for juveniles and their families in the evenings (after 6
p.m.), and the Akamai Program, which meets on Saturday mornings and provides opportunities for skill
building as well as an overview of community resources available to the families.

Predisposition Investigation
Court officers develop the case for adjudication and disposition for referred youth. One unit handles
youth who committed status offenses and the other handles youth who committed criminal violations.
The Family Court’s intake and supervision units have their own distinct needs assessment instrument
for preparing disposition recommendations. Each circuit regulates the use of the needs assessment.

Victim Rights and Services
The Hawaii Bill of Rights for Victims and Witnesses specifically extends rights to the victims of juvenile
violence, including a right to:

- receive information from the police and the prosecuting attorney concerning the disposition of the
case and any efforts to plea bargain
- have a secure waiting area at court
- receive information from the Department of Public Safety concerning release decisions
- attend all court hearings
- receive restitution and information concerning the HIV status of a convicted or adjudicated
offender
- expect that all public agencies involved in the case cooperate to ensure that crime victims receive
all rights and services under the Victim Bill of Rights.

The Hawaii Judiciary provides victim assistance services through Adult Client Victim Services, which
also serves victims of juvenile crime.

The Hawaii Attorney General provides information to victims through its Crime Prevention and Justice
Assistance Division, including detailed justice system flow diagrams for juvenile procedures.

The Hawaii Crime Victims Compensation Commission operates the state's crime victim compensation
program.

Probation Supervision
Juvenile probation services are organized under each circuit's Family Court. Each circuit is responsible
for their juvenile probation staff. The Judiciary Branch of the state government funds probation
services. The balanced approach/restorative justice gives form to juvenile probation services in Hawaii.

The Family Courts set the terms and conditions of probation. The supervision branch/units administer
probation supervision and services to juvenile offenders. The Hawaii Revised Statutes govern the
authority for probation supervision and services. Juvenile probation officers generally have only
juveniles on their caseloads, and may supervise those over 18 (to age 19) if the court extends
jurisdiction. The average caseload of juvenile probation officers is 40 cases. No caseload standard or cap
exists.

Juvenile probation officers work out of a central office in all circuits. All circuit branches/units either
have their own specialized probation services unit or specific probation officers who provide services
and work collaboratively with various agencies providing the specialized support services.

There is no state mandated risk/needs assessment instrument used to determine levels of probation
supervision. Probation officers in all circuits develop individualized supervision plans in addition to the
conditions of probation set forth by the court. All circuits use their own instrument when preparing the
There are no statewide standards that govern probation practice in Hawaii.

An outside evaluator has not assessed statewide juvenile probation services and automated information is currently not available concerning overall outcomes for youth.

**Juvenile Probation Officer Qualifications, Certification, and Training**
The minimum education and experience requirements for the position of a juvenile probation officer are a bachelor's degree and work experience. Currently, probation officers are not professionally certified in the state. Supervisors conduct initial and ongoing in-service training for juvenile probation officers. Workshops and conferences are used for training and enhancement of probation officer skills.

**Juvenile Corrections Continuum**
The Department of Human Services, Office of Youth Services (DHS/OYS), administers juvenile corrections in Hawaii. The Office of Youth Services provides a continuum of services for youth that ranges from prevention programs (such as Youth Service Centers) to secure custody at the Hawaii Youth Correctional Facility (HYCF). The Hawaii Youth Correctional Facility is funded under a line item in the DHS budget for youth prevention, delinquency corrections services. Under this item, DHS/OYS operates a 30-bed secure facility for the most dangerous or serious juvenile offenders and a cottage for juveniles committed for less serious offenses.

The [2004 DHS Fiscal Audit Report](#) provides helpful information for understanding the funding of DHS/OYS prevention, delinquency, and corrections services.

**Commitment to State**
Dispositions in Hawaii are indeterminate. The Family Court judge decides where to place committed juveniles, either in the Hawaii Youth Correctional Facility (HYCF) or in community-based residential placements (provided by the Office of Youth Services through purchase of service contracts throughout the state). The Community Services Section of the HYCF coordinates the placement of juveniles in educational, vocational, and work release programs and residential placement. The Youth Level of Service/Case Management Inventory is used to identify juveniles' service needs and to measure their risk of recidivism.

There are two types of commitment—short-term and minority. Short-term commitments involve dispositions of up to one year, after which the juvenile is usually released to probation supervision. Minority commitments are indeterminate dispositions in which the judge may select the upper age (18, 19, or 20) at which the juvenile may be release through the parole process.

Family court probation officers may continue to supervise youth while they are in placements in cases that a family judge has decided to retain jurisdiction and continue probation. When the court terminates jurisdiction upon a commitment, probation does not provide placement supervision.

**Blended Sentencing**
Hawaii does not have blended sentencing provisions.

**Direct Placement**
The court can directly place adjudicated juveniles in local or private placements without commitment to the state. Probation offices of the family court continue supervising youth in these placements if the court orders probation over the duration of the placement.

Family court judges determine the release of youth from direct placements, either in court orders or review hearings. The Department of Human Services, Office of Youth Services is responsible for aftercare of youth who are placed in secure residential facilities, including direct placements. Otherwise, probation may extend beyond the placement period for the purpose of community reentry.

**Release**
There is no juvenile parole authority or board in Hawaii. The Office of Youth Services director makes
the release decision. Juveniles can remain in Hawaii Youth Correctional Facility custody until age 19. By
statute, release may occur if there is reasonable probability that the youth will not further violate the
law and if his or her release is not incompatible with the welfare and safety of the community. The
director of the Office of Youth Services is required to give 30-days notice to the court and prosecutor's
office of the pending release of a juvenile. Prior court approval of a release is only necessary when the
commitment order specifically requires the court's approval of the release.

If the commitment is a minority commitment, the judge sets the upper age (18, 19, or 20) at which the
juvenile may be released to parole. The judge may state in the order that the court must grant
permission before the juvenile is placed in the community on parole.

**Aftercare/Re-entry**

Aftercare (called parole in Hawaii) is the responsibility of Juvenile Parole under the supervision of the

The Office of Youth Services oversees non-residential and in-community programs for youth in
transition from commitment in the Hawaii Youth Correctional Facility to the community. Services
provided by these programs include assessment, counseling, intensive supervision, drug/alcohol abuse
education, and independent living services.

**State Laws**

**Legal Resources**

[Hawaii’s Juvenile Code](#) resides in sections 571-1 to 571-88 of Title 31, Family

[Hawaii Family Court Rules](#) (Juvenile Court Proceedings are found in Part D)

[Hawaii State Bar Association](#)

**Purpose Clause for Delinquency Proceedings**

This chapter shall be liberally construed to the end that children and families whose rights and
well-being are jeopardized shall be assisted and protected, and secured in those rights through action
by the court; that the court may formulate a plan adapted to the requirements of the child and the
child's family and the necessary protection of the community, and may utilize all state and community
resources to the extent possible in its implementation. This chapter creates within this State a system
of family courts and it shall be a policy and purpose of said courts to promote the reconciliation of
distressed juveniles with their families, foster the rehabilitation of juveniles in difficulty, render
appropriate punishment to offenders, and reduce juvenile delinquency. The court shall conduct all
proceedings to the end that no adjudication by the court of the status of any child under this chapter
shall be deemed a conviction; no such adjudication shall impose any civil disability ordinarily resulting
from conviction; no child shall be found guilty or be deemed a criminal by reason of such adjudication;
no child shall be charged with crime or be convicted in any court except as otherwise provided in this
chapter; and all children found responsible for offenses shall receive dispositions that provide incentive
for reform or deterrence from further misconduct, or both. The disposition made of a child or any
evidence given in the court, shall not operate to disqualify the child in any civil service or military
application or appointment. Any evidence given in any case under section 571-11 shall not in any civil,
criminal, or other cause in any court be lawful or proper evidence against the child for any purpose
whatever except in subsequent cases involving the same child under section 571-11.

Citation: Hawaii Revised Statutes Annotated Division 3. Property; Family Title 31. Family Chapter 571. Family Courts Part I. Establishment;

**Purpose Clause for Juvenile Corrections**

There is established within the department of human services for administrative purposes only the
office of youth services. The office of youth services is established to provide services and programs for
youth at risk under one umbrella agency in order to facilitate optimum service delivery, to prevent
delinquency, and to reduce the incidence of recidivism among juveniles through the provision of
prevention, rehabilitation, and treatment services. The office shall also be responsible for program
planning and development, intake/assessment, oversight, as well as consultation, technical assistance, and staff training relating to the delivery of services.

The office shall provide a continuum of services as follows:

(1) An integrated intake/assessment and case management system;
(2) The necessary educational, vocational, social counseling and mental health services;
(3) Community-based shelter and residential facilities;
(4) Oversight of youth services; and
(5) Other programs which encourage the development of positive self-images and useful skills in such youth.

To this end, on July 1, 1991, this office shall assume the responsibilities for juvenile corrections functions, which were temporarily placed in the department of corrections pursuant to Act 338 of 1987. These functions shall include, but not be limited to, all responsibilities, under chapter 352, for the Hawaii youth correctional facilities.

Citation: Hawaii Revised Statutes Annotated Division 1. Property; Government Title 20. Social Services Chapter 352D. (§ 352D-4). Current through 2003 Regular and Special Sessions.

**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: until full term of dispositional order

**Juvenile Transfer Laws**
For information on Hawaii’s juvenile transfer laws, [click here](#).

**Juvenile Justice Leadership**

**Juvenile Justice State Advisory Council**
Juvenile Justice State Advisory Council (JJSAC) is the state advisory group charged with administering funds received through the federal Juvenile Justice Delinquency Prevention Act and monitoring compliance with the mandates of the Act. The group also works with the Office of Youth Services, the Governor, and the legislature on juvenile justice issues and initiatives. Members of JJSAC are appointed by the Governor and represent public, private, business and youth serving agencies from each of the islands.

**Hawai‘i Juvenile Justice Project**
Created in 2004, the Juvenile Justice Project is a network of advocacy agencies, community groups, and public agencies working to improve the state’s juvenile justice system. The American Civil Liberties Union provides one of the co-chairs for the project. The other co-chair is a representative of a key service provider in the state, Maui Youth and Family Services.

**Native Hawaiian Mental Health Research and Development Program**
The Native Hawaiian Mental Health Research and Development Program (NHMHRDP) supports projects to study the mental health concerns of youth in the juvenile justice system. The project is currently studying the needs of youth committed to the Director of the Hawaii Youth Correctional Facility (HYCF).

**Resources/Contacts**

- [Hawai‘i Juvenile Justice Project](#)
- [Hawaii State Bar Association](#)
- [Hawaii State Department of the Attorney General, Crime Prevention and Justice Assistance Division, Research and Statistics Branch](#) (Statistical Analysis Center)
Hawaii State Judiciary
Native Hawaiian Mental Health Research and Development Program

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**Delinquency Services Summary**
*Decentralized State:* Delinquency services are organized at both the state and local level in Idaho. County boards operate a secure detention facility in each of Idaho's seven judicial districts. Prosecutors are usually responsible for delinquency intake screening while county probation departments handle predisposition investigation, probation supervision, and aftercare services. A state executive agency, the Department of Juvenile Corrections, administers the juvenile corrections continuum.

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**Court(s) with Delinquency Jurisdiction**
Magistrate Divisions of District Courts exercise jurisdiction over delinquency proceedings. District Courts are general jurisdiction trial courts. Idaho has seven judicial districts, each consisting of at least four counties. For more information, visit the [Idaho State Judiciary's web site](http://www.idaho.gov/idaho_state_judiciary/).

**Highlights**

**Community Incentive / Mental Health / Re-Entry Programs**
The Idaho Juvenile Justice Commission, in partnership with the Department of Juvenile Corrections (IDJC), established the Community Incentive Program. These programs enable juvenile courts to access funds so that they can divert juvenile offenders to community-based options instead of committing them to IDJC or provide resources to juveniles transitioning back to the community post commitment. Community-based options include day treatment, intensive probation, electronic monitoring, family therapy, substance abuse, mental health and sex offender treatment, and/or transportation to these services in a more populated county. In 2006, The Idaho State Legislature provided funding to IDJC to replicate the Community Incentive program specifically for treatment of juvenile offenders with mental health issues. The Mental Health Program provides funding for evidence based programs for juvenile offenders diagnosed with a mental illness.

**Clinical Services in Juvenile Detention Facilities**
A collaborative workgroup of state agencies, parents, courts, counties, service providers and others initiated a pilot project to dedicate clinical services to juvenile offenders in a detention facility. The project showed great success by reducing crisis events in the facility, linking offenders to community-based services, and reducing offenders' progression into the juvenile justice system. IDJC is expanding this project to all 12 juvenile detention facilities within the state.

**Idaho Juvenile Offender Systems**
The Idaho Juvenile Offender System (IJOS) is a statewide database used by state and local juvenile justice professionals to manage cases of juveniles on probation or in state custody. IJOS will eventually include criminal justice data and data from state, county, and local law enforcement.

**Detention**
Each of Idaho's seven judicial districts has access to a secure detention facility operated by a board comprised of county employees from the counties in the judicial district. The counties are financially responsible for operating the detention facility.
Detention alternatives include electronic monitoring and diversion programs, such as Work In Lieu of Detention (WILD) programs that allow youth to work on community service projects instead of being in detention.

Juveniles may be held in detention before adjudication and disposition, while awaiting placement, as a disposition, and as a sanction for probation violations.

Detention hearings must be held within 24 hours, excluding weekends and holidays. Juveniles must appear before the judge within 15 days after a summons has been issued. Idaho Juvenile Rule 7 outlines the criteria for holding youth in detention, including to insure that the juvenile attends the hearing and to prevent the juvenile from harming him or herself or others.

**Delinquency Intake Screening**

Any peace officer, prosecuting attorney, or any authorized representative of a school district’s board of trustees may make delinquency referrals. However, neither the juvenile court nor any of its officers makes delinquency referrals. The majority of referrals are sent to the prosecutor for evaluation, although some county juvenile probation departments may receive referrals directly. No set criteria dictate the cases that must go to the prosecutor. Prosecutors determine whether to handle cases formally or informally and make the charging decision, sometimes in cooperation with the probation department.

**Diversion**

The prosecutor may refer cases directly to the juvenile probation department or a community based-diversion program for informal probation and counseling. Probation officers may also recommend that the court divert the case. Because there are no set diversion guidelines, each county handles this differently. Some counties utilize the Idaho Juvenile Risk Assessment to assist them in making the diversion decision. Youth courts, accountability boards, and the children’s mental health council are diversion options.

**TEAM Camp**

TEAM (Teen Emergency Awareness Member) Camp is a diversion program for at-risk youth, ages 12 – 17, with no more than two law violations. During this one-week summer program near Lewiston, agency representatives guide youth in activities that require working as a team, such as land navigation, search and rescue, a ropes course, and a simulated hostage takeover. Agencies collaborating on this program include Nez Perce County Court Services, the Idaho State Fish and Game Department, the Bureau of Land Management, the Western Regional FBI SWAT team from Utah, the National Football League Alumni Association, the US Forest Service, and some fire departments. For the eight summers the camp has operated, the recidivism rate is 40% for the first 365 days following camp, and 22% thereafter. Last year, TEAM Camp began assigning each youth an adult sponsor who stays in touch with them after camp ends. With this new mentoring piece, the recidivism rate for the first 365 days is now 17%. For more information, contact John Triplett, Director of Nez Perce County Court Services, at 208-799-3179 or JohnTriplett@co.nezperce.id.us.

**Predisposition Investigation**

Juvenile probation officers from county probation departments perform predisposition investigations. Within some agencies, a specific person(s) may be responsible for predisposition investigations or the probation officers may perform this duty. There is no requirement to use a standardized assessment tool, although many counties utilize the Idaho Juvenile Risk Assessment or the Youthful Level of Service/Case Management Inventory to assist them in making recommendations. Depending on the county, juveniles coming into the system for the first time may be assessed differently than juveniles that are currently on probation for another offense or who have been previously involved in the system.

**Victim Rights and Services**

In 1995, Idaho enacted legislation that included victims of juvenile crimes in the victim's bill of rights (Title 19 (Criminal Procedure), Chapter 53 Compensation of Victims of Crimes). Per statute, the rights of victims of criminal and juvenile offenders include to be treated with fairness, respect, dignity and
privacy; to be present at all proceedings; to be notified of the offender’s status and escape or release; and to speak at a juvenile hearing or submit a statement, if requested.

Under the **Idaho Juvenile Corrections Act**, juveniles committed to the Department of Juvenile Corrections must apologize to their victims, participate in victim/offender mediation, and pay restitution, when appropriate.

In addition to rights covered by the victim’s bill of rights and other statutes, Article 1 of Idaho’s Constitution provides rights for victims of juvenile offenders.

The **Idaho Industrial Commission** administers the Idaho Crime Victims Compensation Act.

Some counties, especially larger ones, have a Victim Witness Coordinator.

**Probation Supervision**
Juvenile probation officers, working for county probation departments, provide probation supervision. Each county has its own probation department or contracts with another county. Juvenile probation officers may supervise both adults and juveniles in many of the counties, especially smaller ones. Because juvenile probation officers are county employees and are paid by the county, they work as agents of the court.

Idaho has no statewide standard operating procedures guiding juvenile probation practice. Each county develops their own set of operating procedures. Judges set probation policy. The standard caseload size is 15 cases for intensive probation and 45 for traditional probation.

Juvenile probation officers can recommend supervision terms to the court, but the court sets the terms. There is no standard contract used statewide that juvenile court judges can add to with specific orders. Some counties use traditional case planning methods while, in others, the judge may modify a standard set of probation terms. Some counties use the Idaho Juvenile Risk Assessment to help determine the level of probation supervision.

Types of specialized supervision programs available depend on the county. A few counties place juvenile probation officers in their communities, and there has been a shift to working non-traditional hours.

Idaho has not conducted an evaluation of the effectiveness of probation supervision.

**Juvenile Probation Officer Qualifications, Certification, and Training**
Counties determine job requirements for juvenile probation officers. Education requirements range from having a GED, high school diploma, or college degree.

Juvenile probation officer's employed after October 1, 2003 must be certified (030.02a,b,c). To be professionally certified, juvenile probation officers must complete an 80-hour basic training course at the **Idaho Peace Officer Standards and Training (POST) Academy**, followed by 40 hours of on-the-job site-specific training on the basics of juvenile probation officer work, and take a test. In some cases, probation officers have voluntarily attended additional POST training beyond basic training, such as verbal judo and instructor development. Depending on the county, juvenile probation officers may receive initial and ongoing training.

The Idaho Department of Juvenile Corrections (IDJC) partnered with POST to develop standards and certification. IDJC funds this work. In addition, the Juvenile Training Council was established to develop requirements for juvenile probation officer training. The members (who are appointed by IDJC’s Director) are comprised of a county sheriff, a director of a juvenile detention center, the Director of IDJC, a magistrate judge, and a county juvenile probation administrator. Idaho probation officers developed and wrote the academy curriculum, which POST approved.

**Juvenile Corrections Continuum**
The Department of Juvenile Corrections (IDJC) administers Idaho's three state delinquency institutions: Juvenile Corrections Center-Nampa, Juvenile Corrections Center-St. Anthony, and Juvenile Corrections Center-Boise.
Center-Lewiston.

JCC-St. Anthony: Established in 1903, JCC-St. Anthony has the responsibility for providing rehabilitative services under the guidelines of IDJC, “What Works” principles, and the Balanced Approach to Restorative Justice. The programs/services provided include positive peer culture, Thinking for A Change (TFAC), educational/vocational services, individual and/or family counseling with certified clinical staff, Outdoor Therapeutic Programming (OTP), including a Challenge/Ropes Course, drug and alcohol services, and offender specific services for female offenders and juveniles with sexually aggressive behaviors. All program components focus on strength based interventions, teaching the juveniles to accept accountability, improving upon their competencies, and focusing on building their capacities to restore the harm done to their home communities.

JCC-Nampa: The Department of Juvenile Corrections also administers the Choices Program, a residential substance abuse treatment program for adjudicated male juvenile offenders. The Choices Program has 36 beds and provides alcohol and drug treatment in a modified therapeutic community milieu. The program offers a continuum of services including cognitive restructuring, drug and alcohol treatment, and education. The facility is expanding to provide services for juvenile offenders with co-occurring disorders. Twenty-four (24) beds will serve the needs of both male and female offenders with co-occurring disorders.

JCC-Lewiston: The Milestone Program in Lewiston is also a substance abuse treatment program for adjudicated male juvenile offenders. The Milestone Program has 24 beds and provides alcohol and drug treatment similar to the Choices program.

Commitment to State
Commitments to the Idaho Department of Juvenile Corrections (IDJC) are indeterminate. However, juveniles are not permitted to remain in IDJC custody beyond their 21st birthday. In 2002, Senate Bill 1460 decreased the maximum age of commitment to IDJC from age 20 to age 18. However, the Custody Review Board may extend commitments through age 20. Previously, IDJC could make such decisions independently.

IDJC makes placement decisions using a risk/needs assessment tool. The same county juvenile probation officer from the committing county monitors juvenile offenders in IDJC's custody.

Blended Sentencing
Idaho has two blended sentencing arrangements. The criminal court judge may choose any juvenile disposition option if adult sentences would be inappropriate. Also, the 2000 legislature enacted Senate Bill 1374, which permits district court judges to impose a "blending" option of sentencing and probation for juveniles convicted under mandatory or discretionary waiver to adult court. The legislation allows for a suspended adult sentence while placing a juvenile in the juvenile system and permits immediate imposition of adult sentence if juvenile fails to comply. For more information on Idaho's blended sentencing provisions, click here.

Direct Placement
The court can directly place a juvenile in a local or private residential facility without committing the juvenile to the Idaho Department of Juvenile Corrections. Juvenile probation officers supervise these juveniles. The court makes the release decision.

Release
The Idaho Department of Juvenile Corrections (IDJC) sets an anticipated release date based on a comprehensive assessment process. The process includes risk assessments, percentage of treatment goals that the juvenile has completed, and input from all treatment team members and stakeholders. IDJC is currently writing guidelines for this process. IDJC reviews the dispositions of juveniles committed to it at least once a year. Following a juvenile's release from IDJC custody or before the juvenile's release if the court deems it appropriate, the court may hold a hearing to review the conditions of probation.
Juvenile offenders may be released to their own home, to a residential community-based program, to a nonresidential community-based treatment program, to an approved independent living setting, or to other appropriate residences, but remain on probation until terminated by the court.

In 2002, legislation created the Custody Review Board to review the release of 19- to 20-year-old high-risk juvenile offenders from IDJC commitments. After weighing community risk factors and the effect of appropriate aftercare, the Custody Review Board may recommend release or continued confinement. The Director of IDJC appoints board members who are representatives of the court, education, and victims as well as IDJC and county juvenile justice staff. Any member of the community treatment team can refer juveniles who meet the qualifications to the Custody Review Board.

**Aftercare/Re-entry**
Juvenile probation officers from county probation departments provide aftercare services in Idaho. Juvenile probation officers are paid by the county as county employees, but work as agents of the court.

When juveniles are committed to the Idaho Department of Juvenile Corrections (IDJC), they are also typically court-ordered to complete a term of probation upon their release. This means that after completing the residential program, they must also comply with this after-commitment probation. Violation may result in the court recommitting the juvenile to IDJC for another placement in a correctional facility. The court may release juveniles without probation.

Idaho participated in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. The Reentry Initiative has been sustained through the strong partnerships developed in the pilot project. Juvenile offenders transitioning back to the community in judicial districts 3 and 4 receive extensive support through a dedicated network of partners. IDJC is expanding this model to the other judicial districts statewide.

**State Laws**

**Legal Resources**
*Idaho Juvenile Rules*

*Idaho Statutes, Title 20 (State Prison and County Jails), Chapter 5 (Juvenile Corrections Act)*

*Idaho State Bar and Idaho Law Foundation*

**Purpose Clause for Delinquency Proceedings**
It is the policy of the state of Idaho that the juvenile corrections system will be based on the following principles: accountability; community protection; and competency development. Where a juvenile has been found to be within the purview of the juvenile corrections act, the court shall impose a sentence that will protect the community, hold the juvenile accountable for his actions, and assist the juvenile in developing skills to become a contributing member of a diverse community. It is the further policy of the state of Idaho that the parents or other legal guardians of the juvenile offender participate in the accomplishment of these goals through participation in counseling and treatment designed to develop positive parenting skills and an understanding of the family's role in the juvenile's behavior. It is the further intent of the legislature that the parents or legal guardians of the juvenile offender be held accountable, where appropriate, through monetary reimbursement for supervision and confinement of the juvenile offender, and restitution to victims of the juvenile's delinquent acts. In enacting this legislation, the legislature finds that the juvenile corrections system should encompass the following aspects: day treatment, community programs, observation and assessment programs, probation services, secure facilities, after-care and assistance to counties for juveniles not committed to the custody of the department of juvenile corrections. The following is a brief description of what the legislature intends to become the components of Idaho's juvenile corrections system:

- **Probation.** Probation officers would have twenty-four (24) hour on call responsibility for juveniles and would monitor their activities on a continual basis. Probation officers would be
responsible for assisting juveniles and their families in accessing counseling or treatment resources, close supervision of juveniles' activities, supervision of restitution and coordination of other services provided to juveniles. Juvenile offenders ordered into the custody of the department of juvenile corrections would be monitored by a county probation officer.

- **Day treatment.** Day treatment programs would be time limited nonresidential treatment and educational programs. Included in these programs would be trackers who would provide intensive supervision of juveniles through daily contact and by counseling juveniles regarding employment, education, courts, family and life skills. Nonresidential alcohol and drug programs would provide outpatient assessment and counseling for juveniles with substance abuse problems.

- **Community programs.** It is intended that community programs would exist throughout the state to provide twenty-four (24) hour residential supervision and treatment options to juveniles in close proximity to their families and their community. It is intended that these programs would strengthen the juvenile's relationship with family, engender a commitment to school and employment, promote the development of competency and life skills and help juveniles generalize appropriate behavior into their environment.

- **Observation and assessment.** Regional observation and assessment centers would be provided, either directly or on a contract basis, to conduct observation and assessment of the juvenile in a short-term residential experience. It is intended that these programs would maintain standardized home and daily routines with intensive daily programming.

- **Secure facilities.** Secure facilities would provide secure confinement, discipline, education and treatment of the most seriously delinquent juveniles. Programs at the secure facilities would be designed to help juveniles recognize accountability for delinquent behavior by confronting and eliminating delinquent norms, criminal thinking and antisocial behavior and making restitution to victims through community service or other restitution programs.

It is the further intent of the legislature that the primary purpose of this act is to provide a continuum of programs which emphasize the juvenile offender's accountability for his actions while assisting him in the development of skills necessary to function effectively and positively in the community in a manner consistent with public safety. These services and programs will individualize treatment and control of the juvenile offender for the benefit of the juvenile and the protection of society. It is legislative intent that the department of juvenile corrections be operated within the framework of the following principles to accomplish this mission:

(1) Provide humane, disciplined confinement to a juvenile who presents a danger to the community.

(2) Strengthen opportunities for the juvenile's development of competency and life skills by expanding the juvenile's access to applicable programs and community resources.

(3) Hold juveniles accountable for their delinquent behavior through such means as victim restitution, community service programs and the sharing of correctional costs.

(4) Invoke the participation of the juvenile offender's parent or legal guardian in assisting the juvenile to recognize and accept responsibility for his delinquent or other antisocial behavior and hold the parent or legal guardian accountable, where appropriate, through the payment of detention costs and restitution to victims and through attendance at programs for the development of positive parenting skills designed to promote a functional relationship between the juvenile and his family.

(5) Develop efficient and effective juvenile correctional programs within the framework of professional correctional standards, legislative intent and available resources.
(6) Provide for a diversity of innovative and effective programs through research on delinquent behavior and the continuous evaluation of correctional programs.

(7) Assist counties in developing meaningful programs for juveniles who have come into the juvenile corrections system but who have not been committed to the custody of the department of juvenile corrections.

(8) Provide programs to increase public awareness of the mission of the juvenile corrections system and encourage public participation in developing an effective juvenile corrections system designed to aid in reducing juvenile crime in this state.

(9) Develop and maintain a statewide juvenile offender information system.

Purpose Clause for Juvenile Corrections

(1) The purposes of a juvenile corrections center shall be:

(a) The care, control and competency development of adjudicated juvenile offenders meeting standards for admission as adopted by the Idaho supreme court;

(b) The provision pursuant to agreement with the counties of detention services for juveniles subject to administrative or court order;

(c) The provision of observation and assessment services for juveniles committed to the department of juvenile corrections; and

(d) To accept for placement those individuals sentenced to a state juvenile corrections center by a district court, or pursuant to agreement with the board of correction, subsequent to waiver of juvenile court jurisdiction.

(2) The department shall administer and provide general oversight of all state juvenile corrections centers and any other secure or nonsecure facilities as required by the juvenile corrections act.

(3) The department shall assure that the educational programs of state juvenile corrections centers are in compliance with educational standards for secure juvenile facilities which are approved by the Idaho state board of education or an accrediting association recognized by the Idaho state board of education.

(4) The department shall have the power to promulgate rules in accordance with the provisions of chapter 52, title 67, Idaho Code, for the administration and operation of state juvenile corrections centers.

(5) The director shall have the power:

(a) To employ, fix the salary and prescribe the duties of a superintendent for each juvenile corrections center. The superintendent shall be a nonclassified employee and shall serve at the pleasure of the director. With the advice of the director, the superintendent may appoint and prescribe the duties of assistants, instructors, specialists and other employees required for the operation of the center;

(b) To remove any employee of a juvenile corrections center for cause;

(c) To ensure that all teachers, except specialists, hold teaching certificates issued under the authority of the state board of education which are valid for the grades and subjects taught. All specialists shall hold diplomas from an accredited school of their specialty;

(d) To have, at all times, general supervision and control of all property, real and personal, appertaining to the center, and to insure the same; and
(e) To expend tax moneys appropriated, or otherwise placed to the credit of the center for maintenance and operation and to account for the same as prescribed by law.

(6) Wherever the term "State Youth Training Center" or "State Youth Services Center" shall appear in the Idaho Code it shall mean any state juvenile corrections center.


**Delinquency Jurisdiction** (as of the end of the 2006 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
For information on Idaho's juvenile transfer laws, [click here.](#)

**Juvenile Justice Leadership**

[Idaho Association of County Juvenile Justice Administrators](#)
The IACJJA is an organization composed of county juvenile justice administrators from Idaho.

[Idaho District Juvenile Justice Councils](#)
Since 1995, each of Idaho's seven judicial districts has had a Juvenile Justice Council. Up to 15 community members may serve on the councils. Members may come from a variety of groups, including law enforcement, the court, education, business, youth, and media. The council's responsibilities include advising the state's Juvenile Justice Commission, coordinating community prevention and intervention efforts, overseeing and evaluating District grant proposals, and present a District Action Plan to the Commission every three years. In 2006, a new Tribal Juvenile Council was formed to serve the Native American Tribes in Idaho.

[Idaho Juvenile Justice Association](#)
The IJJA was formed in 1991 to provide a forum for discussion and resolution of juvenile justice issues, networking and career development, promotion of community safety, victim restoration, and effective service delivery.

[Idaho Juvenile Justice Commission](#)
The Idaho Juvenile Justice Commission, as the State Advisory Group, allocates and disburses federal funding and insures compliance with the core requirements of the JJDPA Act of 1974.

**Resources/Contacts**

[Idaho Department of Juvenile Corrections](#)
[Idaho Association of County Juvenile Justice Administrators](#)
[Idaho Juvenile Justice Association](#)
[Idaho Juvenile Justice Commission](#)
[Idaho Peace Officer Standards and Training (POST) Academy](#)
[Idaho State Bar and Idaho Law Foundation](#)
[Idaho State Judiciary](#)
[Southwest Idaho Juvenile Detention Center](#)

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NCJJ State Profiles: Illinois

Delinquency Services Summary
*Decentralized State:* Delinquency services are organized at both the state and local level in Illinois. Circuit Courts administer detention services, except in Cook County (Chicago) where the County Board administers the detention facility. Circuit Courts also administer juvenile probation services, including delinquency intake screening, predisposition investigation, and probation supervision services. The Department of Juvenile Justice administers commitment programs and aftercare services.

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Court(s) with Delinquency Jurisdiction
Circuit Courts exercise jurisdiction over delinquency proceedings. Circuit Courts are general jurisdiction trial courts. Twenty-two judicial circuits cover Illinois' 102 counties. For more information, visit the [Supreme Court of Illinois web site](http://www.illinois.gov/supreme/).

Highlights

**Department of Juvenile Justice Created**
In 2005, the Illinois General Assembly passed [Senate Bill 92](http://www.ilga.gov/billstatus/92/) to separate out the Juvenile Division from the Department of Corrections and create a new Department of Juvenile Justice. For more information, please see the Juvenile Justice Initiative’s [fact sheet](http://www.juvenilejusticeinitiative.org/) and [press release](http://www.juvenilejusticeinitiative.org/) and Governor Blagojevich’s [press release](http://www.gop.state.il.us/govnews/press_releases.aspx).

**Model for Change Site**
The John D. and Catherine T. MacArthur Foundation selected Illinois as one of its Models for Change sites, which support systems reforms. Illinois' focus areas are: community-based alternatives to secure confinement; disproportionate minority contact with the juvenile justice system; and juvenile court jurisdiction. For more information, please read this MacArthur Foundation [press release](http://www.macfound.org/).

**Changes to Transfer Provisions**
[Senate Bill 283](http://www.ilga.gov/billstatus/92/), enacted in 2005, gives judges more discretion in deciding whether to transfer 15- and 16-year-olds to adult court for drug charges instead of requiring an automatic transfer. Judges must consider a standardized set of factors, including the juvenile’ age, previous criminal history, and mental health history. The bill also expands the automatic transfer for youth charged with aggravated battery with a firearm. Please see the Juvenile Justice Initiative’s [press release](http://www.juvenilejusticeinitiative.org/) for more information.

**Redeploy Illinois**
In December 2003, the Illinois General Assembly approved Governor Blagojevich’s amendment to House Bill 2545, establishing a pilot of Redeploy Illinois ([Public Act 93-0641](http://www.ilga.gov/billstatus/93/)). By using fiscal incentives, Redeploy Illinois encourages counties to provide services to nonviolent juvenile offenders at the local level rather than in the state correctional system. Currently, the state pays for juveniles committed to the Department of Juvenile Justice. Under the pilot program, each county or group of counties must limit its state commitments to 75% of the average number of its juvenile commitments for the past three years. The state will reimburse counties for the equivalent cost of housing those juveniles in the Department of Juvenile Justice. Counties can use these funds to provide community-based services to juveniles. Counties will have to pay for the costs of sending additional youth to the Department of
Juvenile Justice after reaching the 75% threshold.

**Detention**
There are 16 juvenile detention centers in Illinois. Circuit Courts administer detention services that the Administrative Office of the Illinois Courts partially subsidizes; however, in Cook County, the Cook County Board funds and administers detention. State funding covers about 28% of the total cost of probation and detention services in the state for both adults and juveniles. County governments cover the remainder.

Probation officers make detention intake decisions that are reviewed by a judge within 40 hours, not including weekends or holidays. Most use a standard screening instrument from the Administrative Office of the Illinois Courts, but each county may modify the instrument to fit its needs. Download *Examining Pretrial Juvenile Detention* by the Illinois Criminal Justice Authority.

Only juveniles 10 years of age or older can be held in a juvenile detention center. Reasons for detention are: to protect the minor or another person or property; to prevent the minor from fleeing the court's jurisdiction; and if the minor was arrested under a warrant. Youth can be held preadjudication, predisposition, and awaiting placement. Detention is used for probation violations, contempt of court, and as a delinquency disposition.

Cook County (Chicago) was an Annie E. Casey Foundation Juvenile Detention Alternative Initiative site. By providing a range of community-based alternatives to detention, Cook County significantly reduced its juvenile detention population. Its continuum of detention alternatives includes home confinement, electronic monitoring, shelters, and an evening reporting center. Cook County also instituted a "detention step-down" policy for youth charged with violating probation. The court may detain a juvenile for seven days in secure detention and then order the juvenile to participate in a community-based alternative program. For more information, download *Rethinking Juvenile Detention in New York City*, which cites Cook County as an example for New York City to follow. The Illinois Juvenile Detention Alternatives Initiative was established to support the expansion of the Cook County pilot to across the state. It is currently in 11 sites.

The Christian County Juvenile Probation Intensive Extended Day Program serves as an alternative to detention for juveniles as young as 10 years old, juveniles who have not yet been adjudicated delinquent but have been under court supervision and are facing revocation or have a petition pending, and juveniles with a criminal history involving drugs or violence.

The Regional Office of Education administers the After-School Detention Alternative Program in Kankakee County. The program helps youth aged 13 to 17 with homework, tutoring, life skills, attitudes, and behavior. It operates from 3 p.m. to 9 p.m. during the week during the school year and from 9 to 3 during the summer. Youth must participate for 30 to 90 days.

In 2000, the Illinois Department of Human Services launched its Mental Health and Juvenile Justice Initiative (MHJJ). Under this pilot program, community agency clinicians were assigned to work with juveniles with mental illnesses upon their release from juvenile detention centers in seven counties. In 2001, the initiative was expanded to provide mental health services to all juvenile detention centers in Illinois. The clinicians assess the minors' needs for services, identify funding to pay for services, and work with the courts to monitor their progress.

**Delinquency Intake Screening**
Schools or law enforcement agencies may file delinquency complaints with the State's Attorney.

Every police department has at least one juvenile police officer. This officer may recommend a station adjustment or refer the complaint to the local state's attorney's office and/or the county probation department for delinquency intake screening. Delinquency intake screening varies from county to county. In some counties, either a probation officer or prosecutor (State's Attorney) may screen referrals, or both may work together to determine the appropriate manner of handling. Delinquency intake screenings may result in diversion, a recommendation for filing a delinquency petition, or
transferring the case to criminal court. The State’s Attorney files the petition.

**Diversion**

Juveniles with felony convictions or pending felony cases are not eligible for diversion. The Illinois Juvenile Justice Commission has allocated funding to establish pilot "station adjustment" services. These programs - implemented at six sites across the state - allow law enforcement officers to obtain services for youth whose cases are resolved at the arrest level rather than through a court referral.

After considering several factors, such as the juvenile's age and the seriousness of the offense, juvenile police officers may make formal or informal "station adjustments." The juvenile must admit involvement in a formal adjustment to occur.

For formal station adjustments, juvenile police officers are required to develop a station adjustment plan which the juvenile and her or his parent(s) or legal guardian must agree to and sign. The police officer may add conditions to formal station adjustments, such as a curfew, youth court, community mediation, or community service. Formal station adjustments must not exceed 120 days, unless the juvenile violates the terms. In that case, the adjustment period may be extended up to a total of 180 days.

Probation officers can also divert cases by making "non-judicial probation adjustments." These adjustments may involve informal supervision, referral to programs, community service, or community mediation. Informal supervision with a probation officer may last for up to 12 months.

Community mediation diverts minors who commit delinquent acts. Minors must admit responsibility for the offense to be eligible. The State's Attorney may establish community mediation panels, consisting of members who reflect the social-economic, racial and ethnic make-up of the community. Police officers can refer cases to mediation as a station adjustment, probation officers can refer cases as a probation adjustment, and the State's Attorney can refer cases as a diversion from prosecution. Dispositions may include referral for placement in a community-based, nonresidential program, counseling, community service, and restitution and must not last longer than six months.

The Office of the Attorney General established the Illinois Youth Court Association. As of the end of calendar year 2003, 91 youth courts were operating in Illinois. Youth courts hold first-time, nonviolent juvenile offenders accountable.

The law allows chief judges in each county to establish juvenile drug courts and stipulates eligibility requirements for the program, but does not include funding. To be eligible, juveniles must admit being addicted to drugs and not be charged with a violent crime. They will then be required to complete months of intensive counseling and strict probation. Charges are dropped upon program completion.

**Predisposition Investigation**

Probation departments, administered by Circuit Courts, conduct predisposition investigations. Prior to the disposition hearing, the probation officer collects social background information and presents it to the court. This information discusses the minor's physical and mental history and condition, family situation and background, economic status, education, occupation, personal habits, history of delinquency, and possible rehabilitative resources.

**Victim Rights and Services**

Victims of juvenile offenders have the same rights of victims of adult offenders in Illinois. These rights include being notified of the offender’s name and address, the offender’s hearings, escape, release, and HIV test results. Victims also have the right to be present, submit victim impact statements, receive restitution, and to have a separate waiting area.

The Illinois’ Court of Claims Department, a division of the Secretary of State's office, administers crime victim compensation. However, the Crime Victim Compensation Act states that the Office of the Attorney General must investigate all claims and make a preliminary recommendation to award or deny compensation. Ultimately, the Court of Claims makes the final decision.
Probation Supervision
Circuit Courts administer probation supervision through local probation departments. In larger jurisdictions, a probation officer generally maintains a delinquent caseload. In smaller jurisdictions, a probation officer may supervise both juveniles and adults. The Probation Division of the Administrative Office of the Illinois Courts subsidizes county probation throughout the state. State funding covers about 28% of the total cost of probation and detention services in the state for both adults and juveniles. County governments cover the remainder. The Probation Division also develops and monitors probation standards.

The standard for caseload size states that each probation officer should spend 120 hours per month supervising offenders. In addition, the standard requires that each juvenile receive three hours of supervision each month. This translates into probation officers carrying 40 cases. Currently, the Probation Division is drafting a more qualitative caseload standard; for example, more emphasis would be placed on developing case plans according to the offender's criminogenic needs. State statute requires probation officers to base treatment planning upon individual case management plans.

Juveniles adjudicated delinquent can remain on probation for up to 5 years or until age 21, whichever happens first.

On January 1, 1999, balanced and restorative justice became the guiding philosophy for juvenile justice in Illinois.

Cook County's Probation Department has an Intensive Probation Services Division to provide services for minors as an alternative to placement. Cook County also has a Juvenile Sexual Offender Unit comprised of specially trained probation officers who provide supervision and specialized treatment to juveniles placed on probation for sex offenses.

The Unified Delinquency Intervention Services (UDIS) program diverts juveniles who have been adjudicated delinquent at least once and are in violation of probation for another delinquent act, or youth who have had at least two delinquent adjudications in the juvenile court or have committed an extremely serious offense warranting their commitment to the Department of Juvenile Justice.

The Center for Legal Studies at the University of Illinois at Springfield conducted an impact evaluation of three intensive juvenile probation programs: The Peoria County Anti-Gang and Drug Abuse Unit, Winnebago County Juvenile Day Reporting Center, and Christian County Juvenile Probation Intensive Extended Day Program. The August 2002 issue of the Illinois Criminal Justice Authority's On Good Authority discusses the results.

Probation departments in 21 counties have adopted the Youth Assessment Screening Instrument (YASI) to determine levels of probation supervision. YASI is a questionnaire that assesses the youth's risk and protective factors, such as family problems, potential signs of mental illness, troubles at school and other situations that may lead to delinquency and other problem behaviors.

Juvenile Probation Officer Qualifications, Certification, and Training
The Administrative Office of the Illinois Courts Probation Division develops and monitors probation standards, including those related to hiring, promoting, training, and qualifications.

Individuals interested in becoming probation officers must first receive certification from the Administrative Office of the Illinois Courts Probation Division in order to be hired. The Probation Division certifies candidates for employment if they possess a bachelor’s degree in criminal justice, psychology, sociology, social work, or a related social science. These certified candidates are then placed on a hiring list.

Probation officers must attend basic training within their first year of service. The Probation Division holds basic training, a 40-hour, one-week session, a few times a year. Cook County administers its own preservice basic training. Across the state, probation officers are required to attend 20 hours of additional training per year. This training may be provided by entities other than the Probation Division.
Juvenile Corrections Continuum
In 2005, the Illinois General Assembly passed Senate Bill 92 to separate out the Juvenile Division from the Department of Corrections and create a new Department of Juvenile Justice (IDJJ). The IDJJ operates eight youth institutions, referred to as Illinois Youth Centers. IDJJ facilities range from minimum-security facilities to maximum-security facilities.

Commitment to State
The court can commit youth 13 to 21 year olds to the custody of the Department of Juvenile Justice (IDJJ). The court can also send a youth to IDJJ for a maximum 90-day court evaluation. After this period, the court determines whether to release the youth or return him or her to IDJJ for an indeterminate commitment lasting no later than the juvenile’s 21st birthday. Commitments must not be longer than for which an adult could be committed for the same act. The disposition is based on the youth's offense, previous delinquency history, and need, and may be extended depending on the youth's progress. Commitment is mandatory until age 21 for certain crimes.

Once committed, IDJJ makes placement decisions. Youth are sent to one of two reception centers, IYC-St. Charles for males and IYC-Warrenville for females, where caseworkers assess and evaluate court documents and the juvenile's education, medical, behavioral, and mental health histories. This assessment determines the youth’s risk level and placement.

Blended Sentencing
The Illinois Juvenile Justice Reform Act introduced "blended sentencing" or "extended jurisdiction juvenile" (EJJ) into the state. EJJ allows the court to impose both a juvenile and an adult sentence on a juvenile. The adult sentence is suspended and may be imposed only if the juvenile violates the terms of the juvenile disposition or commits a new offense. The December 2002 issue of the Illinois Criminal Justice Authority's On Good Authority discusses a process evaluation of the implementation of EJJ. Senate Bill 283, enacted in 2005, gives judges more discretion in deciding whether to transfer 15- and 16-year-olds to adult court for drug charges instead of requiring an automatic transfer. Please see the Highlight or summary for more information.

Direct Placement
The court may place a juvenile in a local private placement without committing the juvenile to the Department of Juvenile Justice. Youth are supervised by the same probation officer that supervised them in the community. Although the court ultimately makes the release decision, a group usually consisting of placement staff and the probation officer may recommend that the court release the youth.

Release
The Department of Juvenile Justice determines the release date. The Prisoner Review Board, an independent agency, makes parole decisions. The Governor and Senate appoint the 12-member board to a 6-year term. The Board reviews each juvenile’s commitment status automatically within established time frames.

Aftercare/Re-entry
Juvenile Field Services, under the Department of Juvenile Justice's Juvenile Division, coordinates aftercare programs and services through three district offices. The district offices are in Cook County, Northern (a 38-county district), and Southern (a 63-county district).

The development of a reintegration service plan for youth begins at initial assignment to a youth center. At that time, a parole agent is assigned to the youth. Placement types after release may include the juvenile's home, individual foster care, group homes, substance abuse programs, or residential care, such as residential sex offender programs. Each field service district also has a Substance Abuse Specialist available to counsel and refer youth to services.

Illinois is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Illinois' involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles...
follow the descriptions of programs for adults, where applicable.

**State Laws**

**Legal Resources**


**Illinois State Bar Association**

**Purpose Clause for Delinquency Proceedings**

(1) It is the intent of the General Assembly to promote a juvenile justice system capable of dealing with the problem of juvenile delinquency, a system that will protect the community, impose accountability for violations of law and equip juvenile offenders with competencies to live responsibly and productively. To effectuate this intent, the General Assembly declares the following to be important purposes of this Article:

(a) To protect citizens from juvenile crime.

(b) To hold each juvenile offender directly accountable for his or her acts.

(c) To provide an individualized assessment of each alleged and adjudicated delinquent juvenile, in order to rehabilitate and to prevent further delinquent behavior through the development of competency in the juvenile offender. As used in this Section, "competency" means the development of educational, vocational, social, emotional and basic life skills which enable a minor to mature into a productive member of society.

(d) To provide due process, as required by the Constitutions of the United States and the State of Illinois, through which each juvenile offender and all other interested parties are assured fair hearings at which legal rights are recognized and enforced.

(2) To accomplish these goals, juvenile justice policies developed pursuant to this Article shall be designed to:

(a) Promote the development and implementation of community-based programs designed to prevent unlawful and delinquent behavior and to effectively minimize the depth and duration of the minor's involvement in the juvenile justice system;

(b) Provide secure confinement for minors who present a danger to the community and make those minors understand that sanctions for serious crimes, particularly violent felonies, should be commensurate with the seriousness of the offense and merit strong punishment;

(c) Protect the community from crimes committed by minors;

(d) Provide programs and services that are community-based and that are in close proximity to the minor's home;

(e) Allow minors to reside within their homes whenever possible and appropriate and provide support necessary to make this possible;

(f) Base probation treatment planning upon individual case management plans;

(g) Include the minor's family in the case management plan;

(h) Provide supervision and service coordination where appropriate; implement and monitor the case management plan in order to discourage recidivism;

(i) Provide post-release services to minors who are returned to their families and
communities after detention;

(j) Hold minors accountable for their unlawful behavior and not allow minors to think that their delinquent acts have no consequence for themselves and others.

(3) In all procedures under this Article, minors shall have all the procedural rights of adults in criminal proceedings, unless specifically precluded by laws that enhance the protection of such minors. Minors shall not have the right to a jury trial unless specifically provided by this Article.


Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 16
Extended Age of Delinquency Jurisdiction: 20

Juvenile Transfer Laws
For information on Illinois’ juvenile transfer laws, click here.

Juvenile Justice Leadership

Illinois Juvenile Justice Commission
The Illinois Juvenile Justice Commission (IJJC) serves as Illinois' State Advisory Group. It is an independent body established by statute and appointed by the Governor. IJJC is charged with overseeing the state's federal juvenile justice funding, except for the Juvenile Accountability Block Grant program, and advising the Governor on policy issues. IJJC is affiliated with the Illinois Department of Human Services.

Illinois Criminal Justice Information Authority
ICJA is the Statistical Analysis Center and administers the federal juvenile accountability block grant program.

Illinois Judges Association
Active and retired Illinois State Court Judges may join this association.

Juvenile Justice Councils
The Juvenile Justice Reform Provisions of 1998 established juvenile justice councils on a countywide or circuit-wide basis throughout the state. The councils are comprised of representatives of the juvenile justice system, schools, providers, business, and community organizations. The councils develop a county juvenile justice delinquency prevention plan and make recommendations concerning the juvenile justice system. Juvenile justice counties are discretionary, and a set of counties can form a council. For example, at least two circuits have formed circuitwide juvenile justice councils.

Juvenile Justice Initiative
The Juvenile Justice Initiative is a statewide advocacy coalition. It currently has work groups on detention, fairness, and prevention and intervention.

Study Committee on Juvenile Justice
The Study Committee on Juvenile Justice studies aspects of the juvenile justice system and recommends education and training programs for judges.

Voice for Illinois Children
Voices for Illinois Children is a non-profit, non-partisan, statewide group of child advocates.

Resources/Contacts

Juvenile County Profiles Available Online
The Illinois Criminal Justice Information Authority profiles each county’s juvenile justice system, juvenile delinquency risk factors, and community-based programs. The profiles are very detailed, with each spanning over 100 pages.

Department of Juvenile Justice
Futures for Kids
Illinois Correctional Association
Illinois Criminal Justice Information Authority (Statistical Analysis Center)
Illinois Judges Association
Illinois Juvenile Justice Commission
Illinois Probation and Court Services (membership includes probation and detention staff)
Illinois State Bar Association
Juvenile Justice Initiative
Office of the Attorney General
Supreme Court of Illinois
Voice for Illinois Children

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The National Center for Juvenile Justice strives to make each State Profile as accurate as possible. Please bring any errors, updates, or additions to the attention of the State Profiles project manager. Persons listed as state contacts are not responsible for information contained in these profiles.

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Delinquency Services Summary

Decentralized State: Delinquency services are organized at both the state and local level in Indiana. Local juvenile courts administer most detention centers. Probation departments, administered by local juvenile courts, are responsible for predisposition investigation and probation supervision. The Department of Correction administers the state's juvenile corrections continuum and parole services.

### Service Classification

<table>
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<tr>
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### Court(s) with Delinquency Jurisdiction

Circuit courts have jurisdiction over juvenile delinquency matters in Indiana, except where the legislature has created additional trial courts and made adjustments to the circuit court's unlimited trial jurisdiction in a county. Circuit courts are created in the state constitution and established, for the most part, on county boundaries by enabling legislation. Superior courts are general jurisdiction trial courts created by the state legislature as local trial needs grow. Exclusive jurisdiction for juvenile matters is typically placed in the Superior Courts in urban areas. For example, Superior Court, Juvenile Divisions, exist in Marion County (Indianapolis) and Lake County (Gary). The Superior Court, Family Relations Division, has jurisdiction over juvenile matters in Allen County (Fort Wayne). An additional exception created by the legislature exists in St. Joseph County, where the St. Joseph Probate Court (the only distinct probate court remaining in Indiana) has exclusive juvenile jurisdiction. For more information, visit the Indiana Judicial System web site.

### Highlights

- **An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings in Indiana, April, 2006.**

- **Settlement Reached with U.S. Department of Justice Over Violations in Juvenile Correctional Facilities**
  In February 2006, Indiana reached a settlement agreement with the federal government over civil rights violations at two juvenile correctional facilities (located in Logansport and South Bend) operated by the Indiana Department of Correction (DOC). The violations included instances of youth violence and inadequate staff supervision and inadequate special education services and mental health care. Under the settlement agreement, the state is required to implement reforms to address and correct these violations. For more information, read the U.S. Department of Justice's press release.

- **Hotlines Implemented at Indiana’s Juvenile Correctional Facilities**
  In March 2006, the Indiana Department of Correction (DOC) implemented "hotlines" at its seven juvenile correctional facilities, so that juvenile offenders can confidentially report physical, verbal, or sexual abuse by staff or other offenders or other incidents that threaten the security of the facilities and the juvenile population. The hotlines can be accessed 24 hours a day, 7 days a week. For more information, read the DOC's press release.

- **Graduated Sanctions Demonstration Site**
  The Marion County (Indianapolis) Juvenile Court is participating in a national graduated sanctions project that the Office of Juvenile Justice and Delinquency Prevention awarded to the Juvenile Sanctions Division of the National Council of Juvenile and Family Court Judges. The site developed the
first Memorandum of Understanding with its state training school to extend the influence of the juvenile court into institutional treatment and release readiness assessment. The court also developed a partnership with the local domestic violence prevention and treatment community to develop strategies for dealing with intra-familial violence. The court is also recognized for establishing an outreach program to the media. For more information, contact Robert Bingham, Chief Probation Officer, Marion County Superior Court, at (317) 327-3059 or RLBINGHA@indygov.org.

Initial Hearing Court Demonstration Project: The Marion County (Indianapolis) Juvenile Court

Mental Health Screening, Assessment and Treatment Pilot Project
The Indiana State Bar Association (ISBA) Civil Rights of Children Committee initiated a statewide Juvenile Mental Health Screening, Assessment and Treatment Pilot Project. The goal of this pilot project is to identify, better treat and track youth with mental health problems in the juvenile justice system. The pilot project has been funded with federal Title II grant money through the Indiana Criminal Justice Institute. Phase I of the project was funded in October of 2006 with the goal of developing a screening and assessment model. Phase II of the project was funded in March of 2007 and has focused on training on screening; the development of protocols for screening and information sharing; development of options for long term funding of the project; and data selected as pilot sites: Marion, Bartholomew, Porter, Johnson, Clark and Lake. Routine mental health screening for every youth admitted to detention was implemented in the six pilot sites beginning January 1, 2008.

In 2007, the Indiana legislature passed a law preventing statements made by youth during mental health screening, assessment and treatment from being used as evidence of guilt in delinquency fact finding or an adult court criminal trial. I.C. 31-32-2-2.5 and 31-37-8-4.5 are seen as important to facilitate mental health intervention when needed for youth in the juvenile justice system as well as important to the public safety and welfare of the community in that it is intended to facilitate the free flow of information between youth and detention center staff doing mental health screening.

Detention
There are 22 secure juvenile detention facilities in Indiana. Most detention facilities are judicially administered at the county-level. The state juvenile corrections agency, the local sheriff's or police department, and a private contractor administer others. By law, the counties, using general fund monies, pay all expenses for the detention of juveniles.

Juveniles may be detained pre- and post-adjudication, while awaiting placement, as a disposition, and as a sanction for probation violation.

By statute, a juvenile may be placed in detention if: he or she is unlikely to appear for subsequent hearings; the offense is murder or a Class A or B felony; detention is necessary for the juvenile's or community's protection; parents/guardians cannot be located or are unable or unwilling to take custody of the juvenile; or the juvenile requests his or her detention and has a reasonable basis to make this request. A detention hearing must be conducted within 48 hours after a juvenile is detained, and, if detention is continued, a petition must be filed within 7 days.

No state mandate exists for the use of risk/needs assessments at detention screening. Use of assessments varies. Some detention facilities may perform mental health or medical assessments.

The Indiana Detention Center Educators Initiative began in 2005 to remedy the problem of the lack of standardized educational processes and best practice standards for educational programs in Indiana juvenile detention centers. Indiana juvenile detention center educators meet monthly to discuss policies and standards in the areas of administration, personnel, students, and programming. The goal is to compile a best practices document that educators can then advocate for their respective facilities’ compliance with the standards.

To reduce the number of youth being held in adult jails and lock-ups, Indiana has successfully established a system of detention alternatives for juveniles who require detention, but for whom there are no detention facilities in the county. Detention alternatives take several forms, including holdover
facilities (e.g., other law enforcement facilities, hospitals, group homes, foster care homes, crisis centers, fire stations, and churches), home detention (ranging from periodic monitoring by a volunteer, electronic monitoring, and a combination of electronic monitoring and volunteer supervision), and transporting the youth to a detention center with an available bed in another county.

In 2005, Marion County, Indiana was chosen as a new site for the Annie E. Casey’s Juvenile Detention Alternatives Initiative.

Delinquency Intake Screening
In Indiana, any person may give information on a delinquent youth to an intake officer from a county probation department or a prosecuting attorney from the county attorney’s office. If given to an intake officer, the officer must immediately forward the referral to the prosecuting attorney. If the prosecutor believes that the youth may have committed the alleged delinquent act, he or she instructs the intake officer to conduct a preliminary inquiry into the matter. The intake officer, after completing the preliminary inquiry, will make a recommendation on how to handle the case. The prosecuting attorney decides whether to divert the case or file a petition. The prosecutor also determines the charges. The juvenile court must approve the filing of a petition.

Diversion
The criteria for diverting youth differ by county, but usually include first-time or misdemeanor offenders. The Judicial Benchbook for Delinquency Proceedings outlines the formal procedure for diverting youth. By statute, the diversion program may not exceed six months, unless extended by the juvenile court. Prosecutors' offices, community-based agencies (including Youth Service Bureaus), or juvenile courts may run diversion programs. Options for diversion include teen courts, community services programs, and restitution. Indiana Code section 31-37-9 (Program of Informal Adjustment) deals with diversion.

The Reach for Youth Teen Court Program, serving Marion and Johnson counties, is one of the oldest and largest youth courts in the United States. A Teen Court Advisory Board, made up of community members, oversees the operation of the program.

The Indiana Youth Services Association (IYSA) is an advocacy organization made up of Indiana's Youth Service Bureaus (YSBs). YSBs are county/community organizations that serve at-risk youth and their families throughout Indiana. YSBs have four main roles - juvenile delinquency prevention, information and referral services, community education, and youth advocacy. YSBs provide programs that are tailored to their unique community needs and problems. Activities include teen courts, shelter/crisis services, family mediation, community service programs, and after-school programs, among others. Some also provide monitoring services to youth on house arrest.

Predisposition Investigation
Juvenile probation officers, working in court-administered probation departments, perform predisposition investigations. Indiana Probation Standards mandate the use of the Standard Indiana Presentence Investigation Report or Standard Indiana Preliminary Inquiry and Predispositional Report when making investigations and writing reports for all juvenile cases. The Indiana Juvenile Risk Assessment, Indiana Juvenile Risk Re-Assessment, and Indiana Juvenile Needs Assessment instruments are also used when preparing the predisposition report. Juveniles previously involved in the system or currently on probation for another offense are re-assessed to determine changes in risk factors and needed services.

Victim Rights and Services
The statutory rights of victims in Indiana reside in the Indiana Code, Title 35, Article 40. A Victim’s Bill of Rights can be found here. Victims’ rights in Indiana include the right to be informed of the constitutional and statutory rights of victims; to be notified of the time and place of all court proceedings; to be informed (upon request) of an offender’s release or escape; and the right to make a written or oral victim impact statement to be included in the predisposition report.
County prosecuting attorneys’ offices are required by law to provide, or contract to provide, victim assistance programs. The specific requirements of these victim assistance programs include informing victims when they may be present at hearings; notifying victims of all hearings and proceedings, including canceled or re-scheduled ones; and ensuring that victims are informed of the availability of and application process for community services for victims (such as victim compensation funds, victim assistance resources, and mental health, social, health, and rehabilitative services). The person who usually provides these services is called the Victim Advocate.

The Indiana Criminal Justice Institute’s Victim Services Division provides various programs for victims and victim services providers, including victims assistance grants (Victims of Violent Crime Act funds) and the Indiana Violent Crime Victim Compensation Fund. The Indiana Victim Assistance Network provides statewide assistance and support services to victims and victim service organizations, including public awareness, legislation, technical assistance, and professional training activities.

The Indiana Department of Correction (DOC) operates a Victim/Witness Notification Program in which victims of juvenile offenders committed to DOC are notified of any change in status, including the offender’s discharge; release to probation or community supervision; temporary release; escape; death; and community supervision revocation hearings. Although DOC is only required by law to provide this service to victims of juvenile sex offenders, the agency provides notification to all victims of juvenile offenders in DOC facilities. Victims must enroll in order to take advantage of this program.

**Probation Supervision**

Probation supervision is organized at the circuit level under the administrative authority of the local judiciary and funded by the county. Probation officer caseloads are usually comprised of only juvenile offenders, but this may differ by county.

There is no statewide, mandated philosophical approach that guides juvenile probation practice in Indiana. However, the Judicial Conference has put forth the following Indiana Probation Mission Statement: The mission of probation is to provide necessary services to the offender toward reducing criminal/delinquent behavior while balancing the needs and ensuring the safety of the community. Probation is a profession that requires fundamental knowledge of the law, sentencing alternatives, human services, and community protection. The Judicial Conference of Indiana sets the Indiana Probation Standards and minimum qualifications, administers the interstate compact with regard to probationers, provides training seminars, and otherwise assists local courts in improving their probation services. Probation Case Classification and Workload Measures provides a workload formula to measure optimal allocation of resources and caseload size. Compliance with the standards is not currently connected to funding.

The standards also require individualized supervision plans for juveniles that are based on their needs and include specific objectives. The Indiana Juvenile Risk Assessment Instrument, Indiana Juvenile Risk Re-Assessment Instrument, and Indiana Juvenile Needs Assessment Instrument determine levels of probation supervision. These mandated instruments help determine whether a juvenile requires high, medium, or low supervision.

Non-traditional practices and work sites are common in Indiana, but differ by county. The provision of county-funded, specialized probation services, such as intensive probation or aftercare, also varies from one probation department to another.

While some probation departments conduct recidivism studies, Indiana does not conduct statewide evaluations of the interim or long-term effectiveness of the supervision of juvenile offenders.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Juvenile probation officers must be at least 21 years old and have a bachelor's degree. Juvenile probation officers must be professionally certified by the Judicial Conference of Indiana within one year of hire. The certification process consists of two parts: 1) a standard examination for probation services (adult and juvenile) taken (and passed) within six months of hire; and 2) a one-week orientation course provided by the Indiana Judicial Center (the staff agency of the Judicial Conference.
of Indiana) within the first year of hire. More information on the certification process in Indiana can be found [here](#).

Juvenile probation officers are required to attend 12 hours of continuing education every year. The Chief Probation Officer and the supervising judge approve course content eligible to comply with the ongoing training requirement. The Judicial Center provides some training, and outside agencies may provide training with the supervising judge's approval. The Judicial Center funds some training expenses (orientation, conferences, continuing education), while individual probation departments are responsible for other expenses, such as mileage and rooms.

**Juvenile Corrections Continuum**

The Indiana Department of Correction (DOC) is responsible for adult and juvenile institutions. Juveniles between the ages of 12 and 17 may be committed to DOC. DOC operates six juvenile facilities. These facilities range from minimum (staff secure) to maximum (fencing with razor wire) security.

**Commitment to State**

Commitments to the Department of Correction (DOC) may be determinate or indeterminate. Usually, the juvenile court gives custody of the juvenile to DOC. The student’s movement through the juvenile case management system determines the length of commitment (see [Release](#)). However, the judge may order wardship of the youth to DOC for a fixed period until the youth turns 18 based upon statutory criteria. DOC may not reduce the period ordered by the judge.

After a juvenile is committed to DOC, he or she goes through a two to three week process of testing and classifying at DOC’s intake facilities. DOC’s Juvenile Services Division makes the placement decision using a Juvenile Classification System that indicates the best placement for the youth based on needs and security level. The Indiana Department of Correction - Juvenile Division Needs Assessment, Initial Risk Assessment, and Risk Re-Assessment for Community Supervision are structured assessment tools that are used when making placement decisions.

Placement options include public juvenile correctional facilities. Juvenile youth service officers supervise juveniles (called students) in placement.

**Blended Sentencing**

Indiana does not have blended sentencing provisions.

**Direct Placement**

The juvenile court can order juveniles into private placements without committing them to the Department of Correction. Residential child care agencies include crisis shelters for children, group homes caring for up to 10 children, child-caring institutions, transitional living programs, and staff secure or secure residential treatment facilities. Probation officers continue to supervise juveniles in placement.

**Release**

Youth leaving the Department of Correction's (DOC) juvenile facilities are either released outright or paroled. Institutional staff usually makes the release decision unless it is pre-determined by the court.

Some committed juveniles have determinate sentences with a definite out date, while others’ readiness for release will be determined by their movement through the case management system. DOC's case management system includes growth and transitional phases along with an aftercare phase after leaving the facility. Movement through the phases depends on a juvenile's own work and on a treatment team's recommendations on a juvenile's readiness for a change of phase.

The Indiana Department of Correction - Juvenile Division Needs Assessment, Initial Risk Assessment, and Risk Re-Assessment for Community Supervision are structured assessment tools that are used when making release decisions prior to the aftercare phase.

**Aftercare/Re-entry**
The Department of Correction (DOC), Division of Reentry and Community Programs, Parole Services Division supervises youth on aftercare (parole). Youth service transition specialists or adult parole agents supervise juveniles on parole.

The Juvenile Transition Program provides juvenile offenders in several counties with transition services. In this program, youth service transition specialists work with youth from the point of commitment to DOC through parole, using a comprehensive case management system as well as information from the youth's family to plan treatment, rehabilitation, and transition needs. Youth service transition specialists also conduct "Parole Schools" for youth in preparation for their release from DOC commitment.

In January 2006, the Department of Correction awarded community correction grants to four counties for the operation of juvenile community transition programs. These programs are modeled after successful programs in Allen and Lake counties. In this program, service providers will work with both the youth and family to prepare for the return of the youth to the community. Local county courts and community providers will provide aftercare services.

A.I.M. (Aftercare by IUPUI through Mentoring) is a mentoring program for committed youth in which college students from Indiana University, Purdue University, Indianapolis, and other volunteers act as mentors for youth from their incarceration to their release to their home community. Mentors provide a life-skills training program that focuses on the youth's needs.

Marion and Allen counties have re-entry programs funded by the Office of Justice Program's Serious and Violent Offender Re-entry Initiative. For information about Indiana's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

State Laws

Legal Resources

Indiana's Juvenile Code (31-10-1 to 31-40-4 of Title 31, Family Law and Juvenile Law)

Indiana Court Rules

Indiana State Bar Association

Judicial Benchbook for Delinquency Proceedings

Purpose Clause for Delinquency Proceedings

Sec. 1. It is the policy of this state and the purpose of this title to:

(1) recognize the importance of family and children in our society;

(2) recognize the responsibility of the state to enhance the viability of children and family in our society;

(3) acknowledge the responsibility each person owes to the other;

(4) strengthen family life by assisting parents to fulfill their parental obligations;

(5) ensure that children within the juvenile justice system are treated as persons in need of care, protection, treatment, and rehabilitation;

(6) remove children from families only when it is in the child's best interest or in the best interest of public safety;
(7) provide for adoption as a viable permanency plan for children who are adjudicated children in need of services;

(8) provide a juvenile justice system that protects the public by enforcing the legal obligations that children have to society and society has to children;

(9) use diversionary programs when appropriate;

(10) provide a judicial procedure that:

  (A) ensures fair hearings;

  (B) recognizes and enforces the legal rights of children and their parents; and

  (C) recognizes and enforces the accountability of children and parents;

(11) promote public safety and individual accountability by the imposition of appropriate sanctions; and

(12) provide a continuum of services developed in a cooperative effort by local governments and the state.


**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
For information on Indiana's juvenile transfer laws, click here.

**Juvenile Justice Leadership**

**Juvenile Justice Improvement Committee**
The Juvenile Justice Improvement Committee, in coordination with the Indiana Judicial Center, addresses issues in the area of juvenile justice. It serves as liaison with state and private agencies that work with juveniles, discusses policy matters that affect juveniles, and reviews recent legislation concerning juveniles and juvenile courts.

**Committee on Civil Rights of Children**
The Indiana State Bar Association’s Committee on the Civil Rights of Children’s mission is to promote public awareness of the unmet legal needs of children, with an emphasis on improving the level of services delivered to children at risk, whether in the area of juvenile justice, healthcare, housing, family support, education, or quality of life in general.

**Indiana Council of Juvenile and Family Court Judges**

**Indiana Juvenile Justice State Advisory Group/Indiana Criminal Justice Institute**
The Indiana Juvenile Justice State Advisory Group (JJSAG) makes recommendations to the Indiana Criminal Justice Institute regarding funding priorities. The Indiana Criminal Justice Institute is responsible for administering JDP Act funds for the state of Indiana as well as monitoring compliance with the Act's core requirements.

**Indiana Juvenile Justice Task Force**
The Indiana Juvenile Justice Task Force, Inc. was established in 1973. Its mission is to impact systems
and policies to ensure the well-being of youth and families involved in the juvenile justice system across Indiana. It is an independent non-profit organization that has the following four core roles: to serve as an advocate in public policy; to serve as a hub for information, resources and referrals; to provide education, training, and technical assistance; and to serve as a catalyst for the development of promising programs.

**Indiana Youth Services Association**
The Indiana Youth Services Association (IYSA) is an advocacy organization made up of Indiana's Youth Service Bureaus (YSBs). IYSA provides professional assistance and training, community education, and advocacy for the YSBs. The main goal of the IYSA is the prevention of juvenile delinquency.

**Judicial Conference of Indiana**
The Judicial Conference of Indiana consists of all judges in the state. Its duties include promoting an exchange of experience and suggestions regarding the operation of Indiana's judicial system; promoting the continuing education of judges; promoting a better understanding of the judiciary; and acting as compact administrator for probationers participating in the interstate compact on juveniles. The Judicial Conference is also charged with developing standards for probation practice in Indiana. The Indiana Judicial Center is the staff agency for the Judicial Conference.

**Judges' Probation Committee**
The Judges' Probation Committee is comprised of 12 judges who make policy recommendations for probation in Indiana in regards to legislation, standards, and salaries for probation officers.

**Juvenile Law Commission**
An Executive Order created the Juvenile Law Commission in 2002. Its purpose is to study the current juvenile code and to make recommendations to the legislature, judiciary, and the Governor regarding revisions in the laws pertaining to juvenile delinquents and children in need of services as well as the laws governing their parents, guardians, and custodians. The Commission consists of 20 Governor-appointed members representing lawmakers, judiciary, juvenile justice professionals (public and private), law enforcement, the state bar, parents, and citizens from around the State.

**Probation Officers Advisory Board**
The Probation Officers Advisory Board is made up of 17 elected probation officers and up to six appointed probation officers. The board has Education, Standards, Roles, and Improvement committees that review relevant issues and make recommendations to the Judges' Probation Committee.

**Probation Officers Professional Association of Indiana**

**Youth Law T.E.A.M. of Indiana**
The Youth Law T.E.A.M. of Indiana was formed in 2004 to influence systemic change in the juvenile justice, education, and child welfare systems within Indiana. The services of the Youth Law T.E.A.M. include Technical assistance, Education and training, Advocacy of best practice and policy recommendations, and Monitoring of the juvenile justice, education, and child welfare systems for compliance with state and federal laws and with best practice standards. The Youth Law T.E.A.M. of Indiana produces and distributes publications, such as *P.L.A.Y. in Bounds*, which explains the Indiana laws affecting youth in a question/answer format easy for youth to understand.

**Resources/Contacts**
- Indiana Criminal Justice Institute (Statistical Analysis Center)
- Indiana Department of Correction
- Indiana Judicial System
- Indiana Juvenile Justice Task Force
- Indiana State Bar Association
- Indiana Youth Institute
- Indiana Youth Services Association
- Judicial Conference of Indiana
- Juvenile Law Commission
Probation Officers Professional Association of Indiana

Publications
CJI Planning Survey 1999
Judicial Benchbook for Delinquency Proceedings

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NCJJ State Profiles: Iowa

Updated: April 18, 2006
Last Comprehensive Update: April 18, 2006

Delinquency Services Summary

Combination State: With the exception of secure detention, the state administers most delinquency services for youth in Iowa. However, responsibility is divided between the state judicial and state executive branches. County executive agencies or multi-county regional commissions administer secure detention. The Iowa Judicial Branch's Juvenile Court Services administers detention screening, delinquency intake screening, diversion, predisposition investigation, probation supervision, and aftercare services through eight judicial districts. Practices in the districts vary and have a strong local flavor. The Department of Human Services administers the juvenile corrections continuum.

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Court(s) with Delinquency Jurisdiction

Juvenile Courts, located within District Courts, exercise jurisdiction over delinquency proceedings and are limited jurisdiction trial courts. District Court judges can also hear juvenile cases if the chief judge assigns the case. Iowa is divided into eight judicial districts. For more information, read the Iowa Judicial Branch's overview of its juvenile court system.

Highlights

Accountable Government Act
In response to a series of revenue shortfalls, Governor Thomas Vilsack enacted the Accountable Government Act, which reduced the state’s budget by $128 million and redesigned government services. The 2001 bill transformed the child welfare and juvenile justice systems into performance-based systems with outcomes that include accountability, rehabilitation, and public safety. The bill cuts $10 million from the Department of Human Services and requires it to reduce paperwork. For more information, visit the Iowa Reinvention Partnership web site.

Detention

Iowa has 10 secure detention facilities, which county executives or multi-county regional commissions administer. Local funds pay for juvenile detention centers, and most of the costs of housing juveniles in detention are primarily locally supported; however, the state reimburses counties for a small portion of juvenile detention center costs.

Youth that commit any delinquent act may be held in a juvenile detention facility. Iowa Code Section 232.22 outlines the criteria for detention, including whether the juvenile is wanted on a warrant in another jurisdiction; is an escapee; may runaway; or poses a risk to others and property.

Youth may be held in detention while awaiting adjudication or disposition and pending placement in a residential facility or pending a hearing for probation violations. Iowa Code Section 232.52 allows the court to sentence a juvenile to detention for up to two days at a time. Iowa uses secure detention as a sanction for probation violations.

Detention hearings must be held within 24 hours, excluding weekends and legal holidays, and a review hearing every 7 days thereafter. Adjudicatory hearings must be held within 15 days, and dispositional hearings must be held within 30 days.
Alternatives to detention include house arrest, electronic monitoring, shelter care, trackers and monitors, day treatment, and a weekend program for probation violators. The Division of Criminal and Juvenile Justice Planning published *Examining the Trends and Use of Iowa's Juvenile Detention Centers*, with funding from the Justice Research and Statistics Association. The study found that no comprehensive system of alternatives to secure detention exists in the state.

**Delinquency Intake Screening**

Anyone may file a delinquency complaint with the court, although law enforcement typically makes referrals. Juvenile court officers screen complaints and decide whether to handle cases informally or to refer cases that require more serious court intervention to the county attorney. Depending on the judicial district, a juvenile court officer may be assigned to a case from intake to aftercare, or the district may have a separate Intake Unit. Juvenile Court School Liaisons may also conduct intakes.

**Diversion**

Juvenile court officers may divert the juvenile by entering into an informal adjustment agreement. Informal adjustments are contracts that require that the juvenile admit to the charges and typically require non-judicial probation in which the juvenile abides by certain conditions of behavior. The juvenile and his or her parents must consent to the terms in the agreement. Informal adjustment is often used for younger or less serious offenders. Conditions may include informal juvenile court supervision, restitution, community service, and participation in programs, such as anger management, life skills training, and shoplifting diversion. Typically, if a juvenile obeys the conditions of the informal adjustment, a petition is not filed, and the juvenile is released from the juvenile court's oversight. Agreements must not exceed six months.

Polk, Marshall, and Woodbury Counties have teen drug courts, and Linn and Polk Counties have peer review courts.

**Predisposition Investigation**

After adjudication, a Juvenile Court Officer conducts a predisposition investigation and prepares a predisposition report. The investigation and report encompass the juvenile's social history, environment, family condition, school performance, child abuse and neglect histories, learning disabilities, physical impairments, past acts of violence, and other relevant issues.

The Iowa Judicial Branch assesses juveniles using the Washington State Juvenile Court Assessment (WSJCA) and develops disposition recommendations based on the results.

**Victim Rights and Services**

*Iowa Code Section 915* provides victims of juvenile offenders with certain rights, including the right to be notified of the juvenile's and his or her parents' names and addresses and about disposition or informal adjustments. Victims of juvenile offenders may file victim impact statements for consideration at intake and disposition. Victims of violent crimes have the right to be notified of a juvenile's release or escape.

The Iowa Judicial Branch administers the juvenile victim restitution program. However, the judiciary has not funded this program since 2001. Some districts are using alternative funding, including federal block grants, to continue this program.

**Probation Supervision**

Each of the judicial districts has a chief juvenile court officer (JCO) who supervises juvenile court officers, who are Supreme Court employees. The judges in each district select their chief JCO. These eight chief JCOs meet periodically to coordinate their practices, but there is not a state administrator. Therefore, juvenile court services practices vary and have a strong local flavor.

Juvenile court officers, Iowa Judicial Branch employees, carry caseloads comprised of only juveniles. Depending on the judicial district, a juvenile court officer may be assigned to a case from intake to aftercare while some judicial districts may have a separate Supervision Unit. The Chief Juvenile Court Officers and State Court Administration allocate JCOs according to the number of children living within
the judicial districts. The Juvenile Court Services Advisory Committee recommends a JCO staffing formula of 2,800 children per JCO.

The court determines the level of probation supervision and does not currently use a classification tool. However, the Iowa Judicial Branch plans to adopt the Washington State Juvenile Court Assessment (WSJCA) by Fall 2004. The assessment is a two-stage process. The first stage is a pre-screen assessment completed for all youth placed on probation. The second stage, a full assessment, is required for youth assessed as moderate or high risk on the pre-screen.

The Department of Human Services and local school districts fund Juvenile Court School Liaisons. In 2000, there were approximately 130 Juvenile Court School Liaisons in middle, junior high, and high schools across the state. The liaisons work with a Juvenile Court Officer to supervise students who are on probation, work with youth who have been identified as at risk, reduce truancy, and respond to disruptive behavior in classrooms. For more information, read An Examination of Iowa's School Liaison Program.

Other community-based delinquency services include day treatment programs, life skills services, and tracking and monitoring services. "Trackers" work under the supervision of local juvenile court officers and typically have small caseloads (five or six youth). They contact a given juvenile several times in a single day, making it possible for youth to remain in the community. Iowa's Chief Juvenile Court Officers, in conjunction with the Division of Criminal and Juvenile Justice Planning (CJJP), have started collecting data about the performance of court-involved youth in programs such as life skills, community-based day treatment, and tracking and monitoring. Information is collected on all of the juveniles at admission, program completion, and six months later to identify re-offending and out of home placements.

Group care provides highly structured 24-hour treatment services and supervision for children who cannot be served at a less restrictive level of care due to the intensity or severity of their emotional/behavioral problems. Youth placed in group care have typically been adjudicated either as delinquent or as CINA. Group care services include counseling and therapy, social skills development, restorative living skills development, family skills development, and supervision. Associated activities include social work, case management, court involvement, licensing, payment and recovery. Group care services are purchased from private agencies. There are four levels of group care: community, comprehensive, enhanced, and highly structured.

Juvenile court officers develop case plans. Although each judicial district currently develops case plans in its own way, the Iowa Judicial Branch is moving toward adopting a statewide standard protocol for writing case plans.

Juvenile Probation Officer Qualifications, Certification, and Training
Juvenile court officers must have Bachelor's degrees in law, criminal justice, social work, or a related major. Statute does not require candidates to possess work experience in specified areas.

Juvenile court officers are not professionally certified in Iowa. They have to attend a one or two week intensive pre-service training conducted by the Supreme Court. After that, juvenile court officers may voluntarily attend the two juvenile court conferences held each year - one for judges and one for judicial services. The Supreme Court mandates some training as needed.

Juvenile Corrections Continuum
The Department of Human Services administers two state juvenile corrections institutions: the Boys State Training School in Eldora for delinquent boys and the Iowa Juvenile Home in Toledo for delinquent girls.

Commitment to State
Upon commitment, custody and guardianship of the adjudicated juvenile is given to the Department of Human Services. The court orders determinate commitments and specifies the type of placement. The court does not use a risk/needs instrument to make these decisions. The juvenile's level of treatment
cannot be changed without court approval. Statute requires dispositional review hearings every 12 months, but judges generally review cases every 6 months. Juvenile court officers supervise juveniles while in they are in state juvenile corrections institutions.

Blended Sentencing
Iowa has a criminal blended sentencing provision. For more information, click here.

Direct Placement
The court can directly place a juvenile offender in a private or local facility without committing the youth to the Department of Human Services (DHS) if they have funding, according to statute 232.52 of the Iowa Code. Although juvenile court officers supervise juveniles in direct placement and provide aftercare services, DHS covers the costs of services such as counseling. Juvenile court officers may recommend release, but the court makes the final release decision.

Release
The court reviews Department of Human Services' recommendations for release and makes the final release decision. The court does not use a risk/needs instrument to make the release decision.

Aftercare/Re-entry
Juvenile court officers (JCOs) develop recommendations to the court for aftercare that may involve supervision by a JCO and treatment services from private agencies. Some judicial districts use tracking services, intensive supervision, and day programming. The court reviews and approves all plans for aftercare for youth returning from residential placements. Depending on the judicial district, a juvenile court officer may be assigned to a case from intake to aftercare, or the district may have a separate Aftercare Unit.

State Laws

Legal Resources
Iowa Administrative Code
Iowa Code, Title VI (Human Services), Subtitle 5 (Juveniles), Chapter 232 (Juvenile Justice)
Iowa Court Rules, Rules of Juvenile Procedure (Chapter 8)
2003 Iowa Juvenile Bench Book
Iowa State Bar Association

Purpose Clause for Delinquency Proceedings
This chapter shall be liberally construed to the end that each child under the jurisdiction of the court shall receive, preferably in the child's own home, the care, guidance and control that will best serve the child's welfare and the best interest of the state. When a child is removed from the control of the child's parents, the court shall secure for the child care as nearly as possible equivalent to that which should have been given by the parents.


Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 18

Juvenile Transfer Laws
For information on Iowa's juvenile transfer laws, click here.

Juvenile Justice Leadership
Department of Human Right's Division of Criminal and Juvenile Justice Planning
The Division of Criminal and Juvenile Justice Planning serves as the state advisory group charged with administering funds received through the federal Juvenile Justice Delinquency Prevention Act and monitoring compliance with the Act's mandates. The Division also serves as the state's statistical analysis center.

Attorney General's Task Force on Juvenile Crime
Established in 1995 in response to serious juvenile crime, this Task Force brings together judges, juvenile court officers, police, educators, and private providers to serve as an advisory group and focus on what works.

Iowa’s Collaboration for Youth Development
Iowa’s Collaboration for Youth Development is comprised of state agency staff, community members, and local youth serving program staff. It holds forums on youth issues, trains state and local officials on youth development, and facilitates coordination of some of the planning and policy requirements of various state agencies, including conducting community needs assessments.

Iowa Gender-Specific Services Task Force
The Division of Criminal and Juvenile Justice Planning established the Iowa Gender-Specific Services Task Force in 1995. Major activities of the Task Force include an annual conference, a study of female offenders in the state's juvenile justice system, publication and distribution of Providing Gender-Specific Services for Adolescent Female Offenders: Guidelines & Resources, a desk protocol that outlines the gender-specific philosophy, and workshops for juvenile justice system professionals on the gender-specific approach.

Juvenile Court Services Advisory Committee
In 2002, the Iowa Supreme Court established the Juvenile Court Services Advisory Committee by court order. The Court charged the committee with reviewing the delivery of juvenile court services in the eight judicial districts and recommending ways to achieve uniformity across the state. In addition, the committee was directed to develop a staffing caseload formula for juvenile court services support staff and supervisors. Recommendations include using risk assessment instruments to standardize decision-making and emphasizing the principles of balanced and restorative justice in dispositions.

Juvenile Court Officers Association
Juvenile Detention Association
Juvenile Judges Association

Resources/Contacts
Juvenile Court Delinquency Proceedings Flowchart, developed by Criminal and Juvenile Justice Planning

Excerising the Trends and Use of Iowa's Juvenile Detention Centers

Serving Iowa Youth and Families With a Youth Development Approach: JJDP Act Formula Grant Application and Three-Year Comprehensive Plan

Department of Human Services
Division of Criminal and Juvenile Justice Planning
Iowa Collaboration for Youth Development
Iowa County Attorneys Association
Iowa Gender-Specific Services Task Force
Iowa Judicial Branch Web Site
Iowa State Bar Association

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Delinquency Services Summary

**Decentralized State:** Delinquency services are mostly organized at the local level, with the state providing support for a statewide network of community-based resources and graduated sanctions. Counties typically administer secure detention. The court services divisions of District Courts administer juvenile probation services, including predisposition investigation and probation. The state Juvenile Justice Authority administers commitment programs and contracts with local providers for community-based intake assessment, treatment, and aftercare services.

### Service Classification

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### Court(s) with Delinquency Jurisdiction

District Courts exercise jurisdiction over delinquency proceedings. District Courts are general jurisdiction trial courts and typically place jurisdiction over delinquents in a juvenile division. For more information, visit the [Kansas District Courts web page](#).

### Highlights

**Kansas Funds Comprehensive Strategy and Graduated Sanctions Programs**

Kansas has implemented a system for providing structure to juvenile justice services statewide and infusing state resources while preserving local autonomy to tailor interventions for their youth. JJA works with county employees who are organized into distinct services areas—core programming, immediate intervention programs, graduated sanctions, and delinquency prevention programs.

Core programming for each judicial district includes [Juvenile Intake and Assessment Services](#) (JIAS), [Juvenile Intensive Supervision Probation](#) (JISP), and [Community Case Management Agencies](#) (CCMA). Immediate interventions provide community-based interventions for first-time, non-violent offenders who can be treated in the community without formal court intervention. Graduated sanctions programming is JJA’s effort to develop local consequences for on-going delinquency, ranging from the least restrictive (e.g., fines, restitution, and community service)—to moderately restrictive (e.g., house arrest and day reporting centers)—to out-of home placement in treatment centers or juvenile correctional facilities. Additional detail concerning Kansas’ three core juvenile justice programs is available on the [JJA web site](#).

**Delinquency Prevention**

Statute requires the Kansas Juvenile Justice Authority (JJA) to develop a range of delinquency prevention programs. JJA assists communities in identifying research-based approaches to delinquency prevention and encourages them to develop partnerships for prevention at the local level. The Communities that Care® prevention strategy, which emphasizes developing an outcome-based approach to prevention, guides the community planning process. For more information, please visit JJA’s "[Partners in Juvenile Justice](#)" web page. The [Kansas Communities the Care web site](#) provides additional data concerning delinquency prevention, including community level data for profiling youth risk and protective factors.

**Detention**

Counties fund secure detention facilities and either administer them directly or contract with private
providers. Currently, 14 facilities exist in the state, with several serving regions of the state.

**K.S.A. 38-2361** outlines secure detention criteria for preadjudication/disposition holding. Currently, no state mandate exists to guide detention decisions with a screening tool. Where structured decision-making exists for detention, it is developed and applied at the local level.

Detention facilities are also used to safely manage adjudicated delinquents who have received a JJA commitment and are awaiting placement in a juvenile correctional facility or other less restrictive community placement program. JJA reviews statewide detention utilization to expedite the movement of youth with JJA commitments from secure detention to a correctional or treatment placement.

Youth cannot be sentenced to detention in Kansas, but some jurisdictions have established Sanction Houses as a result of a 1997 law authorizing this function. **K.S.A. 38-2361** authorizes courts to place youth in Sanction Houses for a 28-day period as a disposition. Thereafter, the court must review the placement every 7-days. The Sanction Houses can be located in existing detention facilities or separately.

Alternatives to secure detention are administered at the local level and range from electronic monitoring and house arrest programs to intensive day treatment and the Sanction House concept described above. However, the availability of detention alternatives varies across jurisdictions.

**Delinquency Intake Screening**

By statute, the County or District Attorney may file a complaint with the district court (**K.S.A. 38-2328**). To handle these complaints, the Juvenile Justice Authority (JJA) oversees and funds a statewide system of intake and assessment services for alleged juvenile offenders and children in need of care (**K.S.A.75-7023**). Each of the state's 31 judicial districts (covering 105 counties) has **Juvenile Intake and Assessment Centers** (JIACs). JIACs operate 7 days a week, 24 hours a day to assist law enforcement with youth taken into custody and to coordinate information-gathering and assessment services. JIAC staff administers a standard juvenile intake and assessment questionnaire and the Problem Oriented Screening Instrument for Teenagers (POSIT) and provides crisis intervention services. The JIACs also may choose to administer the Massachusetts Youth Screening Instrument - second version (MAYSI-2).

The Juvenile Justice Authority provides general policy oversight and establishes operating standards for the JIACs and provides grant opportunities for program development. However, the range of assessment and crisis intervention services, authority, policy, and procedures varies among districts. County governments have the administrative authority for monitoring daily operations or outside service contracts. Ultimately, court services staff and local prosecutors screen referrals for legal sufficiency and make decisions regarding charging the offense in all cases prior to filing a petition. As a result, intake arrangements vary across the state depending on local arrangements for JIACs and drafting delinquency complaints.

Additional detail concerning juvenile intake and assessment in Kansas is available on the [JJA web site](http://www.jja.org).

**Diversion**

Diversion is labeled "immediate intervention" in Kansas. Local prosecutors or the district court have the authority for developing detailed decision-making guidelines, developing immediate intervention program options with directors of juvenile intake and assessment centers, and restricting eligibility for these programs to certain types of offenders (please see **K.S.A. 38-1635** for additional detail).

Immediate interventions operated at the local level in Kansas frequently include truancy programs and youth court.

**Predisposition Investigation**

Court Services Officers (CSOs), working in the Court Services Divisions of District Courts, are responsible for predisposition investigation reports, building upon the information gathered by juvenile intake and assessment centers. Local CSOs may differ in their protocols for preparing social histories and making disposition recommendations. **K.S.A. 38-2360** outlines the various reports and information
that a court may order to be included in a predisposition report.

Victim Rights and Services
The Kansas Victim Bill of Rights (K.S.A. 74-7333) does not specifically extend rights to victims of juvenile violence beyond the right to receive information concerning juvenile proceedings or hearings and the right to be present at a hearing where probation or parole is considered (K.S.A. 74-7335). However, the Kansas Juvenile Justice Code establishes certain additional rights for juvenile crime victims, including restricting information identifying the victim in juvenile files open to public inspection (K.S.A. 38-2309), opening all hearings to the victim and the victim's family (K.S.A. 38-2353), exempting victims from requirements to attend court-directed mediation (K.S.A. 38-2361), providing authority for the victim to file a report to a court when a youth has violated a probation condition or rules of a court placement which did not result in a new complaint (K.S.A. 38-2368), and requiring district attorneys to notify victims of juvenile offenders concerning the release of a juvenile offender from a JJA correctional facility (K.S.A. 38-2374;2376), restricting youth who commit sexually violent offenses from attending the same school as the victim (K.S.A. 38-2361) and right to a youth’s HIV or hepatitis B infection status when the offense involves a sexual act or the transmission of body fluids (K.S.A. 38-2317). For additional information on victim services within the Kansas juvenile justice system, visit http://jja.state.ks.us.

The Kansas Attorney General provides information to victims through its Crime Victims' Rights Office. The Office provides direct assistance to victims and their families, administers grants for local victim advocacy, and maintains a statewide directory of advocacy agencies.

The Kansas Crime Victims Compensation Board, within the Kansas Attorney General’s Office, operates the state's Crime Victim Compensation Program. The Program provides financial assistance to help victims pay expenses related to victimization, such as uninsured medical and dental costs and lost income.

Probation Supervision
Court Services Officers (CSOs), working in Court Services Divisions of District Courts, provide probation supervision services for delinquents and may help monitor court-ordered services for adults in a range of case types, including adult probation, children in need of care (protection), and informal supervision of adult and juvenile offenders. CSOs may also deliver divorce mediation and custody investigation services. In this regard, CSOs are somewhat unique in the field of juvenile probation in that they may provide services to a wide range of juvenile and adult family case types, especially in more rural areas.

District Court judges may assign juveniles to Juvenile Intensive Supervision Probation (JISP), which is administered by the Juvenile Justice Authority. More information about JISP is available under the Community Corrections section of this profile.

The Supreme Court, Office of Judicial Administration establishes statewide juvenile probation policy and sets standards for training, including requirements for qualifications, training, and certification. However, the operation, budget, and administration of juvenile probation are the responsibilities of local District Courts, with core funding provided at the county level.

Juvenile Probation Officer Qualifications, Certification, and Training
To qualify for employment, Court Services Officers must have graduated from an accredited four-year college or university and pursued major course work in corrections, counseling, criminology, psychology, social work, sociology, or closely related fields. In lieu of this requirement, the state court will accept completion of 60 semester hours from an accredited 4-year college, university, or junior college with 2 years of experience in court services work. For additional detail about the responsibilities and requirements for Court Services Officers, visit the Kansas Court Services Officer home page.

Each judicial district’s local Juvenile Intensive Supervision Probation program determines employment qualifications and training, working within policies and procedures established by the JJA. Employment qualifications usually require a bachelor’s degree and/or commensurate work experience. No ongoing training standards currently exist.
The Supreme Court, Office of Judicial Administration establishes statewide juvenile probation policy and sets standards for training, including requirements for qualifications, training, and certification.

**Juvenile Corrections Continuum**
The Juvenile Justice Authority (JJA) provides funding and policy oversight for treatment programs for youth committed to JJA or placed on community corrections supervision (alternative to secure placement). JJA administers four juvenile correctional facilities, ranging from minimum security to a maximum-security unit.

**Community Corrections**
The underlying philosophy of JJA community corrections is to build intervention options at the local level for a system of "graduated sanctions," including specialized probation and community-based treatment interventions. Among the core requirements of this effort are intensive supervision programs and case management services for maintaining youth in the community. As a result, the options for specialized supervision services vary by district, but within the rubric provided by JJA for development grants. For additional detail, please visit JJA's Partners in Juvenile Justice web page.

**Juvenile Intensive Supervision Probation** (JISP) is a highly structured/supervised community-based program that works with juvenile offenders who have previously failed in traditional court service probation, or have committed a serious offense but do not yet need an out-of-home or juvenile correctional facility placement. The JISP philosophy is that selected offenders can be effectively managed in the community without presenting an increased risk to the public through the cost-effective use of community-based supervision and control interventions. JISP case managers, funded by the Juvenile Justice Authority (JJA), carry caseloads averaging 25 youth and are often responsible for youth in a large geographic area.

In addition to JISP, a core JJA function is to fund and develop a network of county Community Case Management Agencies (CCMA). Community case managers develop individual case plans for offenders under supervision, including: offenders ordered by the court into the JJA Commissioner's custody but not directly committed to a juvenile correctional facility (JCF); offenders committed to a JCF; and offenders on conditional release from a JCF. Services can include supervision, community service, electronic monitoring, employment services, evaluation, and restitution monitoring.

After a thorough assessment of the offender’s needs, a case plan is developed in cooperation with the youth, the youth’s family, and other significant parties in the community. Unlike youth on JISP, those managed through CCMA may be placed out of the home and/or receive other treatment services to assist them in dealing with substance abuse, mental health, behavior management, or other challenges.

While significant local autonomy exists for the administration of community supervision, the JJA vision statement clearly reflects elements of the Balanced and Restorative Justice approach to delinquency intervention. Additionally, the Kansas Advisory Group provides grant funding for programs that reflect BARJ principles. For more information on the JJA vision statement, visit the JJA web site and select the “About” section. For additional detail concerning BARJ program initiatives and a comprehensive continuum of community-based services, visit the JJA's Partners in Juvenile Justice web page.

**Project S.T.A.R.**
The Kansas Juvenile Justice Authority was awarded an OJJDP FY2007 High-Risk Youth Offender Re-Entry grant on September 1, 2007. Project S.T.A.R. was developed to create a seamless evidence-based system throughout the entire length of supervision for the juvenile by addressing common shortcomings within the current system. To address these problems, the current grant proposes to implement evidence-based programming and effective reentry techniques modeled after the Intensive Aftercare Program by using a graduated level of transition from the Juvenile Correctional Facility to the community.

The design for Project S.T.A.R. requires lower case loads, reintegration planning beginning upon entrance into the juvenile correctional facility, and evidence-based practices throughout a seamless system using a
step-down approach from the correctional facility to the community. Specifically, Project S.T.A.R. will improve the services within the correctional facilities by implementing evidence-based practices. The reintegration planning will be developed upon entrance into the juvenile correctional facility using a team approach with input from all parties.

To assist in the smooth transition back into the community, Project S.T.A.R. will develop a Community Reintegration Facility which will provide services to the juvenile for a period up to 90 days. The purpose of this facility will allow the juveniles opportunities to transition from a highly structured Juvenile Correctional Facility back into the community. The Community Reentry Facility will also provide opportunities to promote reunification through fostering healthy family units, prosocial employment and leisure activities, and prosocial peer networks.

**Commitment to State**

District Court judges commit youth to the custody of the Juvenile Justice Authority (JJA) Commissioner for a determinate period in a juvenile correctional facility as prescribed in the Kansas sentencing matrix, [K.S.A. 38-2369](https://www.legislature.ks.gov/Bill_Text_Lookup/ByStatute.aspx?Statute=38-2369). District Court judges may only depart from the matrix within limits imposed by statute. Departure from presumptive sentences requires a hearing and finding of fact by the committing court.

For youth placed in JJA custody, but not directly placed in a juvenile correctional facility by a court, the JJA Commissioner has authority for deciding placement specifics and is required to notify the court in writing once the placement is made. While the court may make placement recommendations, the statutes provide no authority for directing placement in a specific facility ([K.S.A. 38-2365](https://www.legislature.ks.gov/Bill_Text_Lookup/ByStatute.aspx?Statute=38-2365)). Any youth placed out of the home is subject to "permanency planning" requirements and court reviews every 12 months after placement. Regarding JJA placements, the agency is responsible for developing progress reports for presentation at the permanency review hearings. Kansas statute sets forth a framework for the progress report in [K.S.A. 38-2365](https://www.legislature.ks.gov/Bill_Text_Lookup/ByStatute.aspx?Statute=38-2365).

Each youth committed by a judge to the custody of the Commissioner of the JJA is assigned to a Community Case Management Agency (CCMA) caseworker, regardless of whether that youth is placed in community-based programming or in a juvenile correctional facility. The caseworkers maintain contact with the youth they supervise, as well as the facility/program staff, the youth’s families, and others who can help with release planning and successful reintegration of the youth back into their communities. In addition to supervising youth while in placement, the caseworkers also supervise the youth while they are in aftercare, or conditional release.

**Blended Sentencing**

Kansas allows certain offenders to be prosecuted under provisions that give the District Court the ability to blend juvenile and adult sentences. A juvenile who is the subject of an extended jurisdiction juvenile (EJJ) prosecution has the right to trial by jury and all of the rights extended to a defendant in adult criminal proceedings.

When an EJJ prosecution results in a guilty plea, the juvenile court can impose a juvenile disposition and an adult sentence, which is stayed on the condition that the juvenile offender does not violate the provisions of the juvenile disposition and does not commit a new offense ([K.S.A. 38-2347](https://www.legislature.ks.gov/Bill_Text_Lookup/ByStatute.aspx?Statute=38-2347)). Commitments under this act are to the Department of Corrections as opposed to the JJA, with arrangements for managing placements and physical custody in juvenile facilities outlined in the code ([K.S.A. 38-2366](https://www.legislature.ks.gov/Bill_Text_Lookup/ByStatute.aspx?Statute=38-2366)). For more information, click [here](https://www.legislature.ks.gov/Bill_Text_Lookup/ByStatute.aspx?Statute=38-2366).

**Direct Placement**

District courts have a range of sentencing alternatives outlined in [K.S.A 38-1663](https://www.legislature.ks.gov/Bill_Text_Lookup/ByStatute.aspx?Statute=38-1663), including the option to place a youth directly in the custody of a youth residential facility. The same rules apply for permanency reviews by the court and adherence to determinate sentence guidelines in the Kansas juvenile sentencing matrix.

**Release**
When the court recommends an out of home placement in the commitment order to the Juvenile Justice Authority (JJA), the youth may not be returned to the community without first notifying the court. Any modifications of a JJA commitment based upon program completion or positive behavior must be submitted to the court for approval. Where the court disapproves the motion, the youth's attorney may request a formal hearing on the matter. JJA petitions the District Court to release youth from legal custody.

**Aftercare/Re-entry**

Aftercare is called conditional release in Kansas. Conditional release is administered at the local level through the Juvenile Justice Authority's (JJA) Community Case Management network. The Community Case Management network is funded through JJA grants to local service providers that also provide community-based alternatives to juvenile corrections. The administration of aftercare varies depending on the program resources at the community level.

Community corrections case managers develop individual case plans for youth returning from placement in JJA facilities and may be involved in preparing youth for community reentry, prior to release. The plans use the resources of the community corrections programs that are developed and carried out at the local level by community case managers.

In addition to the Community Case Management system, Court Services Officers may also serve youth returning from placement.

Kansas is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Kansas' involvement, click [here](#). By visiting the [State Activities & Resources page](#), users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

**State Laws**

**Legal Resources**

The Kansas Juvenile Justice Code is contained in Chapters, 38, 75 and 76 of the Kansas Revised Statutes. The [Kansas Legislature](#) also provides access to statutes with number or key word searches.

Rules of court handed down by the Kansas Supreme Court for District Courts: Visit the Kansas Judicial System's [Rules Adopted by the Supreme Court of the State of Kansas web page](#).

[Kansas Bar Association](#) (links to local district court rules)

**Purpose Clause for Delinquency Proceedings**

Article 16 of chapter 38 of the Kansas Statutes Annotated and K.S.A. 38-16,126, 38-16,127 and 38-16,128, and amendments thereto, shall be known and may be cited as the Kansas juvenile justice code. The primary goal of the juvenile justice code is to promote public safety, hold juvenile offenders accountable for such juvenile's behavior and improve the ability of juveniles to live more productively and responsibly in the community. To accomplish this goal, juvenile justice policies developed pursuant to the Kansas juvenile justice code shall be designed to:

(a) Protect public safety;

(b) recognize that the ultimate solutions to juvenile crime lie in the strengthening of families and educational institutions, the involvement of the community and the implementation of effective prevention and early intervention programs;

(c) be community based to the greatest extent possible;

(d) be family centered when appropriate;

(e) facilitate efficient and effective cooperation, coordination and collaboration among
agencies of the local, state and federal government;

(f) be outcome based, allowing for the effective and accurate assessment of program performance;

(g) be cost-effectively implemented and administered to utilize resources wisely;

(h) encourage the recruitment and retention of well-qualified, highly trained professionals to staff all components of the system;

(i) appropriately reflect community norms and public priorities; and

(j) encourage public and private partnerships to address community risk factors.

Purpose Clause for Juvenile Corrections

On and after July 1, 1997:

(a) The commissioner of juvenile justice may establish, maintain and improve throughout the state, within the limits of funds appropriated therefore and any grants or funds received from federal agencies and other sources, regional youth care, evaluation and rehabilitation facilities, not to exceed 10 in number, for the purpose of:

   (1) Providing local authorities with facilities for the detention and rehabilitation of juvenile offenders, including, but not limited to juvenile offenders who are 16 and 17 years of age;

   (2) providing local authorities with facilities for the temporary shelter and detention of juveniles pending any examination or study to be made of the juveniles or prior to the disposition of such juveniles pursuant to the Kansas code for care of children or the Kansas juvenile justice code; and

   (3) providing short-term treatment and rehabilitation service for juveniles.

(b) Each such facility shall be staffed by a superintendent and such other officers and employees considered necessary by the commissioner for the proper management and operation of the center. The commissioner shall appoint the superintendent of each regional facility and fix the superintendent's compensation with the approval of the governor. Each superintendent shall appoint all other officers and employees for such regional facility, subject to the approval of the commissioner.

(c) The commissioner may adopt rules and regulations relating to the operation and management of any regional youth care facility established pursuant to the provisions of K.S.A. 75-7025 through 75-7028, and amendments thereto.

Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: 10
Upper Age: 17

Extended Age of Delinquency Jurisdiction
The maximum duration of institutional commitments (including conditional release periods) is until the youth reaches age 23 for certain sentencing matrix classifications. While commitments expire when a youth attains the age of 22.5 in these highest commitment levels, the District Court may retain
jurisdiction of the case until the offender turns age 23. The preceding provisions are notwithstanding commitments under the state's "extended jurisdiction juvenile prosecution" blended sentencing option.

**Juvenile Transfer Laws**
For information on Kansas' juvenile transfer laws, click here.

**Juvenile Justice Leadership**

- **Kansas Advisory Group on Juvenile Justice and Delinquency Prevention**
  The Governor established the Kansas Advisory Group on Juvenile Justice and Delinquency Prevention under the Juvenile Justice and Delinquency Prevention Act to guide the expenditure of State and federal funds for juvenile justice.

- **Kansas Legislature's Joint Committee on Corrections and Juvenile Justice Oversight**
  The Kansas Legislature's Joint Committee on Corrections and Juvenile Justice Oversight approves the OJA budget and provides some policy guidance for the Juvenile Justice Authority.

**Resources/Contacts**

- **Juvenile Justice Authority**
- **Kansas Advisory Group on Juvenile Justice and Delinquency Prevention**
- **Kansas Attorney General**
- **Kansas Attorney General's Crime Victims' Rights Office**
- **Kansas Communities the Care**
- **Kansas District Courts**
- **Kansas Legislature's Joint Committee on Corrections and Juvenile Justice Oversight**

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Delinquency Services Summary

Centralized State: The state executive branch provides most delinquency services in Kentucky. The Department of Juvenile Services, within the Administrative Office of the Courts, Kentucky Court of Justice, is responsible for delinquency intake screening. The Department of Juvenile Justice is responsible for most detention services, predisposition investigations, probation supervision, the juvenile corrections continuum, commitment and release, and aftercare/re-entry.

Service Classification

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<tr>
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Court(s) with Delinquency Jurisdiction

District Courts exercise jurisdiction over delinquency proceedings. District Courts are limited jurisdiction trial courts. For more information, visit the District Court page on the Administrative Office of the Courts web site.

Highlights

New Law Addresses Access to Juvenile Court Records

House Bill 3, passed into law in March 2006, allows law enforcement agencies to access juvenile court records during the course of criminal investigations. In addition, the bill expands public access to information about juveniles who commit certain felony offenses (burglaries as well as most violent and sexual crimes); the obtainable information includes juveniles’ names, charges, and results of court proceedings.

Department of Juvenile Justice’s Mental Health Branch

The Mental Health Branch was established in 2000 within the Department of Juvenile Justice (DJJ) to provide sex offender assessment and treatment services as well as substance abuse treatment, mental health counseling, and consultation to youth involved in DJJ’s programs. For example, each Youth Development Center has a qualified mental health professional, usually a psychologist, who oversees the treatment program and conducts the initial assessment and periodic reviews of youth whose stay may exceed six months. Each facility has a contract psychiatrist who spends at least 4 hours/week on average at the program. In group homes, detention centers, and day treatment centers, community mental health centers may provide needed mental health services.

Detention

The Department of Juvenile Justice (DJJ) administers all detention facilities in Kentucky with the exception of Louisville Metro Youth Detention Center in Jefferson County.

Detention options for juveniles include secure detention, holding facilities, intermittent holding facilities (including some county jails), staff secure shelters, home detention, home incarceration, electronic monitoring, intensive community supervision, or foster homes. Kentucky uses a detention custody continuum, with the least restrictive being home detention and the most restrictive being secure detention. Juveniles can go up or down the continuum depending on compliance with programs.
The Alternatives to Detention (ATD) system employs 11 Detention Alternatives Coordinators who work in regional detention centers and serve as the gatekeepers for court referrals of juveniles to the ATD programs. A risk assessment evaluation tool (Detention Risk Assessment) determines detention placement. Risk factors assessed include whether the juvenile is a danger to himself or others; whether he or she is likely to appear at subsequent hearings; severity of offense; risk of re-offending; and factors such as substance abuse, school achievement/behavior, history of court involvement, and family and peer relationships.

By statute, juveniles can be held in detention if they are a danger to themselves or others or to ensure their appearance at subsequent hearings. Detention is used to hold youth preadjudication and predisposition and may be used as a disposition. Youth older than 14 but younger than 16 can serve detention dispositions of up to 45 days, and youth older than 16 can be detained for up to 90 days. Detention can be used as a sanction, at any age, when a youth commits contempt of court. Finally, juveniles can be placed in detention for up to 35 days awaiting placement in a treatment program. If held preadjudication, a detention hearing must be held within 24 hours if a juvenile is in an intermittent holding facility, and within 48 hours if held in a secure detention facility.

**Delinquency Intake Screening**

Law enforcement personnel, parents, school officials, and community members may file complaints against juveniles. Court Designated Workers (CDW) from the Kentucky Court of Justice, Administrative Office of the Courts, Department of Juvenile Services receives all referrals concerning delinquent youth. Each of Kentucky's 120 counties has a CDW that is available to law enforcement 24 hours a day, 7 days a week. Once a complaint is received, it is subject to a probable cause review by the county attorney, who can then dismiss the complaint or allow the CDW to proceed with the intake process.

Kentucky statute mandates that Court DesignatedWorkers notify juveniles about the charges and complete a preliminary inquiry. Law enforcement officers usually determine charges against the juvenile, but this may vary depending on who files the complaint. Using uniform, offense-based criteria developed by the American Bar Association, the CDW determines if the juvenile is eligible for diversion or should be referred to the juvenile court. The county attorney's office is required to pre-approve any cases designated for diversion. If the juvenile is a repeat offender or is charged with serious offenses, the CDW will refer the case to the clerk of the juvenile court, who will then carry the petition to the court, instead of diverting the case.

**Diversion**

If the juvenile meets the criteria for diversion (minor offenses or up to three prior diversions for misdemeanors), the Court Designated Worker (CDW) will refer the case to the county attorney for review; this is called notice of right to special review. After the county attorney reviews the case and approves it for diversion, a formal conference between the CDW and the juvenile and his or her parents is held. The juvenile may enter into a voluntary diversion contract designed to resolve the complaint.

Diversion options vary depending on the jurisdiction, but generally include restitution, community service, education workshops, letters of apology, counseling programs, and substance abuse assessments. Other diversion programs include a tree planting/reclamation project in eastern Kentucky; a theater-based program with an acting troupe from a local university; and a program in which participants collect clothing and toiletries for people who are homeless or are living in war-ravaged areas of the world. For more information, see the Department of Juvenile Services’ Law Related Education web site. Court Designated Workers or community-based agencies usually run diversion programs. The diversion program cannot be longer than six months in duration.

**Predisposition Investigation**

Juvenile services workers from the Department of Juvenile Justice (DJJ) perform predisposition investigations. A standardized risk/needs assessment tool is not required for making disposition recommendations. DJJ policy provides guidelines for information that must be included in the Pre-Disposition Investigation (PDI) report, including the juvenile’s prior criminal, dependency, and status offense history, family characteristics, school and employment history, and mental and physical health history. A community risk assessment and a needs assessment (both individual and family
needs) may be completed for the PDI.

**Victim Rights and Services**
The statutory rights of crime victims in Kentucky reside in the Kentucky Revised Statutes, 421.500 to 421.576. While victims of juvenile offenders have the same rights as those of adult offenders, *Kentucky’s Crime Victims’ Bill of Rights* enumerates special provisions for them. Victims must be notified of all proceedings and the offender’s release or escape under certain circumstances, allowed to attend all proceedings, and to access all juvenile court records (pursuant to KRS Chapters 600 to 645). Victims also have the right to submit *victim impact statements* to the probation officer preparing the predisposition report, and they have 24-hour access to the VINE system (Victim Information and Notification Everyday) for information on the status, location, and release of violent juvenile offenders convicted in the adult courts as youthful offenders.

The *Office of the Attorney General, Victims Advocacy Division* provides advocacy, notification, and information services for crime victims in Kentucky. It also administers the Victim Defense Fund, which provides grants to fund community-based victim advocates. In addition, the Division holds an annual Victim Assistance Conference for prosecutor and community-based victim advocates. The *Crime Victims Compensation Board*, within the Department of Public Protection, compensates victims for the emotional, physical, and financial losses that resulted from the crime.

**Probation Supervision**
Juvenile services workers from the Department of Juvenile Justice (DJJ) provide most community supervision services to delinquent youth throughout the state. However, a few local areas provide some services through grants, state contracts, or local funds. Community (probation) supervision services are organized into five service regions throughout the state (North, East, West, Central, and Southeast). Within each service region, juvenile services workers work out of district and satellite offices that encompass from 1 to 12 counties. Juvenile services workers have only juveniles on their caseloads. The average caseload is 20 juveniles.

DJJ incorporates the balanced approach into its mission to improve public safety by providing balanced, comprehensive services that hold youth accountable and to provide the opportunity for youth to develop into productive, responsible citizens.

Juvenile Intensive Supervision Team (JIST) is a community-based program that targets juveniles on probation who are at high risk for out-of-home placement and committed juveniles leaving residential placements on aftercare who need more intensive supervision than regular community supervision. Teams are made up of one juvenile services worker and one law enforcement officer who make regular contact with youth at their homes, schools, and workplaces.

A risk/needs assessment determines the levels of probation supervision. In addition to court-ordered conditions of probation, juvenile service workers develop a supervision plan (Individual Treatment Plan) with input from the youth and family. Youth placed on community supervision receive support services, such as counseling, treatment, job placement, and vocational training.

*Eastern Kentucky University's Department of Correctional and Juvenile Justice Studies* has conducted research on the supervision of juvenile offenders, including the effectiveness of supervision through the Juvenile Intensive Supervision Team program. State general funds pay for these studies.

DJJ promulgates and oversees policy standards that govern probation practice. Compliance with the standards is not connected to funding. Kentucky does not have a standard that sets optimal caseload size.

**Juvenile Probation Officer Qualifications, Certification, and Training**
Juvenile services workers must have bachelor’s degrees. Kentucky does not certify its juvenile services workers. However, new juvenile services workers must attend a 40-hour new employee orientation and complete an on-the-job checklist of training needs (a total of 119.5 hours of training) within 6 months of their date of hire. This checklist includes topics such as the juvenile court process, reporting to court,
treatment planning, and visiting residential centers. After their first year of employment, juvenile services workers must complete 40-hours of on-going training every year. The Department of Juvenile Justice, Staff Development Division coordinates and funds all training for juvenile services workers in Kentucky.

**Juvenile Corrections Continuum**
The Department of Juvenile Justice (DJJ) operates 12 Youth Development Centers in Kentucky. Placement security levels include non-secure, staff secure, hardware (locked doors/fencing), and maximum security (security fencing).

**Community Corrections**
See description of Juvenile Intensive Supervision Team above.

**Commitment to State**
Commitments to the Department of Juvenile Justice (DJJ) are indeterminate. A team of professionals, including the juvenile services worker and the Classification Branch Manager, makes decisions regarding placement of DJJ-committed youth. Juveniles are placed in a continuum of placements that range from least to most restrictive. DJJ either provides or contracts for programs and services for committed juvenile offenders.

In order to determine placement, a juvenile services specialist completes the classification process, which involves assessing the juvenile's history of violence and most serious prior offense; severity of current offense; history of escape/runaway; substance use; prior placements; and program needs. A score is derived from the assessment and is used to determine a classification/custody level (Level I to V). Possible placements include the youth's own or a relative's home, foster care, group homes, residential treatment centers, youth development centers, and psychiatric facilities. This classification process is being revised.

**Blended Sentencing**
Youth convicted as 'youthful offenders' (offenders of a certain age convicted of certain violent crimes; see Kentucky Revised Statutes section 635.020) can be sentenced to a juvenile facility; as they age out of the juvenile justice system, they may serve the remainder of their sentence in the criminal justice system. For more information, click here.

**Direct Placement**
The juvenile court can directly place juveniles in private residential facilities; however, this is not done due to a lack of funds available to support such placements.

**Release**
The Department of Juvenile Justice (DJJ) generally decides the juvenile's release date from secure custody, unless the court directs otherwise. However, a juvenile can also petition the court for release. Youth convicted of a violent crime are required to serve at least 85% of their sentence in a facility. Youth can either age out of the system or step down to less restrictive placements after completing phases of commitment in the facility, group home, and community. DJJ uses a step down method for moving committed youth toward release. This phase system entails commitment to a residential facility or youth development center followed by placement in a group home, and ends with community supervision, independent living, or outright release. Juveniles committed as 'youthful offenders' go back to the court for the judge's decision on whether they are to serve the remainder of their sentence or be probated.

**Aftercare/Re-entry**
The Department of Juvenile Justice administers aftercare services, referred to as "parole" in Kentucky. All juveniles transitioning back into the community receive aftercare services unless they age out of the juvenile justice system while in placement. A combination of state and federal funds provide aftercare and intensive aftercare services.

Kentucky is participating in the Office of Justice Program's Serious and Violent Offender Reentry
Initiative. For information about Kentucky's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

The Intensive Aftercare Program (IAP) targets youth who pose the highest risk of re-offending upon release to their communities. Juveniles in IAP are placed in the residential treatment programs where an intensive aftercare worker, an aftercare liaison, and the residential facility staff work together to prepare and execute an aftercare plan for the successful transition of juveniles from residential placement to their communities. The program also includes step-down programs after release from the residential treatment program (foster care, group homes, day treatment) and a community phase system (intensive contacts, services and supervision) upon the juvenile’s return to the community.

State Laws

Legal Resources
Kentucky's Juvenile Code is found in sections 600.010 to 640.120 of Title LI - Unified Juvenile Code

Kentucky Bar Association

Purpose Clause for Delinquency Proceedings
(1) KRS Chapters 600 to 645 shall be known as the Kentucky Unified Juvenile Code.

(2) KRS Chapters 600 to 645 shall be interpreted to effectuate the following express legislative purposes:

(a) The Commonwealth shall direct its efforts to promoting protection of children; to the strengthening and encouragement of family life for the protection and care of children; to strengthen and maintain the biological family unit; and to offer all available resources to any family in need of them;

(b) It also shall be declared to be the policy of this Commonwealth that all efforts shall be directed toward providing each child a safe and nurturing home;

(c) The court shall show that other less restrictive alternatives have been attempted or are not feasible in order to insure that children are not removed from families except when absolutely necessary;

(d) Any child brought before the court under KRS Chapters 600 to 645 shall have a right to treatment reasonably calculated to bring about an improvement of his or her condition and, to the extent possible, have treatment administered in the county of residence of the custodial parent or parents or in the nearest available county;

(e) KRS Chapter 635 shall be interpreted to promote the best interests of the child through providing treatment and sanctions to reduce recidivism and assist in making the child a productive citizen by advancing the principles of personal responsibility, accountability, and reformation, while maintaining public safety, and seeking restitution and reparation;

(f) KRS Chapter 640 shall be interpreted to promote public safety and the concept that every child be held accountable for his or her conduct through the use of restitution, reparation, and sanctions, in an effort to rehabilitate delinquent youth; and

(g) It shall further be the policy of this Commonwealth to provide judicial procedures in which rights and interests of all parties, including the parents and victims, are recognized and all parties are assured prompt and fair hearings. Unless otherwise provided, such protections belong to the child individually and may not be waived by any other party.
Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 18

Juvenile Transfer Laws
For information on Kentucky's juvenile transfer laws, click here.

Juvenile Justice Leadership

Juvenile Justice Advisory Committee
The Juvenile Justice Advisory Committee is the State Advisory Group required by the JJDP Act of 1974. The Governor appoints JJAC's 33 members. JJAC provides policy and legislation recommendations to the Kentucky Department of Juvenile Justice and allocates federal funds for delinquency and truancy prevention, alternatives to detention programs, and programs that promote juvenile accountability.

Kentucky Youth Advocates
Kentucky Youth Advocates lobbies on issues such as child health, juvenile justice, child abuse and neglect, and childcare.

Resources/Contacts
Administrative Office of the Courts, Department of Juvenile Services
Department of Juvenile Justice
Eastern Kentucky University's Department of Correctional and Juvenile Justice Studies
Juvenile Justice Advisory Committee
Kentucky Bar Association
Kentucky Criminal Justice Council (Statistical Analysis Center)
Kentucky Youth Advocates

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Delinquency Services Summary
Combination State: Delinquency services are organized at both the state and local level in Louisiana. Parish (county) governments, parish boards and commissions, juvenile courts, and law enforcement departments administer secure detention. The Louisiana Youth Services, Office of Youth Development (OYD) provides predisposition investigation, probation supervision, and aftercare supervision services through 13 offices. OYD also administers the state's public commitment facilities. In five urban parishes, local executive agencies fund probation services and may also administer local probation staff. In Caddo Parish, the juvenile court administers probation services.

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<tr>
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Court(s) with Delinquency Jurisdiction
Separate juvenile courts are created in four parishes (Caddo, Orleans, Jefferson, and East Baton Rouge). Separate Juvenile Courts exercise jurisdiction over delinquency proceedings. District, Parish, or City Courts exercise delinquency jurisdiction in parishes without a separate Juvenile Court created in statute. Juvenile Courts, Family Courts, Parish Courts, and City Courts are all limited jurisdiction trial courts. District Courts are general jurisdiction trial courts that can create a juvenile division or juvenile and family division that may resemble the four juvenile courts created by statute, but are different (e.g., Calcasieu Parish and Rapides Parish). For a chart of Louisiana's court structure, download the 2003 Annual Report of the Supreme Court of Louisiana (on page 41).

Highlights

Juvenile Justice Reform

Act 1225: The Juvenile Justice Reform Act of 2003
The Louisiana legislature created a Juvenile Justice Commission (JJC) in 2001 to study the Louisiana juvenile justice system and make recommendations for system improvement. The JJC was formed in the wake of federal investigations of juvenile corrections (see the U.S. Department of Justice, Civil Rights Division, Special Litigation Section's Documents and Publications web page). In March 2003, the JJC delivered over 60 structural and substantive recommendations, including measures that would change the organization and administration of basic delinquency services and redirect certain juvenile justice funding. Key provisions of the report were legislated in Act 1225, referred to as the Juvenile Justice Reform Act of 2003. The JJC has sunset; however, the 2003 Act created a Juvenile Justice Implementation Commission. The JJIC web site is a source of current information concerning system reforms and posts key background documents produced by the JJC.

Juvenile Justice Strategic Plan
Juvenile justice reform was a top priority of the current Louisiana Administration prior to Hurricanes Katrina and Rita and remains so after the disasters. State officials released the Administration’s Juvenile Justice Reform Plan in December 2005. The plan document and semi-annual progress reports are posted on the Office of Youth Development web site.

Local Children and Youth Services Planning Boards
A key ingredient for juvenile justice reform is follow-up legislation to Act 1225 that encourages the
establishment of local juvenile justice planning boards. Children and Youth Services Planning Boards are responsible for developing strategies to address gaps in the local continuum of juvenile services and advancing a range of community based services that encompass juvenile justice ideals including, service integration, restorative justice, and a system of graduated sanctions. The Act 555--Louisiana Children & Youth Services Planning Board Planning Guide contains more information, including a sample ordinance for establishing a Board from Jefferson Parish.

Graduated Sanctions Demonstration Site
The Jefferson and Orleans Parishes are participating in a national graduated sanctions project that the Office of Juvenile Justice and Delinquency Prevention awarded to the Juvenile Sanctions Division of the National Council of Juvenile and Family Court Judges.

Jefferson Parish is focusing on alternatives to detention for minority youth and female offenders, an assessment instrument, and the identification of gaps in delinquency services. The Parish also promotes decentralizing services among youth serving agencies and identifying high risk locations that are underserved and lack transportation for youth and families to access services.

Jefferson and Orleans Parishes have collaborated in planning and programming to address Disproportionate Minority Contact (DMC) and gender-specific issues. There is a mobile population that regularly moves between the two Parishes.

For more information, contact: Roy Junker, Jr., Jefferson Parish Director, Department of Juvenile Services, (504) 364-3750, ext. 225, or rjunker@jeffparish.net or Judge Ernestine Gray, Orleans Parish Juvenile Court, at (504) 565-7325 or egray@opjc.new-orleans.la.us.

Detention
Secure detention in Louisiana is organized at the local level, with several facilities having regional catchment. Parish government funds secure detention services, which parish boards and commissions, juvenile courts, and law enforcement departments administer. Currently, there are 19 secure detention facilities in the state, two of these facilities remain closed due to Katrina. The Children's Code does not provide detailed guidelines for secure detention; therefore, local juvenile courts set the policy in conjunction with local facilities. At present, a statewide detention screening tool is not applied to detention decisions. Similarly, the alternatives to secure detention vary, but generally include electronic monitoring and home detention, staff-secure shelter facilities, and intensive day treatment. Additional options are available as alternatives to using detention as a sanction.

The court with juvenile jurisdiction usually makes the initial secure detention intake decision for holding youth pre-adjudication and disposition. Youth may also be held in secure detention after being committed to state custody to wait transfer to a Youth Services, Office of Youth Development secure facility. Juvenile courts may impose a 14-day limit on detention from the time they sign a disposition order for a state commitment to the juvenile being placed in secure custody. Although law does not specifically provide for it, the juvenile court can also impose a sanction of secure detention for violating the terms of probation by holding the youth in contempt of court, not to exceed 15 days for each contempt. The court can also revoke the youth's probation and impose a sentence to secure detention.

Recent juvenile justice reform legislation (Act 1225 of 2003) requires the development of secure detention standards and state licensing procedures for local detention facilities. Uniform standards and licensing will address a range of topics, including operational requirements, staff qualifications, staffing ratios for direct care workers to residents, admissions policies, diagnostic and assessment standards for screening youth at intake, risk and needs assessments for applying detention alternatives, and access to required services in facilities like health care, education, and behavioral health services.

Delinquency Intake Screening
Louisiana statutes authorize the local prosecutor to receive delinquency complaints and draft petitions, but also permit the court to designate another official for this responsibility. As a result, the intake process and the responsibility for drafting petitions vary across the state. Under the Children's Code, Article 842, any person authorized by the court may file a petition if there are reasonable grounds to
believe the youth in question is delinquent. Where the Youth Services, Office of Youth Development administers probation, district attorneys review court intake decisions (e.g., manner of handling and offenses charged in the petition). However, local arrangements vary in the five urban parishes that support their own juvenile probation departments. Similarly, local juvenile court policies can impact the procedure regardless of the state or local agencies for juvenile probation services.

**Diversion**
The Louisiana Children's Code, Article 839, provides for the "informal adjustment" of referrals prior to the filing of a petition. The adjustments can be entered by the local prosecutor or officers designated by the court to handle delinquency intake and have a six-month time limit, which may be extended for one additional six-month period under the Children's Code Article 840. The agreements between the prosecutor or court designated intake agency and the youth and his or her parent(s) typically involve community service, restitution, and possibly treatment to address specific behavioral problems. However, program options vary across jurisdictions and are influenced by local arrangements for delinquency intake, with some prosecutors or court designated intake agencies not electing to offer diversion because of lack of program resources to manage the process. On the other hand, some prosecutors in cooperation with local law enforcement agencies (e.g., Sheriffs) have expanded their involvement in developing and administering diversion programs. Diversion programs for minor drug offenders and teen courts are two common examples of diversion programs operated by local prosecutors and/or law enforcement officials.

**Predisposition Investigation**
The Louisiana Children's Code, Article 888, authorizes the court to order a "social summary and case history about the child" for case disposition. Additional structure is provided under Division of Youth Services Policy 11.1, which outlines the requirements for the completion of a predisposition report as required under Louisiana Statutes. Per Children's Code, Article 890, the report shall contain: the circumstances attending the commission of the offense and the attitudes of the youth and parents toward the offense; victim impact statement, if a victim is involved, and any negative results occurring from that victimization; the youth's current physical description, developmental and medical history, social adjustment in the community, school record, including the name and address of the school where the youth is registered, and vocational educational history of family members; and the youth's home environment, including his or her family's composition and dynamics, stability, economic status, participation in community or religious activities and physical, mental, or emotional handicaps, substance abuse, or criminal history of any of its members. The report must contain a list of all persons contacted in completing the investigation and their relationship to the youth.

Local juvenile courts typically designate juvenile probation officers to assemble predisposition summaries. Depending on the requirements of the local court, juvenile probation departments may add structure to the process by requiring the use of risk scaling instruments and needs assessments. Other departments may convene case staffings for developing disposition alternatives. These pre-hearing discussions of the youth’s situation and possible disposition alternatives typically involve the prosecutor, probation officer, defense counsel, and social workers from key social service and behavioral health provider agencies.

No statewide requirement currently exists for applying either risk scaling tools or a case staffing model to complete disposition recommendations in state and locally operated probation programs. However, Youth Services, Office of Youth Development (OYD) policy requires the use of risk scaling tools and a case staffing model in the state operated probation programs. OYD must review all departures from the risk scale contained in case staffing disposition recommendations.

**Victim Rights and Services**
The Louisiana Children's Code outlines the rights of victims of juvenile crime in Article 811.1. Under the code, local prosecutors are required to provide victims information about their case, including:

- Apprehension and/or taking into custody of an alleged delinquent
- Release of an alleged offender pending adjudication (when charged with certain violent offenses)
• Canceled or continued hearings
• Escape of an offender from a secure facility (when charged with certain violent offenses).

The Sheriff is responsible for notifying the victim of fees or other social services available to victims of juvenile crime, and ensuring that victims receive emergency social and medical services. The juvenile court is responsible for providing a secure waiting area for hearings, and law enforcement agencies must conduct interviews in "private settings." Victims of certain violent felony-grade offenses have a right to provide an impact statement and submit views to the prosecutor concerning the appropriate disposition of the case. Finally, the Youth Services, Office of Youth Development is responsible for providing information concerning the release/parole of youth committed to its custody.

Under the Louisiana Children's Code, Article 811.2, courts may also levy a special cost, not to exceed 15 dollars, against any juvenile defendant. Two-thirds of this amount is deposited in the Victims of Juvenile Crime Compensation Fund used to compensate victims of juvenile crime who do not otherwise receive restitution or reparation.

For more information on the rights of victims of juvenile crime and victim compensation, visit the Louisiana Commission on Law Enforcement and Criminal Justice web site and select Crime Victim Assistance under Programs. The Department of Public Safety and Corrections web site also provides detail concerning victims' rights generally.

Probation Supervision
Local juvenile probation departments provide probation and parole supervision services. Juvenile probation officers working for the Youth Services, Office of Youth Development (OYD) are called Probation and Parole Officers/Juvenile. Juvenile probation officers in local judicially administered departments have similar titles.

OYD is responsible for policy oversight for state juvenile probation programs that serve the entire state, except for five locally administered programs in urban courts.

Children's Code, Article 899, dictates the setting of conditions of probation based on whether or not the offense was a misdemeanor or a felony. The standard conditions for probation include: prohibiting the youth from possessing any drugs or alcohol; prohibiting the youth from engaging in any further delinquent or criminal activity; requiring that the youth attend school or be employed; requiring the youth to perform court-approved community service activities; and requiring a supervision fee and/or restitution. However, as a matter of practice, not every court orders probation fees. The court may add special conditions, and the maximum duration of probation for misdemeanor-grade offenses is two years under the Louisiana Children's Code.

OYD juvenile probation/parole officers use the standard conditions of probation and a uniform risk instrument to help determine the level of supervision and develop a service plan. A youth's needs are assessed through evaluations, social histories, and predisposition investigations. Updates are made as the youth completes goals and/or additional goals are developed. Beyond these procedures, the juvenile court may have additional requirements for structuring supervision decisions, notwithstanding differences between the five locally administered juvenile probation offices

The average caseload as of March 2004 for a traditional OYD probation/parole officer was 31. Specialized probation programs vary across the state; however, with regard to OYD juvenile probation, intensive supervision, surveillance (trackers), electronic monitoring and day treatment programs are available. OYD has also implemented a "graduated sanctions" model in the community based upon a youth's performance while on probation. However, specializations that place juvenile probation offices in non-traditional settings, such as schools, neighborhood centers, or "virtual offices" using communications technology are limited.

A comprehensive outside evaluation of all state and locally run juvenile probation services is not available. However, for state probation and parole services, OYD tracks intermediate outcomes for
youth released from probation, including youth who successfully complete the supervision period, those who completed a GED or High School Diploma while under supervision, those who had full time employment at release and success rates for completing case plan requirements. OYD also tracks probationers who were arrested or convicted of a crime prior to release (about 4% in 2003).

**Juvenile Probation Officer Qualifications, Certification, and Training**
A Baccalaureate degree (with experience substitutions) is required for state juvenile probation/parole officers. Four out of the five locally administered juvenile probation programs have a similar requirement. All juvenile probation officers are required to complete the POST (Peace Officer Standard Training) certification at one of the approved POST academies in the state. Among the POST approved options is a Probation and Parole Academy operated by the Department of Public Safety and Corrections.

State juvenile probation/parole officers must receive 40-hours of ongoing training per year and recertification in applying a continuum of force in defensive tactics and the use of firearms. One of the local probation offices has a 40-hour per year ongoing training requirement, and two of the five require recertification in defensive tactics and the use of firearms.

**Juvenile Corrections Continuum**
The Youth Services, Office of Youth Development (OYD) administers correctional services for adjudicated delinquents disposed to the custody of OYD. Services include in-home interventions, day/extended day programs, specialized foster care, residential non-secure community programs, and secure correctional institutions.

The state operates three correctional centers for youth (secure institutions). One of the facilities, the Jetson Correctional Center for Youth near Baton Rouge, has a reception and diagnostic center or unit that provides a one-month intake phase for all youth committed to OYD and are recommended for assignment to a secure institution and youth committed for a secure pre-dispositional evaluation. Community programs (residential and non-residential) are provided through contract services. The vast majority of the approximately 60 community program providers are private for- and not-for-profit organizations. Several programs are operated through agreements with local units of government.

**Community Corrections**
OYD developed several residential substance abuse programs using a therapeutic community model in secure corrections and is expanding its community-based placement slots. For more information on the secure residential facilities and community contract offerings administered by OYD, visit the OYD web site.

**Commitment to State**
Juvenile courts may commit youth to the custody of a private or a public institution or agency. Public commitments are made to the custody of the Youth Services, Office of Youth Development (OYD). The Louisiana Children's Code, Article 901, provides guidelines for the court to consider when deciding to commit youth to OYD; however, no statewide tool for making structured commitment decisions is required.

Upon committing a youth to the temporary legal custody of OYD, the committing court retains jurisdiction of the case throughout the commitment. Although OYD can recommend a modification to the disposition, the committing court has the final authority to modify the disposition. Exceptions exist for certain felony offenders who require a mandatory determinate commitment to OYD for secure custody, most of which must continue to age 21. The court cannot release youth sentenced under this law early (see Article 897.1). Therefore, Louisiana can be characterized as having both determinate and indeterminate sentences, with determinate time requirements for adjudication of certain offenses.

The committing court can recommend a secure or non-secure placement in the disposition order. By OYD policy, the court is almost always allowed to select the initial type (between secure and non-secure) of assignment. However, OYD determines the service plan and placement specifics. The State bears the responsibility for placement costs for public commitments.
**Blended Sentencing**
Louisiana does not have blended sentencing provisions.

**Direct Placement**
Local and private placements are options either through a direct placement by the court or through a commitment to the custody of the Youth Services, Office of Youth Development (OYD). The rules for duration of private placements are the same as those for public commitments and based upon offense severity with an extended commitment age of 21. Either the OYD or local juvenile probation officers supervise youth in placement guided by the OYD contact policy. The court retains authority for making release decisions.

**Release**
Louisiana does not have an independent juvenile parole board at this time. Rather, the committing court is required to set a maximum term or duration for a public or private placement and has final authority for release decisions for both public and private commitments. Currently, the court is not required to use a structured decision-making tool to make release decisions. However, policy drives recommendations to the courts for modification of disposition by Youth Services, Office of Youth Development (OYD) staff.

OYD caseworkers re-evaluate the youth’s need for secure custody every three months (quarterly staffings which include probation and parole staff) and make recommendations to the court of jurisdiction. The caseworkers document treatment plan progress, participation in educational programming in the facility, and the youth’s record of disciplinary issues to develop recommendations for security level assignment, transition from secure confinement to non-secure options, or discharge from OYD. Additionally, youth assigned to non-secure community programs are staffed and reports/recommendations are made to the court at least every six months. However, the court approves or denies motions to parole youth, relocate youth assigned to secure institutions, or to discharge youth from OYD custody.

Although Louisiana does not have a juvenile parole board, recent juvenile justice reform legislation (Act 1225 of 2003) creates a process using a risk review panel(s). The intent was to conduct periodic reviews of all youth committed to the custody of OYD in order to determine if each youth is assigned to the least restrictive placement based upon factors including risk assessment. The recommendations of the panel become binding until or unless the court of original jurisdiction denies or modifies the recommendations within a limited amount of time.

**Aftercare/Re-entry**
Probation and Parole Officers/Juvenile working for the Youth Services, Office of Youth Development (OYD) provide statewide aftercare supervision through 13 district offices, including service to the 5 locally administered juvenile probation departments. All youth leaving residential placement (secure and non-secure) who either remain in custody or are placed under supervision (parole) have access to the entire menu of services.

OYD policy requires Probation and Parole Officers/Juvenile to contact the juvenile or staff from the placement facility each month and the youth’s parent every two months. The same range of intervention alternatives available to youth placed on probation is available to youth on OYD aftercare. Community supervision on aftercare involves regular contact with a parole officer in person and may include monitoring for specific prohibited behaviors (e.g., curfew). Probation and Parole Officers/Juvenile also monitor the youth’s compliance with the educational and/or vocational plan that was developed prior to his or her discharge from residential placement.

Generally, OYD attempts to handle parole violations with additional supervision in the community rather than placing the youth back into secure custody. New criminal offenses, however, may require a youth to be returned to secure custody. In exceptional circumstances, a local juvenile probation department may have dual supervision for aftercare to help a youth access a special service under Parish management.
State Laws

Legal Resources
The Louisiana Children's Code, Title VIII, Delinquency, contains the core of the statutes governing delinquency court proceedings and are available on the Louisiana Legislature web site by selecting Louisiana Laws.

The Rules for Louisiana District Courts, Title 1, Rules for Proceedings in District Courts, Family and Domestic Relations Courts, and Juvenile Courts support statutes requirements with additional structure for delinquency and dependency cases, and are available online at the Louisiana Supreme Court's web site by selecting Law Library and Legal Resources.

Louisiana Bar Association

Purpose Clause for Delinquency Proceedings
The provisions of this Code shall be liberally construed to the end that each child and parent coming within the jurisdiction of the court shall be accorded due process and that each child shall receive, preferably in his own home, the care, guidance, and control that will be conducive to his welfare. In those instances when he is removed from the control of his parents, the court shall secure for him care as nearly as possible equivalent to that which the parents should have given him. These Code provisions shall be construed to promote the stability of the family and to secure simplicity in procedure, fairness in adjudication and administration, and the elimination of unjustifiable delay.

Citation: West's Louisiana Statutes Annotated Louisiana Children's Code Title I. General Provisions. Art. 102. Current through all 2004 First Extraordinary and Regular Session Acts.

The purpose of this Title is to accord due process to each child who is accused of having committed a delinquent act and, except as provided for in Article 897.1, to insure that he shall receive, preferably in his own home, the care, guidance, and control that will be conducive to his welfare and the best interests of the state and that in those instances when he is removed from the control of his parents, the court shall secure for him care as nearly as possible equivalent to that which the parents should have given him.


Purpose Clauses for Juvenile Corrections
H.

(1) The office of youth development shall, in accordance with law, have responsibility for the care, custody, security, and treatment of children adjudicated delinquent and children of families adjudicated in need of services committed to the custody of or placed under its supervision, as well as adults placed under the supervision of the office of youth development or of youth services, pursuant to the Children's Code except as otherwise provided by law.

(2) The office shall provide:

(a) Evaluation and diagnostic services for children adjudicated delinquent and children in families adjudicated in need of services.

(b) Community placement services for children adjudicated delinquent adjudicated delinquent and children of families adjudicated in need of services and disposed to the custody of youth services or the office of youth development.

(c) Alternative services in lieu of out-of-home placement for children adjudicated delinquent and children of families adjudicated in need of services and disposed to the custody or supervision of youth services or the office of
youth development and for their families.

(d) Treatment services in secure custody facilities for children adjudicated delinquent disposed to the custody of youth services or the office of youth development and who, as determined by the office of youth development require require this restrictive level of care and custody.

(e) Probation, parole, and other programs of supervision for children adjudicated delinquent and children of families adjudicated in need of services.

(f) Community services directed at prevention of juvenile delinquency, intake screening, and diversion as deemed appropriate by the office of youth development.

(3) The office shall participate in programs for the purchase of care and treatment of children taken into custody under the Children's Code pending adjudication, disposition, placement, or any or all of the above.

Citation: West's Louisiana Statutes Annotated Louisiana Revised Statutes Title 36. Organization of Executive Branch of State Government Chapter 9. Department of Public Safety and Corrections. Current through all 2004 First Extraordinary and Regular Session Acts.

**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
- Lower Age: 10
- Upper Age: 16
- Extended Age of Delinquency Jurisdiction: 20

**Status Offense Jurisdiction**
- Lower Age: 6
- Upper Age: 17

**Juvenile Transfer Laws**
For information on Louisiana's juvenile transfer laws, click here.

**Juvenile Justice Leadership**

**Governor's Children's Cabinet**
The Governor’s Children's Cabinet is created by statute to coordinate programs, planning, research, and funds to meet the needs of children and families in the State. The Cabinet is composed of the heads of key executive agencies and a representative from the Office of the Governor, the legislature, the Council of Juvenile and Family Court Judges, and the Cabinet's Advisory Board.

**Judicial Council of the Supreme Court of Louisiana and the Judge Advocate Network**
The Judicial Council of the Supreme Court of Louisiana can form ad hoc committees to address juvenile justice issues. The Supreme Court also affects juvenile justice policy through its Judge Advocate Network, which organizes judges with juvenile jurisdiction across the state to identify and document issues affecting the adjudication and delivery of services to youth covered in the Louisiana Children's Code. Representatives from the network meet quarterly with representatives of the Governor's Children's Cabinet, executive branch departments, legislators, and staff of the Judicial Administrator of the Supreme Court to discuss issues and resolve them in a consistent manner.

**Louisiana Commission on Law Enforcement and Administration of Criminal Justice**
The Governor designated the Louisiana Commission on Law Enforcement and Administration of Criminal Justice to guide the expenditure of federal funds for juvenile justice under the Juvenile Justice and Delinquency Prevention Act and state funds.

**Louisiana Council of Juvenile and Family Court Judges**
The Louisiana Council of Juvenile and Family Court Judges is a membership organization for judges in the State who exercise juvenile and family jurisdiction. The Council currently has standing committees
to review legislation that affects children and families and liaison committees to key executive departments, including corrections, education, social services, and health and hospitals. For more information on the Council, contact Rubye Noble, Executive Director, at (504) 835-5427.

Louisiana’s Network of Children and Youth Services Planning Boards
See the highlight above that describes legislation to encourage the organization of local level juvenile justice and child welfare leaders. A model for the state exists in Jefferson Parish, and additional information is available by contacting the Parish Community Justice Department.

Resources/Contacts
Governor's Children's Cabinet
Juvenile Justice Commission
Juvenile Justice Implementation Commission
Juvenile Justice Project of Louisiana
Louisiana Bar Association
Louisiana Commission on Law Enforcement and Administration of Criminal Justice
Louisiana Legislature
Supreme Court of Louisiana
Youth Services, Office of Youth Development

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The National Center for Juvenile Justice strives to make each State Profile as accurate as possible. Please bring any errors, updates, or additions to the attention of the State Profiles project manager. Persons listed as state contacts are not responsible for information contained in these profiles.

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Delinquency Services Summary

Centralized State: A single state executive department administers most services to delinquents in Maine. The Department of Corrections, Division of Juvenile Services administers probation, diversion, and aftercare services through regional community corrections offices in Portland, Lewiston, Augusta, and Bangor. Regional correctional administrators direct these offices. The Department of Corrections, Division of Juvenile Services also administers detention and commitment programs.

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Court(s) with Delinquency Jurisdiction

District Courts exercise jurisdiction over delinquency proceedings. District Courts are limited jurisdiction trial courts. For more information, visit Maine’s Judicial Branch web site.

Highlights

Juvenile Drug Courts

Maine has four juvenile drug courts. Juveniles referred to this program must be at a high risk for future delinquency, have histories of chronic substance abuse contributing to delinquency, and must admit to the charges. The court assigns a case manager to each juvenile. Juveniles receive intensive treatment and supervision, including random urinalysis testing, regular check-ins, frequent meetings with case managers and treatment providers, attendance at support groups, if appropriate, and periodic judicial review by a District Court Judge.

Detention

The Department of Corrections, Division of Juvenile Services (DJS) administers secure juvenile detention. Youth may be held in detention units at both the Long Creek and the Mountain View Youth Development Centers.

Statute (Title 15 § 3203A) outlines the criteria for holding youth in detention, including to ensure the juvenile’s presence at court proceedings and to prevent juveniles from harming himself or herself or others. Juvenile Community Corrections Officers must review the detention criteria and complete a detention risk assessment instrument to determine whether youth should be securely detained.

Juveniles can be held in detention while awaiting adjudication, disposition, or placement. A period of detention may be used as a "shock" disposition for up to 30-days (Title 15 § 3314). A "shock" disposition in a detention facility can occur all at once or over several time periods (e.g., weekends). Technically, secure detention is not used as a sanction for probation violations. However, a youth can be held in detention pending a hearing on the probation violation. The detention units of both facilities also house youth for up to seven days who have been sanctioned by drug court treatment programs for non-compliance.

Detention hearings must be held within 48 hours, excluding weekends and holidays. Maine’s juvenile code does not specify any time frames for the adjudication and disposition. However, at a detention hearing, it is normal practice for judges to set the dates for the adjudicatory hearing. Also, in most cases the dispositional hearing is held immediately following the adjudicatory hearing.
DJS' Juvenile Detention Alternative Program provides home detention for youth on conditional release or restriction. Other alternatives to detention are electronic monitoring, day reporting centers, and short-term placements. For more information, read the Division of Juvenile Services Report for 2006 and the Detention Project Briefing Paper by the Muskie School of Public Service.

Delinquency Intake Screening
Law enforcement officers may choose to divert cases or refer juveniles to the Department of Corrections, Division of Juvenile Services (DJS), in which case Juvenile Community Corrections Officers (JCCOs), working for DJS in one of four regional community corrections offices, receive delinquency referrals. JCCOs determine whether to handle cases informally or to recommend that the district attorney file a petition. The District Attorney's office reviews diversion decisions.

Diversion
Law enforcement officers or Juvenile Community Corrections Officers (JCCOs) may choose to refer cases to a diversion program, such as a Community Resolution Team. Community Resolution Teams consist of local volunteers trained in restorative justice principles. The team meets with the offender, victim, and other parties; allows each person to discuss the case; and then aids juvenile offenders in attempting to resolve or repair the harm done to the victim(s).

In addition, JCCOs may divert cases through informal adjustment. Under an informal adjustment, a juvenile may be ordered to pay restitution to the victim, perform community service, or comply with the requirements of the informal agreement as set by the JCCO, the juvenile, and his or her parents. The juvenile must admit to committing a juvenile crime before such an agreement can be made. Informal adjustments may not last longer than six months.

Predisposition Investigation
The court may request that a Juvenile Community Corrections Officer, working for the Department of Corrections, Division of Juvenile Services, conduct a predisposition investigation in writing or orally. This report includes material relating to a juvenile’s mental, physical, and social history.

Victim Rights and Services
Victims of juvenile offenders are entitled to the same rights given to victims of adult offenders in Title 17-A of Maine's Criminal Code. These rights include the right to be notified of plea agreements, judicial proceedings, and the offender's release; to have input at sentencing; and to request restitution.

In addition, the Department of Corrections adheres to restorative justice principles and has instituted several programs to that end. For more information, visit the Department of Corrections' Victim Services web page. Programs include victim offender panels at the Youth Development Centers and Community Resolution Teams for victims of first-time, non-violent juvenile offenders.

The Maine Victims' Compensation Program in the Office of the Attorney General administers the crime victims’ compensation program.

Probation Supervision
Juvenile Community Corrections Officers (JCCOs), working for the Department of Corrections, Division of Juvenile Services, provide probation supervision from regional community corrections offices in Portland, Lewiston, Augusta, and Bangor. JCCOs are usually assigned a specific geographic area for which they are responsible. Maine does not have a standard for caseload size.

The district court sets the terms of probation. The Division of Juvenile Services uses the Youth Level of Service/Case Management Inventory to assess risk of recidivism for all youth under supervision. The results of the assessment are used to determine supervision level in the community and to develop case plans.

The Juvenile Risk Reduction Program offers case management services to juvenile offenders in their own communities, either before court, after court, or after release from a juvenile facility. Youth in the program are assessed to determine risk levels and responsivity factors. Using a wraparound team approach, the program facilitates the development of a comprehensive case plan that addresses the risk
factors using approaches based on the family’s and juvenile’s strengths. Particular attention is paid to any identified responsivity factor to assure that the juvenile can benefit from the plan. The Program monitors the youth’s progress in reducing risk levels, keeping in close touch with the Department’s staff and other team members. The program takes 4 to 6 months to complete, depending on the complexity of the risk factors.

Juveniles may also be referred to evidence-based programs, such as Multisystemic Therapy, Functional Family Therapy, Multidimensional Treatment Foster Care, or cognitive behavioral treatment where it is available.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Juvenile Community Corrections Officers (JCCOs) must have a bachelor's degree and six months of relevant work experience. Additional years of work experience may be substituted for education. The Department of Corrections is developing a curriculum to train JCCOs and creating a system for certifying them. JCCOs must complete 40 hours of training annually.

**Juvenile Corrections Continuum**

The Department of Corrections, Division of Juvenile Services administers the state's two delinquency institutions: [Long Creek Youth Development Center](#) in South Portland and [Mountain View Youth Development Center](#) in Charleston.

**Commitment to State**

Commitments to the Department of Corrections are for indeterminate periods of time; however, the term of commitment must be for a minimum of one year and may be extended up to age 21. The Commissioner of the Department of Corrections makes placement decisions. Juvenile Community Corrections Officers continue to provide overall case management services to committed juveniles.

The Division of Juvenile Services uses the Youth Level of Service/Case Management Inventory to assess risk of recidivism for all youth under supervision, including committed youth. The results of the assessment are used to develop case plans in the facility. A mental health screening protocol has been developed and screening tools identified. All committed youth are screened, resulting in individualized intervention plans.

**Blended Sentencing**

Maine requires blended sentencing for a juvenile bound over and convicted as an adult and sentenced to imprisonment if the juvenile has not attained 16 years of age at the time of sentencing and if the offense for which the juvenile was convicted is listed in the Maine Revised Statutes, Title 15, section 3101, subsection 4, paragraph C-2 as one for which the juvenile had the burden of proving bind-over was not appropriate. Blended sentencing affects only the place where imprisonment is served and means that the term of imprisonment, or, in the case of a split sentence, the unsuspended portion, imposed by the court must first be served in a Department of Corrections juvenile facility until the juvenile reaches 18 years of age or is sooner discharged from the facility and any imprisonment time remaining must then be served in a Department of Corrections adult facility.

**Direct Placement**

Although the court may only commit youth to the Maine Department of Correction's juvenile correctional facilities, it may add conditions of probation requiring placement out of home or participation in certain treatment programs, but not to any specific program. Juvenile Community Corrections Officers supervise juveniles in group homes and continue supervising them upon release.

**Release**

The superintendent of the Maine Department of Correction's juvenile correctional facilities makes release decisions based on staff reports regarding progress in the program. The Department of Corrections must review every commitment at least once every 12 months for youth committed to indeterminate sentences.

**Aftercare/Re-entry**
Juvenile Community Corrections Officers (JCCOs), working for Department of Corrections, Division of Juvenile Services in regional offices, provide aftercare supervision. Community reintegration plans are developed by Unit Treatment Teams comprised of facility staff as well as the supervising Juvenile Community Corrections Officer. The Juvenile Risk Reduction Program offers case management services to juvenile offenders in their own communities after release from a juvenile facility.

Maine is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Maine's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

**State Laws**

**Legal Resources**

Maine Juvenile Code resides in Title 15 (Court Procedure - Criminal), Part 6 (Maine Juvenile Code)

Maine State Bar Association

**Purpose Clause for Delinquency Proceedings**

1. Purposes. The purposes of this Part are:

   A. To secure for each juvenile subject to these provisions such care and guidance, preferably in the juvenile's own home, as will best serve the juvenile's welfare and the interests of society;

   B. To preserve and strengthen family ties whenever possible, including improvement of home environment;

   C. To remove a juvenile from the custody of the juvenile's parents only when the juvenile's welfare and safety or the protection of the public would otherwise be endangered or, when necessary, to punish a child adjudicated, pursuant to chapter 507, [FN1] as having committed a juvenile crime;

   D. To secure for any juvenile removed from the custody of the juvenile's parents the necessary treatment, care, guidance and discipline to assist that juvenile in becoming a responsible and productive member of society;

   E. To provide procedures through which the provisions of the law are executed and enforced and that ensure that the parties receive fair hearings at which their rights as citizens are recognized and protected; and F. To provide consequences, which may include those of a punitive nature, for repeated serious criminal behavior or repeated violations of probation conditions.

2. Construction. To carry out these purposes, the provisions of this Part shall be liberally construed.


**Purpose Clause for Juvenile Corrections**

1. Statement. The purposes of the Long Creek Youth Development Center are:

   A. To detain juveniles pending a court proceeding or pending a preliminary hearing under Title 17-A, section 1205;"

   B. To administer court-ordered diagnostic evaluations pursuant to Title 15, section 3309-A, and court-ordered examinations pursuant to Title 15, section 3318;

   C. To rehabilitate juveniles committed to a juvenile correctional facility pursuant to Title 15,
section 3314, subsection 1, paragraph F;

D. To protect the public from dangerous juveniles;

E. To confine juveniles ordered detained pursuant to Title 15, section 3314, subsection 1, paragraph H; and

F. To confine juveniles ordered detained pursuant to Title 15, section 3312, subsection 3, paragraph D.

2. Accomplishment. To accomplish the purposes set out in subsection 1, the disciplines of education, casework, group work, psychology, psychiatry, medicine, nursing, applied technology training and religion as they are related to human relations and personality development must be employed. Security measures, whether in the form of physically restrictive construction or intensive staff supervision, when appropriate, may be taken to accomplish these purposes.

Citation: Maine Revised Statutes Annotated Title 34-A. Corrections Chapter 3. Correctional Facilities Subchapter V. Long Creek Youth Development Center. § 3802. Current through the 2004 Second Special Session of the 121st Legislature.

The purposes of the Mountain View Youth Development Center are:

1. Detention. To detain juveniles pending a court proceeding or pending a preliminary hearing under Title 17-A, section 1205;

2. Diagnostic evaluation. To administer court-ordered diagnostic evaluations pursuant to Title 15, section 3309-A and court-ordered examinations pursuant to Title 15, section 3318;

3. Confinement. To confine juveniles ordered detained pursuant to Title 15, section 3314, subsection 1, paragraph H;

4. Rehabilitation. To rehabilitate juveniles committed to a juvenile correctional facility pursuant to Title 15, section 3314, subsection 1, paragraph F;

5. Protection. To protect the public from dangerous juveniles; and

6. Confinement pursuant to detention for violation of participation in certain treatments. To confine juveniles ordered detained pursuant to Title 15, section 3312, subsection 3, paragraph D.

To accomplish the purposes set out in this section, the disciplines of education, casework, group work, psychology, psychiatry, medicine, nursing, applied technology training and religion as they are related to human relations and personality development must be employed. Security measures, whether in the form of physically restrictive construction or intensive staff supervision, when appropriate, may be taken to accomplish these purposes.

Citation: Maine Revised Statutes Annotated Title 34-A. Corrections Chapter 3. Correctional Facilities Subchapter VIII. Mountain View Youth Development Center. § 4102. Current through the 2004 Second Special Session of the 121st Legislature.

**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)

Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
For information on Maine's juvenile transfer laws, [click here.](#)

**Juvenile Justice Leadership**

[Maine Juvenile Justice Advisory Group](#)
Maine JJAG is the state advisory group charged with administering funds received through the federal
Juvenile Justice Delinquency Prevention Act and monitoring compliance with the Act’s mandates. The Department of Corrections, Division of Juvenile Services convenes this group.

Resources/Contacts
Maine Department of Corrections
Maine Judicial Branch
Maine Juvenile Justice Advisory Group
Maine State Bar Association
Maine Statistical Analysis Center

Publications
Division of Juvenile Services Report for 2006

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Delinquency Services Summary

Centralized State: The Maryland Department of Juvenile Services (DJS) administers detention, delinquency intake, predisposition investigation, probation, correctional, and aftercare services. To facilitate the delivery of services, the state is divided into five geographic areas. An area usually covers several counties and is overseen by an Area Director. Supervisors manage DJS offices in each county (often, but not always, located in courthouses) and answer to the Area Director. Juvenile counselors in regional offices provide intake, probation, and aftercare supervision.

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Court(s) with Delinquency Jurisdiction

Circuit Courts exercise jurisdiction over delinquency proceedings. A circuit court is located in each county and in Baltimore City. Circuit courts are general jurisdiction trial courts. For more information, visit the Maryland Judiciary web site.

Highlights

The Maryland Department of Juvenile Services has embarked on major juvenile justice reforms to impact service delivery to youth offenders in both community-based and residential settings. The department has established the goals of treating Maryland’s youth in Maryland, sustaining reforms by implementing best practices to improve conditions of confinement in all juvenile facilities and improving outcomes for youth, their families and communities. The department is engaging stakeholders to maximize use of alternative community resources, expand evidence-based services and to implement best practices to further improve conditions of confinement.

MD participates in Annie E. Casey Foundation’s Juvenile Detention Alternative Initiative (JDAI). JDAI is first and foremost dedicated to keeping communities safe. The goal is to ensure that only those youth who pose a community safety risk or are at risk of failing to appear for their next court appearance are detained in our detention facilities. JDAI helps set up detention alternatives for youth who are not appropriate for secure detention. JDAI works to strengthen juvenile justice systems, make communities safer, help youth and save tax dollars. The department has implemented a series of enhanced intake and assessment practices aimed at providing an accurate assessment of youth to aid the staffing process and influence decisions about ongoing care, treatment and placement. To that end, the department has begun the implementation of CASII and has started implementation, validation and localization of the Detention Risk Assessment Instrument (DRAI) as part of the ongoing JDAI efforts.

With legislative support, the department has increased salaries for direct care workers by approximately 12%, and continues to aggressively recruit the most qualified applicants. Considering past recommendations, the department is committed to develop capital projects for smaller, regional residential facilities. The department has closed long-term and committed programs at The Hickey School and downsized the population at the Cheltenham Youth Facility. Most recently, DJS opened the Victor Cullen Center, a 48-bed treatment facility in Frederick County, and two 24-bed regional detention facilities in the Western and Eastern regions of the State. State-certified teachers with well-developed academic programs are currently providing education at the Balitmaore City Juvenile Center, the Lower Eastern Shore Children’s Center and the educational program for detention youth.
remaining at Hickey. The Maryland State Department of Education (MSDE) will oversee all juvenile residential educational programs by 2012.

To address ongoing interest in decentralization of departmental functions, the department has established an internal Regionalization committee to review the outcomes of the Regionalization pilot in Western Maryland. The Regionalization committee will make recommendations on what resources are needed to implement regionalization statewide.

The department has established an Office of Quality Assurance and Accountability (QAA) to increase internal improvements; further expand monitoring activities; and implement evidence based programs with positive outcomes for juvenile offenders such as Multi-systemic Therapy (MST), Functional Family Therapy (FFT), and Multidimensional Treatment Foster Care (MTFC). The Disproportionate Minority Confinement (DMC) Coordinator position is housed in QAA at DJS. Stakeholders in the five largest jurisdictions are studying decision points with the help of the Annie E. Casey Foundation and the W. Haywood Burns Institute. Other immediate reforms include enhancing family involvement in the planning and treatment of youth by establishing the new Office of Community and Family Partnerships.

To improve inter-agency coordination, the department is currently facilitating a Joint Strategic Plan between Maryland's child serving agencies (which include DJS, Department of Human Resources (DHR), Department of Health and Mental Hygiene (DHMH) and Maryland State Department of Education (MSDE)). The final report will be available in July '08. Over the coming months, the department looks forward to developing a more comprehensive, long-range strategic plan for the next three years. On February 1, 2008, the department will submit a three year strategic plan that will define the objectives, strategies, goals, and outcomes the department expects to achieve for fiscal years 2009 through 2011.

**Budget:** During the last legislative session DJS submitted to the Governor and Maryland General Assembly a ten-year Facilities Master Plan - the roadmap for "The Maryland Model" - to correct longstanding deficiencies and poor conditions in DJS facilities.

DJS proposed an 18.1% (231.8 million) increase in the FY07 budget. The House and Senate cut $1.9 million from that request.

**State Operated Facilities**

DJS has evolved from a system that primarily provided custodial care to a comprehensive service delivery system which provides for a range of programs and services designed to address the needs of the diverse population served. DJS utilizes a continuum of services and treatment for juveniles who have broken the law. Not all young people, however, can be treated effectively in a community-based program.

The Maryland Department of Juvenile Services (DJS) Residential Services Division oversees the following juvenile facilities: J. DeWeese Carter Center; Cheltenham Youth Facility; Lower Eastern Shore Children's Center; Alfred D. Noyes Children's Center; Thomas J. S. Waxter Children's Center; Western Maryland Children's Center; the Baltimore City Juvenile Justice Center (BCJJC), the Charles H. Hickey, Jr. School, Victor Cullen and the Youth Centers comprised of four separate residential facilities in Western Maryland. Youth are held in detention when they are determined to be at risk to public safety to ensure their presence at court hearings. Youth are held in detention pending adjudication or disposition. Juveniles cannot be sentenced to secure detention.

At detention intake, DJS staff administers a needs screening tool to briefly review possible needs. It is not meant to diagnose specific problems, but rather to assess the immediate needs of these youth in areas of functioning (e.g., education, mental, and substance abuse). Depending upon the results, youth may be referred for clinical/educational/vocational evaluations to be conducted in conjunction with a program of treatment/services. Maryland House Bill 692 mandates assessments for juveniles with mental health or substance abuse problems or who are mentally retarded. Continuum of services reform efforts include less reliance on residential and institutional programs and more emphasis on non-secure residential and in-home
programs, reserving institutional care for the most serious or chronic offenders.

**Delinquency Intake Screening**
Anyone may file complaints of alleged delinquency. Upon referral, intake officers, working for the Department of Juvenile Services, screen youth to determine the appropriate course of action. Intake officers screen youth for risks and needs by reviewing the presenting offense and the youth's alleged involvement, assessing risk to public safety, communicating with victims to determine victim impact and need for restitution, and interviewing the youth and parent/guardian/custodian. This interview includes an initial needs screening in the areas of somatic health, mental health, substance abuse, educational status, and individual and family functioning. When the results of a screening indicate further attention is warranted, the intake officer will refer the youth and family for an assessment and/or other services.

The intake officer may: (1) disapprove the case based on insufficient evidence; (2) otherwise resolve the case; (3) place the juvenile on informal supervision for up to 90 days; or (4) forward the case to the State's Attorney's Office with a recommendation to begin formal court action. The State's Attorney files the petition. The State's Attorney's Office initially reviews cases when juveniles are charged as adults.

**Diversion**
Informal community supervision is the most common diversion approach for youth who are low risk and non-violent, requiring minimal supervision by juvenile counselors. Informal supervision may entail referral to another agency or individual for specialized counseling, coordinating payment of restitution for damages to victims, directing community service, and/or supervising the youth as needed.

In Baltimore, the [Community Conferencing Center](#) (CCC) is facilitating conferences as part of a court diversion program for juvenile nonviolent offenders and juvenile first-time felony offenders and as an alternative to school suspension and an aid in re-entry into family and community after incarceration. CCC uses the three-part restorative conference structure. Community conferences are always voluntary. In a diversion case, the offender must admit to wrongdoing, and all parties must agree to go through the conferencing process instead of sending the case to court. If community conferencing resolves the case, the offender will not have a court record.

**Predisposition Investigation**
Juvenile counselors, working in Maryland Department of Juvenile Services' regional offices, conduct predisposition investigations. The Classification Assessment Tool for Adjudicated Youth helps guide classification, out-of-home placement decisions, and case management decisions about adjudicated juveniles (prior to disposition). This tool also assists court decision-making prior to a disposition hearing. An assessment is conducted on all youth for whom a disposition is scheduled. The results of this assessment are provided to both the Institutional Case Manager and/or the juvenile counselor to use when developing the Treatment Services Plan and making recommendations to the court at disposition.

In FY 2002, the Department of Juvenile Services developed the Treatment Service Plan (TSP) format in consultation with the University of Maryland and the Johns Hopkins University. Essentially, the TSP serves as a case management guide for service referral and youth accountability. The TSP format contains elements essential for documenting services in the following five major domain areas: education; mental health; somatic health; substance abuse; and family functioning. The TSP also captures data pertaining to assessments, violations and sanctions, and supervision requirements. Juvenile counselors are also required to complete Treatment Service Plans, which provide specific information to the court about treatment and/or rehabilitation of an adjudicated juvenile in order to aid the court in making disposition decisions. Recent legislation (House Bill 821 enacted in October 2003) made specific demands on juvenile counselors preparing Treatment Service Plans, including increased documentation of a family’s willingness or unwillingness to meet with the juvenile counselor. If the court adopts a Treatment Service Plan at a disposition hearing or disposition review hearing, the Department of Juvenile Justice is required to implement that plan within 25 days of the date of that hearing.
Victim Rights and Services
In 1998, the Maryland General Assembly enacted the Rights of Victim or Witness of Delinquent Act. This measure provides guidelines for agencies within the juvenile justice system on how to treat a victim or witness of a delinquent act. The Department of Juvenile Services (DJS) provides direct assistance to victims of juvenile crime; however, limited information about victim’s rights in Maryland is available online. DJS does manage a computerized statewide tracking system to monitor restitution paid by adjudicated youth and expedite disbursement to victims. For additional information on victim services, call the Director of Victim Services at the Maryland Department of Juvenile Services at (888) 639-7499.

Probation Supervision
Juvenile counselors in Department of Juvenile Services' regional offices operate as case managers and supervise juveniles placed on probation. Probation caseload size is not statutorily mandated.

The Treatment Service Plan (TSP) documents supervision requirements. For more information on TSP, please see the Predisposition Investigation section.

Juvenile Probation Officer Qualifications, Certification, and Training
A Juvenile Counselor I, II, or III must have either a bachelor's degree or an Associate of Arts degree with two years' experience. Experience requirements vary for the three levels: Juvenile Counselor I requires no experience; Juvenile Counselor II requires two years of experience; and Juvenile Counselor III requires four years of experience.

Juvenile counselors must be licensed with the state of Maryland after they obtain employment. In addition, all juvenile counselors must be certified. In order to be certified, they must complete an entrance-level training program which consists of a minimum of 160 hours of training in the following mandated subject areas: juvenile justice in the criminal justice system; human growth and development; laws and regulations; assessment; integrated case management; counseling; documentation; safety and security; and first aid.

Commitment to State
The court commits juveniles to the custody of the Department of Juvenile Services (DJS). DJS conducts an assessment and develops an Individual Service Plan that is presented to the court for review. The court commits adjudicated youth for an indeterminate time period ranging from 30 - 120 days. This time period can be increased or decreased based on the youth's behavior in placement as determined by the juvenile counselor. Placement reviews should be conducted within the youth's fifth month in placement and every five months thereafter.

Blended Sentencing
Maryland does not have blended sentencing provisions.

Direct Placement
All youth are committed to the Department of Juvenile Services for placement.

Release
Institutional staff and the Department of Juvenile Services' Community Justice Division jointly recommend to the court when a juvenile should be physically discharged from a residential program, and where he or she should go.

Aftercare/Re-entry
Maryland Department of Juvenile Services (DJS) juvenile counselors supervise all youth released from placement. High risk/high need youth are assigned to a minimum of six months of intensive aftercare supervision (see below for description). A Treatment Service Plan is developed for youth assessed as high risk/needs. Aftercare for youth is also provided at high, medium, and low supervision levels as determined by a risk/needs assessment entitled Risk Assessment for Detained/Commited Populations (2001). For detailed information concerning aftercare, the Department of Juvenile Services published Aftercare Strategy (2003), a report that details the types of aftercare services provided to juveniles in...
Maryland.

**Senate Bill 767**, enacted in 2004, requires that all youth, upon discharge from a Department of Juvenile Services residential program, have a step-down aftercare plan. Aftercare services are designed to provide a range of support to ease the youth's re-entry into his or her community and decrease the number of repeat juvenile offenders.

DJS also operates an Intensive Aftercare Project to reduce the rate of recidivism of youth released from commitment. Under this project, DJS assigns a juvenile counselor and teams of social workers, family intervention specialists, and mental health professionals to counsel youth released from a commitment program, provide interventions for the youth, address family functioning, and serve as referral sources for family members.

**State Laws**

**Legal Resources**

[Maryland Juvenile Code and Rules](#) (Title 11. Juvenile Causes)

[Maryland State Bar Association](#)

**Purpose Clause for Delinquency Proceedings**

(a) Purposes of subtitle. -- The purposes of this subtitle are:

1. To ensure that the juvenile justice system balances the following objectives for children who have committed delinquent acts:
   
   (i) Public safety and the protection of the community;

   (ii) Accountability of the child to the victim and the community for offenses committed; and

   (iii) Competency and character development to assist children in becoming responsible and productive members of society;

2. To hold parents of children found to be delinquent responsible for the child's behavior and accountable to the victim and the community;

3. To hold parents of children found to be delinquent or in need of supervision responsible, where possible, for remedying the circumstances that required the court's intervention;

4. To provide for the care, protection, and wholesome mental and physical development of children coming within the provisions of this subtitle; and to provide for a program of treatment, training, and rehabilitation consistent with the child's best interests and the protection of the public interest;

5. To conserve and strengthen the child's family ties and to separate a child from his parents only when necessary for his welfare or in the interest of public safety;

6. If necessary to remove a child from his home, to secure for him custody, care, and discipline as nearly as possible equivalent to that which should have been given by his parents; and

7. To provide judicial procedures for carrying out the provisions of this subtitle.

(b) Construction of subtitle. -- This subtitle shall be liberally construed to effectuate these purposes.

**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: 7
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
For information on Maryland's juvenile transfer laws, [click here](#).

**Juvenile Justice Leadership**

**Governor's Office of Crime Control and Prevention**
The Governor's Office of Crime Control and Prevention, as the designated state agency State Advisory Group, allocates and disburses federal funding and insures compliance with the core requirements of the Juvenile Justice and Delinquency Prevention (JJP) Act. In accordance with Executive Order 01.01.2005.37, the Juvenile Justice Specialist for Maryland is housed in GOCCP and is responsible for staffing the Juvenile Grant Planning and Review Council (Juvenile Council).

**Advocates for Children and Youth**
According to its web site, Advocates for Children and Youth's (ACY) mission is "to identify problems, promote policies and programs that improve results for Maryland children in measurable and meaningful ways, and evaluate the effectiveness of programs and policies for the state's children and youth." ACY staffs the Maryland Juvenile Justice Coalition.

**Office of Professional Responsibility and Accountability (OPRA)**
OPRA is charged with ensuring that the Department of Juvenile Services employees and service providers perform their duties and responsibilities in accordance with professional standards and practices, applicable law, rules of conduct, regulations, policy, procedures, and written directives. OPRA consists of four units working cooperatively in the best interests of the juvenile justice system: Auditing; Investigations and Child Advocacy; Professional Standards; Management Services and Quality Assurance.

**State Advisory Group**
Pursuant to the Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. § 5633, and Maryland Governor's Executive Order #01.01.2005.37 Maryland has a state a state advisory group, the Juvenile Council, that performs the duties required by the state advisory group under the JJP Act.

**Resources/Contacts**
[Advocates for Children and Youth](#)
[Department of Juvenile Services](#)
[Governor's Office of Crime Control and Prevention](#)
[Maryland Judiciary](#)
[Maryland Police and Correctional Training Commissions](#)
[Maryland State Bar Association](#)

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Delinquency Services Summary

Combination State: The state operates most delinquency services for youth in Massachusetts. However, responsibility is divided between the state judicial and state executive branches. The State Court’s Juvenile Court Department administers intake, predisposition investigations, probation supervision, and some aftercare. The Department of Youth Services administers secure detention, residential commitment facilities, and a range of community corrections programs. Aftercare is administered by the Department of Youth Services for youth returning to the community from placement.

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Court(s) with Delinquency Jurisdiction

The Juvenile Court Department of the Trial Court exercises jurisdiction over delinquency and youthful offender proceedings. The juvenile court is a limited jurisdiction trial court. The Court Reorganization Act of 1993 authorized the establishment of a statewide juvenile court, and implementation of all the new court divisions was completed in January 2004. Currently, 11 divisions of the juvenile court hold sessions in more than 40 locations and continue to be refined as a statewide system of juvenile courts. For more information, visit the Massachusetts Court System web site.

Highlights

Massachusetts' Juvenile Justice Firsts
Massachusetts is often credited with establishing the first juvenile correctional system in the nation during the mid-19th century. During the same time period, a Boston shoemaker, John Augustus, invented the concept of maintaining youth in the community through a period of “probation” or community supervision. Massachusetts also was the first state to close its larger, state operated congregate care facilities (training schools) and administer juvenile corrections through a network of community corrections partnerships. A brief history of the Massachusetts experiment for community corrections and its influence on current operations is provided on the Massachusetts Department of Youth Services web site.

Juvenile Court Clinics
The Juvenile Court Department of the Massachusetts Trial Courts, with the Massachusetts Department of Mental Health, has implemented a statewide system of juvenile court-based mental health clinics. Juvenile Court Clinics employ a range of mental health professionals (including psychologists, psychiatrists, and social workers) and provide training opportunities for trainees in these fields. Mental health professionals are specifically trained and certified to work in the Juvenile Court Clinics. Juvenile Court Clinicians provide court-ordered evaluations, referral services, and limited treatment services for youth and families involved in delinquency, status offense, child abuse and neglect, and termination of parental rights proceedings. For more information, contact Patricia Cone, Director of Juvenile Court Clinic Services, at 617-788-6550 or patricia.cone@jud.state.ma.us.

Operation Nightlight: A Model
Operation Nightlight was developed in 1992 and consists of teams of probation and police officers visiting the homes of probationers in the evening to ensure compliance with probation conditions. The approach extended into additional probation departments and produced a philosophical shift toward
community partnerships for probation and intensive supervision during non-traditional work hours. Additional information concerning the evolution of the Operation Night Light program in Boston is available on the Boston Strategy to Prevent Youth Violence website under Programs.

**Detention**

The Department of Youth Services (DYS) administers 23 secure or staff secure detention facilities throughout the state. DYS either operates these facilities or contracts with non-profit service providers. The juvenile court may also order home-based alternatives, which typically involve returning home with probation staff or a contract provider of the court providing support services.

Secure detention in Massachusetts is primarily for holding youth preadjudication. However, these units may also house youth who are committed by the juvenile court to DYS and are awaiting placement in a long-term residential facility. Detention cannot be ordered as a disposition or as a sanction for violation of probation, but can be used for youth who violate the terms of DYS community placements.

Statute does not place a time limit on predisposition holding of youth or the use of secure detention for DYS revocations of community placements. However, DYS has policy for pre-determining the length of a revocation commitment to secure detention based on the reason for the revocation.

M.G.L. c.119, sec. 68 outlines criteria for secure detention. The court may recommend secure detention for a youth age 14 or older who is a fugitive from another jurisdiction or on conditional release from a placement for certain serious offenses or has a recent record of violent acts or failure to appear. Initial detention decisions are currently not guided by a uniform risk-scaling tool as they are in some states, rather the statute guidelines are applied and the juvenile court determines whether secure detention is warranted at a detention hearing.

DYS services offered in secure detention include the traditional elements of education, behavior management, health services and recreation. A violence prevention curriculum and substance abuse treatment services are also available to youth in DYS secure detention placements.

**Delinquency Intake Screening**

Under M.G.L. c. 218, sec. 35, any citizen can submit an application for a criminal complaint directly to the court. The provision applies to juvenile matters as well. The juvenile court has jurisdiction over delinquent youth ages 7 to 17 and is obligated to examine, on oath, the complainant and any witnesses they provide (M.G.L. c. 119, sec. 54). Thereafter, the court must reduce the complaint to writing and have it filed with the complainant's sworn affidavit. "Clerk-magistrates," who are appointed by the Governor for life terms, administer the application process (M.G.L. c.218, sec. 8). The clerk-magistrate makes a probable cause determination on the application for a complaint and causes the complaint to issue and service of process for juvenile court proceedings to commence. No other person, except a judge, is authorized to issue arrest warrants, search warrants and summonses. Therefore, the clerk-magistrate is the “gatekeeper” for commencing an action.

Prosecutors or police typically file applications for a complaint with the clerk-magistrate. Case law defines the responsibilities and power of District Attorneys to represent the Commonwealth in a range of legal matters, largely free of control by the judicial branch on separation of powers grounds. Also under case law, District Attorneys may enter a nolle prosequi or “no prosecution” without the court's approval and intervention.

In practice, local prosecutors often work closely with the juvenile probation department of the local trial court to screen referrals for legal sufficiency and draft applications for a complaint or agreements for diverting the case from court to a diversion program. Probation completes a two-page intake form by interviewing the defendant. The form covers basic identification and income information and allows the probation officer to run a criminal background check and prepare recommendations to the court regarding the requirements for public defense. However, there are regional differences in local arrangements between law enforcement agencies, the prosecutors, the courts, and the autonomy of the clerk-magistrate. A recent decision of the Massachusetts Supreme Judicial Court contains a study on this point and addresses the authority of clerk-magistrates in the intake process where it may interfere
with the prosecutorial discretion of the executive branch (787 N.E.2d 1032 (2003)).

**Diversion**

The operation of juvenile diversion programs reflects regional differences that also impact intake. As the gatekeeper of the intake process, clerk-magistrates can divert youth charged with misdemeanors to programs or enter into informal settlements with them. Prosecutors can divert complaints by entering a nolle prosequi (described above), which may even terminate the court’s jurisdiction over complaints filed by the clerk-magistrate and set to appear before a judge.

Diversion criteria does not reside in any statute and varies depending on the agency operating the programs (i.e., probation or the prosecutor). However, to be eligible for one of the prosecutor-operated programs, the juvenile must be a first-time, non-violent offender and demonstrate a willingness to attempt a positive change for a minimum duration of 4 to 6 months.

The local prosecutor, juvenile probation, or the Department of Youth Services may operate juvenile diversion programs. Diversion agreements often involve community service and restitution. Some programs may also refer youth to individual and group counseling services to address behavioral health and substance abuse problems and that may provide specialized delinquency prevention interventions.

District Attorneys administer a range of juvenile diversion programs (e.g., Eastern District Attorney and Plymouth County District Attorney). For example, the Eastern District Attorney’s Office places teams in the juvenile court to screen all juvenile cases prior to arraignment and identify youth who may be eligible for diversion or for indictment as a youthful offender or a priority prosecution. The teams consist of an Assistant District Attorney, a Juvenile Justice Coordinator, and a Victim Witness Advocate and help the office comply with Massachusetts' statutes that require the district attorney to operate a “community based juvenile justice program.”

In addition, the Eastern District Attorney’s Office developed the Flashpoint curriculum in 2002 to teach youth cognitive skills to analyze what they view in the media and make better choices about aggression and violence, hate and prejudice, and substance abuse. Educators and juvenile justice and social service providers teach decision-making skills through discussion, creative exercises, and video segments. The modules address influences often associated with the presenting offense in diversion cases—underage drinking, the Internet, youth gangs, cliques, and stereotypes. For more information on Flashpoint, call the Eastern District Attorney’s Office at 978-745-6610.

Finally, both the Department of Youth Services (DYS) and Juvenile Probation operate diversion programs for at-risk youth. For example, the DYS Juvenile Delinquency Prevention Program targets diversion resources in communities that the Massachusetts’ Executive Office of Health and Human Services has identified as having high juvenile crime rates and pressing social welfare issues. DYS Juvenile Delinquency Prevention Workers receive referrals from the District Attorney’s Office, probation departments, the Department of Social Services, and other community agencies, including schools. With a caseload of no more than 10 youth, DYS Prevention Workers provide intensive supervision through weekly contact with the child and family to monitor behavior, school attendance, and curfew and help mediate family disputes over unruly behavior.

**Predisposition Investigation**

Probation officers working for the Juvenile Court Department of the Trial Court are responsible for conducting investigations and making appropriate disposition recommendations based on the investigations.

**Victim Rights and Services**

The Massachusetts Victim Bill of Rights specifically extends rights to the victims of juvenile violence, including a right to a full explanation by the prosecutor of their rights in the process, the right to attend all court hearings, the right to confer with probation officers prior to the submission of pre-disposition investigation, and to submit oral and written impact statements at disposition.

The Massachusetts Office of Victim Assistance (MOVA) is an independent state agency created to
advocate for crime victims. MOVA staff works closely with other state agencies to “effectively implement victim rights laws and to ensure coordination of victim services.” Staff offer crisis intervention and short-term counseling, referrals to appropriate programs and service providers, and information and advocacy. MOVA also connects victims to support groups in their communities.

The Department of Youth Services operates a Victim Services Unit that provides information and advocacy support for victims of juvenile crime. The unit also operates a victim notification program, which complies with the victim's right to request and receive advance notice when the offender returns to the community, is transferred to a less-secure facility, or escapes from custody.

The Office of the Massachusetts Attorney General administers the state’s crime victim compensation program. The program provides financial assistance to help victims pay expenses related to victimization, such as uninsured medical and dental costs and lost income.

Probation Supervision
Probation officers working for the Juvenile Court Department of the Trial Court supervise and monitor juvenile offenders assigned to traditional juvenile probation. Juvenile court judges set the terms and length of traditional probation. However, all probation services are subject to the central administrative authority of the Office of the Commissioner of Probation.

Probation officers develop supervision plans after completing a detailed offender profile that includes a risk/need classification. A standard set of probation conditions are used as template for supervision plans, subject to the modifications contained in the court’s disposition order. Probation officers must periodically interview youth to monitor compliance with probation conditions, enforce orders of the court, and revoke or modify probation when necessary. They are also involved in assessing a probationer’s ongoing needs for counseling and making the appropriate referrals to community programs or resources. Additional detail concerning the job responsibilities of probation officers is available on the Massachusetts Trial Court System web site by selecting Resources, then Probation.

Prison reform in Massachusetts to address overcrowding triggered a philosophical shift toward community corrections and a finer range of intermediate supervision options for both probationers and youth committed to the Department of Youth Services.

Established by statute in 1996, the Office of Community Corrections (OCC) is integral to traditional probation services in Massachusetts. OCC is a division of the Office of the Commissioner of Probation charged with promoting a continuum of community corrections programs and services statewide. OCC generally administers services to adult probationers; however, OCC's network of Community Corrections Centers provides substance abuse treatment and education, GED instruction, and job readiness and life skills training. Juvenile Resource Centers (JRCs) provide specialized services for juvenile offenders through a collaboration between Probation and the Department of Youth Services. Additional information is available on the Office of the Commissioner of Probation web site under Community Corrections.

The Office of the Commissioner of Probation entered into a formal partnership with the Boston Police Department for intensive supervision through a team approach. The partnership grew from the success of Boston’s Operation Night Light, a program that has been emulated across the country. Please see the Highlights for more information on Operation Night Light.

Juvenile Probation Officer Qualifications, Certification, and Training
Massachusetts has a Commissioner of Probation who is appointed by the Chief Justice for Administration and Management. The Office of the Commissioner of Probation establishes standards for probation practice, provides training to probation personnel, and qualifies individuals for appointment as probation officers.

Juvenile probation officers must have a bachelor's degree and a minimum of one year of related work experience or a relevant master's degree.

The Office of the Commissioner does not certify individual officers. Instead, entire offices are certified
through a review panel of eight regional supervisors. The certification process is prescribed by the
Commissioner of Probation and currently involves random case file reviews from each probation
officer's caseload. Individual probation officers are rated on measures of ability to classify offenders and
measure risk to the community, enforcement of court orders, and contact frequency and quality. Offices
with an aggregate score of 85 percent receive a two-year certification from the Commissioner.

Statute requires all probation officers to attend at least one training program every three years. In
addition, senior probation officers who have achieved the rank of Probation Officer II must attend
training once a year. Finally, probation officers are required to attend five days of management training
upon promotion to Assistant Chief or Chief Probation Officer.

Juvenile Corrections Continuum

The Department of Youth Services (DYS), within the Office of Children, Youth and Families Services,
operates 102 programs, including 64 secure placement facilities and 38 community-based programs.
Many DYS programs are administered through contracts for service with private agencies offering
services to youth. Secure facilities for the most serious juvenile offenders range from staff secure group
homes to highly secure locked units. Less serious offenders are placed in residential group homes,
foster homes, or at home with their families of origin with support services, such as community
supervision, outreach, and tracking. Additionally, DYS operates two "boot camps," a Homeward Bound
program, and a Forestry Camp. DYS also operates a sight and sound separate wing within an adult
prison for juveniles who have been charged with or convicted of murder and youth who have adult
sentences.

Secure DYS facilities are classified according to three levels of restrictiveness:

- Secure, which have locked perimeter doors, locked bedroom doors, locked screen windows, and
  restricted client movement
- Limited Secure, which have locked perimeter doors, locked screened windows, unlocked dormitory
  style bedrooms, and physically less restrictive program areas
- Staff Secure, have no locked doors and alarmed perimeter doors and windows with an emphasis
  on security through client to staff ratios.

Treatment is guided by tracking the youth's progress toward behavioral goals, measuring cognitive or
problem-solving skills for overcoming risk factors, and acquiring positive behaviors for reentry.

DYS funding is an annual appropriation divided into four accounts for specific DYS operations,
administration, non-residential services, pre-trial residential services, and committed residential
services. Annual appropriations from FY 1998 to FY 2002 are available on the DYS web site under
Youth Services Budget.

Community Corrections

In addition to traditional probation supervision ordered by the court and the services of the Office of
Community Corrections, DYS operates community-based services for its wards that are often associated
with juvenile probation supervision in other states. DYS community services and supervision are
provided through case management (average caseload 25 youth per caseworker), outreach and
tracking, day reporting centers (DRCs), and electronic monitoring. The focal point of the DYS
community corrections system is a network of 36-day reporting and neighborhood centers in cities and
towns with the highest concentration of youth committed to the agency/state. The centers are
established by DYS in collaboration with local police, juvenile courts and probation and Massachusetts’
network of community based service provider agencies. DYS casework staff and community surveillance
monitors work out of the centers, which are neighborhood based. DYS uses a four-level for system for
assigning supervision level to youth in the DRCs. DYS caseworkers in collaboration with private vendor
community monitors organize or directly provide services for drug and alcohol counseling, drug
screening and testing, electronic monitoring, anger management groups, skill training groups, victim
awareness groups, substance abuse curriculum, family counseling and crisis intervention, respite care,
employment readiness training, tutoring and educational services.

**Commitment to State**
Juvenile court judges commit juvenile offenders to the Department of Youth Services (DYS) for an indeterminate period of time or until the juvenile's 18th birthday or 19th in the case of a juvenile whose case is disposed of when he or she is 18. Youth indicted and subsequently adjudicated as youthful offenders can be committed until the “objective of the commitment is accomplished” or until age 21. DYS makes placement decisions based on an assessed level of risk, enabling DYS to match a youth with programs that best address the security needs of the public and meet the service needs of the juvenile offender. Less than six percent of all youth arraigned in a given year are eventually committed to DYS.

Youth committed to DYS are assessed within 30 to 45 days of the commitment order. The assessment is used to assign youth to residential or community settings and examines family relationships, educational history, prior criminal record, and physical and behavioral health history. Based on the assessment, DYS will place youth in its continuum of facilities, including those specifically designated for long term commitments (8-12 months), short term commitments (30-90 days), long-term group care with 24-hour a day child care security staff, and short-term group care. Certain delinquent youth committed to DYS are also placed in foster care when placement in the home is not an option.

**Blended Sentencing**
Prosecutors can handle youth between ages 14 to 16 charged with certain felonies as a delinquent or a Youthful Offender. Both cases are prosecuted in the juvenile court. However, a youthful offender prosecution exposes the alleged offender to a possible straight adult sentence, a straight DYS commitment to age 21, or a combination sentence to DYS until age 21, with the possibility of a concurrent probation disposition and a suspended adult sentence. For more information concerning Massachusetts’ Youthful Offender provisions, click here.

**Direct Placement**
The court cannot place youth in private or local residential facilities without commitment to the Department of Youth Services.

**Release**
Massachusetts does not have a juvenile parole or release board. The Department of Youth Services (DYS) may direct the release of a youth from residential facilities to his or her home and family but retain jurisdiction to supervise the youth in this placement until the commitment expires. When placing youth back into the home, DYS is responsible for notifying the Department of Transitional Services of the name of the child and the person to whom care has been entrusted. DYS may resume physical custody of any child released home under supervision.

DYS must notify the local police when a youth who was committed to DYS for certain serious and violent offenses returns home.

**Aftercare/Re-entry**
The Department of Youth Services (DYS) works with juvenile offenders after their release from placement to reintegrate them into their communities. Following placement in facilities, juvenile offenders are placed in residential group homes or foster homes, or they return home with their families and are provided supportive services by DYS. Strategies include case management, outreach and tracking, day reporting centers, and electronic monitoring.

If the judge orders probation after release from placement, probation officers working for the Juvenile Court Department of the Trial Court provide aftercare services.

Massachusetts is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Massachusetts' involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.
State Laws

Legal Resources

General Laws of Massachusetts, Part I (Administration of the Government), Title XVII (Public Welfare), Chapter 119 (Protection and Care of Children, and Proceedings Against Them

Massachusetts Bar Association

Purpose Clause for Delinquency Proceedings
Sections fifty-two to sixty-three, inclusive, shall be liberally construed so that the care, custody and discipline of the children brought before the court shall approximate as nearly as possible that which they should receive from their parents, and that, as far as practicable, they shall be treated, not as criminals, but as children in need of aid, encouragement and guidance. Proceedings against children under said sections shall not be deemed criminal proceedings.


Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: 7
Upper Age: 16
Extended Age of Delinquency Jurisdiction: 20

Juvenile Transfer Laws
For information on Massachusetts' juvenile transfer laws, click here.

Juvenile Justice Leadership

Juvenile Justice Advisory Committee
The Juvenile Justice Advisory Committee is the state advisory group charged with administering funds received through the federal Juvenile Justice Delinquency Prevention Act and monitoring compliance with the Act's mandates.

Citizens for Juvenile Justice (CfJJ)
Citizens for Juvenile Justice is a non-profit public policy organization whose members include the Commonwealth of Massachusetts' leading juvenile justice professionals. CfJJ advocates for fair and effective juvenile justice policies and educates the public about the juvenile justice system.

Massachusetts Advocates for Children (MAC)
Massachusetts Advocates for Children, formerly Massachusetts Advocacy Center, is a private non-profit organization dedicated to improving life opportunities for children throughout the Commonwealth. MAC is committed to ensuring that children who are vulnerable because of poverty, race, limited English, or disabilities have full access to the services and resources to which they are entitled, particularly in the areas of education, health and welfare, and legal representation. The broad range of strategies includes building coalitions; helping empower parents and community leaders; preparing policy analyses; advocating at the administrative and legislative levels; providing technical assistance; and, when necessary, litigating.

Youth Advocacy Project (YAP)
The Youth Advocacy Project, a unit of the Committee for Public Counsel Services, provides legal representation for indigent children who are charged with delinquency and youthful offender cases in Boston. Using a multidisciplinary Youth Development Approach, YAP integrates the work of criminal and education attorneys, social workers, community outreach workers, and a psychologist to fully address the legal and developmental needs of their clients. YAP extends its efforts beyond the courtroom to include training and mentoring of juvenile defenders statewide, community education and partnering, and advocating for juvenile justice reform.
Resources/Contacts
Citizens for Juvenile Justice
Department of Youth Services
Juvenile Justice Advisory Committee
Massachusetts Advocates for Children
Massachusetts Bar Association
Massachusetts Court System
Massachusetts Office of Victim Assistance
Office of the Commission of Probation
Youth Advocacy Project

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Delinquency Services Summary

**Decentralized State:** Delinquency services are provided by local county, private providers and the State of Michigan. Local family courts administer much of the secure juvenile detention resources, intake, and probation supervision. The state Department of Human Services, Bureau of Juvenile Justice administers community-based alternative services, Community Justice Residential Centers, some secure detention resources, facilities for public commitments, and aftercare for juveniles committed to the state.

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Court(s) with Delinquency Jurisdiction

The Circuit Court, Family Division exercises jurisdiction over delinquency proceedings. In some courts, the juvenile jurisdiction may be specialized within the juvenile section of the Family Division. Circuit Courts are general jurisdiction trial courts. For more information, visit the [Michigan Court System web site](#).

Highlights

**Gender Specific Services**

The Michigan Department of Human Services developed a network of community based alternatives to placement tailored to meet the needs of delinquent girls. The five year strategic plan of the Michigan Female Gender Specific Task Force, a resource directory, and list of participating agencies are available on the [Helping Our Girls web site](#).

**Michigan’s Community Corrections Entitlement**

Since 1955, the Michigan Child Care Fund program provides state financial support for community corrections. Over time, the program has expanded to subsidize services to youth that help them remain at home without jeopardizing public safety. The program is currently a state entitlement that reimburses counties for fifty percent of all Child Care Fund eligible services, including certain community based residential services. Additional information concerning the Child Care Fund and the types of services the program funds is available on the Michigan Department of Human Services (DHS) [web site](#). DHS also posts recent expenditures and Child Care Fund statistics online.

**Wayne County Community Corrections**

Wayne County (Detroit) greatly reduced its commitments to the state Department of Human Services (DHS) by developing a continuum of community-based and county-funded alternatives for delinquent youth. For additional information, please visit the web site of Wayne County Government’s [Institute for Youth and Family Development Policy](#). Also visit the [After School Project](#), a program of the Robert Wood Johnson Foundation, and request the publication *Before its Too Late*, which describes Wayne County’s community corrections experience.

**Detention**

Michigan currently has 14 secure detention facilities. Twelve are operated at the county-level by county administration, regional boards, or the Circuit Court, Family Division. The state Department of Human Services (DHS) operates the remaining two secure detention units and a program for alternatives to secure detention for counties without secure detention through its Regional Detention Support Services
program within the Bureau of Juvenile Justice (BJJ). These services include secure and non-secure holdover, home detention, electronic monitoring, home alcohol testing, and transportation to secure facilities.

Youth are held in secure detention pending adjudication, disposition, and while awaiting placement. With the exception of youth adjudicated for an offense with a firearm, Michigan juvenile law neither explicitly authorizes nor prohibits the use of secure detention as a disposition or a sanction for violating probation. Concerning the exception of firearm offenses, a youth may receive a disposition order for placement in secure detention for a specified period of time not to exceed the amount of time that could have been imposed if the juvenile was sentenced as an adult.

Michigan statutes define the requirements for admitting youth to secure detention prior to a court hearing as probable cause existing to believe the juvenile committed the offense, the alleged offense is serious enough to threaten public safety, the juvenile is charged or adjudicated for a felony and is likely to commit another offense if released, or is unlikely to appear for court if released to parent or guardian (MCR 3.935(D)(1)). Additional criteria include the juvenile is on probation or has a petition pending or prior adjudication, home conditions that necessitate immediate removal, runaways (subject to limitations for holding status offenders), and those who have failed to remain in non-secure placement facilities or otherwise endanger public safety.

Delinquency Intake Screening

Only the prosecuting attorney may file a petition charging a specific criminal offense and requesting the court to take jurisdiction of an alleged delinquent youth (MCL 712A.11(2); MCR 3.914(B)(1)). However, Michigan statutes also authorize officers of the court to initially review all referrals from citizens, parents, school officials, or law enforcement officials and make recommendations to the prosecuting attorney regarding the filing of a petition during a "preliminary inquiry" (MCR 3.932(A)(1)–(5)). Statute requires a "referee" of the court to conduct the screening for sufficiency at the preliminary inquiry, but does not require that individual to be an attorney. As noted in Michigan’s Juvenile Justice Benchbook: Delinquency and Criminal Proceedings, practice varies widely with regard to the Circuit Court, Family Divisions exercising the preliminary inquiry option under the statute. Some courts may not accept citizen complaints, and others may limit application of the preliminary inquiry to minor offenses likely to be diverted from formal action or to those where the allegation is unlikely to be contested.

Diversion

Prosecutors or courts exercising the preliminary inquiry option described above make diversion decisions. Under the court rules that guide preliminary hearings (MCR 3.935(B)(3)), a referee has several procedural options for diverting cases, including referring the matter to a public or private agency pursuant to the Juvenile Diversion Act, directing the parent or guardian to appear for further informal inquiry or conferencing, or proceeding on the court’s schedule for informal hearings or adjustment conferences.

The Juvenile Diversion Act in Michigan (Act No. 13 of the Public Acts of 1988) defines the requirements for diversion from court and the guidelines for diversion "adjustment conferences" with the youth and parents. The statute also outlines requirements for diversion agreements, the maintenance of legal records, and legal procedures to handle non-compliance with agreements. Statute does not place time limits on diversion agreements; therefore, time limits vary by jurisdiction and local court rules. Eligibility criteria include the nature of the alleged offense, the minor’s age, background to problems leading to the offense, character, and conduct and behavior in family and school settings.

In practice, the Circuit Court, Family Divisions have different resources to bring to bear for diversion. Local options range from warnings in the adjustment conference and apology letters to community service, restitution, behavioral counseling, and youth court. For example, the Circuit Court, Family Division in Ingham County utilizes three diversion intervention programs—a Youth Court, intensive
mentoring by university students, and a weekend community service option.

**Predisposition Investigation**

Juvenile Probation Officers employed by local Circuit Court, Family Divisions conduct predisposition investigations in most delinquency cases. However, statute requires the involvement of prosecutors during proceedings when a criminal offense is alleged and the hearing will involve the taking of testimony, or upon the court's request in any hearing. Except for requiring local prosecutors to attend certain hearings, the statutes place no requirements for the investigation of delinquency cases. However, cases charged under blended sentencing statutes in Michigan adhere to a different set of procedural rules for criminal process.

**Victim Rights and Services**

The Michigan Crime Victims' Rights Act (MCL 780.751 – 780.802; MSA 28.1287(781)–28.1287(802)) applies to all juvenile offenses and includes the right: to be notified of the telephone number and address of the person to contact regarding rights; to be notified within 48 hours upon the court dismissing a case; to be present during the entire trial (unless a witness); to be provided with a separate waiting area; to consult with a prosecuting attorney to provide views about the disposition of the case before any agreements are finalized; to have a victim impact statement included in the dispositional report; to make an oral victim impact statement to the pre-sentence investigator and the court at the time of disposition; and to be notified by the Department of Human Services or the Circuit Court of the earliest release date of the juvenile offender (only upon written request).

The Crime Victim Services Commission, within the Michigan Department of Community Health, is the state agency concerned with all aspects of services for victims of crime—victim rights, services, and compensation. The Commission is a five-member board appointed by the governor. The Crime Victim Services Commission also administers the state's victim compensation program.

Additionally, the Michigan Prosecuting Attorneys Coordinating Council provides helpful information as does a non-profit organization, the Michigan Victim Alliance.

**Probation Supervision**

Local Circuit Court, Family Divisions oversee juvenile probation departments that provide community supervision of youth placed on in-home probation. However, the Department of Human Services (DHS), Bureau of Juvenile Justice also consults with and assists local courts with juvenile probation services and oversees the distribution of subsidy monies to counties for juvenile probation services through its Child Care Fund entitlement. Family Division staff typically has the title Juvenile Probation Officer while DHS juvenile probation officers carry the title Juvenile Justice Specialist. Juvenile Justice Specialists (state probation) do not carry mixed caseloads of adults and juveniles, and Juvenile Probation Officers (local probation) generally do not carry mixed caseloads.

Strong home rule creates differences in juvenile probation practice, from the title officers carry to the practices for developing conditions of probation and/or individual offender case plans. The Circuit Court, Family Division is authorized under state statute to order its own terms and conditions of probation or supervision, including reasonable rules of conduct for the parents and/or custodian of the youth necessary for the juvenile's well-being. However, local departments develop and implement case management tools, such as standard conditions of probation, offender service plan templates, and structured decision-making tools for assigning supervision level.

The range of specialized probation options also vary across Circuit Court, Family Divisions, and can include intensive probation, specialized caseloads for youth with substance abuse issues, and intensive day treatment.

A statewide shift toward Balanced and Restorative Justice (BARJ) principles is supported by the Department of Human Services (DHS), Bureau of Juvenile Justice.

Juvenile probation officers generally work from centralized offices in court facilities. However, the Kent County Juvenile Probation Department places probation offices in non-traditional settings where
community leaders feel they will be of most service to youth, including schools, churches, and community police stations. This is funded through Juvenile Accountability Block Grant funds.

A statewide assessment of juvenile probation services has never been conducted in Michigan and performance data for juvenile justice programs are difficult to coordinate even at the county level. However, assessments of individual juvenile probation departments have occurred over time, including a 2003 assessment of the Ingham County (Lansing) juvenile justice system by the University of Cincinnati, Center for Criminal Justice Research and a 2001 assessment of the Washtenaw County (Ann Arbor) juvenile justice system by the National Center for Juvenile Justice.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Entry level Juvenile Justice Specialists (i.e., state juvenile probation) must have a bachelor’s degree in the social sciences and two years of experience. Each Circuit Court, Juvenile Division establishes its own education requirements for local juvenile probation officers.

Pursuant to Supreme Court Administrative Orders, juvenile probation officers and caseworkers in Michigan must be certified. The process involves a two and one half day core curriculum administered by the Michigan Judicial Institute and a mandatory exam. A waiver process is available for staff that meets certain educational requirements or have certain professional licenses.

In addition to certifying juvenile probation officers, the Judicial Institute also provides assistance to juvenile justice professional membership organizations for conference planning and ongoing training.

**Juvenile Corrections Continuum**

The Bureau of Juvenile Justice, within the Department of Human Services (DHS), supervises and treats delinquent youth in community facilities and training schools and develops alternatives to residential care. Facilities are planned with units ranging from low security treatment, closed medium security, and high security. Legislative appropriation funds 50% of the costs of public institutions, with the remaining costs charged back to the counties. Information concerning DHS juvenile facilities is located on the DHS web site's facilities page.

**Commitment to State**

Circuit Court, Family Divisions can make public commitments to the Department of Human Services (DHS) or county administered public facilities (referred to as a commitment to a "county juvenile agency" in statute). The court may also commit youth to private institutions or agencies licensed by the Department of Consumer and Industry Services for the care of juveniles, or even those licensed by similar agencies in other states (MCL 712A.18a). However, if the youth is not a ward of the court, placement must occur by first committing the youth to the care of DHS or the County Juvenile Agency (MCL 712A.18).

Commitments to the temporary legal custody of DHS, county juvenile agencies, or private child care institutions are indeterminate in length, but automatically expire at the juvenile's 19th birthday, with the exception that the court may extended the commitment of youth committed to DHS for certain violations to age 21 (MCL 712A.2a). Circuit Court, Family Divisions may only order the level of security for a committed juvenile; however, DHS's Bureau of Juvenile Justice determines the specific placement (MCL 712A.18). Information concerning DHS placement options is available on the DHS web site by selecting Individual and Family Services and Youth Programs - Juvenile Justice.

Michigan has implemented Structured Decision Making (SDM), a risk and needs assessment process that uses research-based criteria to place juveniles committed or referred to placement. SDM is intended to drive increased development of community-based resources. Judges have been reluctant to base placement decisions on SDM criteria; however, SDM’s risk/needs assessment is now used as a basis for the DHS's assignment of committed youth into public and private agency residential care. It also forms the basis for the initial treatment plan, updated treatment plan, and the final release plan for all youth.

By statute, the committing court retains jurisdiction over delinquent state and county wards and must
review cases annually (MCL 712A.18c(3)). Juvenile probation officers maintain contact with youth while in DHS placements according to the requirements of the local court. Statute also requires the DHS’s Bureau of Juvenile Justice to submit written progress reports to the court every six months (MCL 712A.24). Furthermore, at the annual court reviews, the court has the authority under statute to change the youth's placement and treatment plan and can amend its court orders as long as it has jurisdiction over the case. A youth can only be transferred to a more physically restrictive residential placement through a court hearing and further order concerning the case.

**Blended Sentencing**
Michigan has a variety of blended sentencing options for youth to receive both juvenile and/or adult sanctions, either through criminal process heard by Family Division judges or through criminal proceedings concerning transferred (waived) youth in the Criminal Division of Circuit Courts. Youth can receive these types of sentences three different ways:

1. Prosecutor-designated criminal proceedings in the Family Division (for certain offenses).
2. Court-designated criminal proceedings in the Family Division (for all offenses, subject to a petition from the prosecutor for the designation and a subsequent consideration by the court in a preliminary "Juvenile Sentencing Hearing").
3. Criminal proceedings for youth transferred to the Criminal Division of Circuit Courts.

Regardless of the forum, the rules of criminal procedure apply, and judges are required to consider the same set of statutorily defined criteria when considering the application of the best interest standards for applying blended sentence procedures (MCL 769.1). Finally, from the standpoint of "blending" sentences in the Family Division, state statute (MCL 712A.18) authorizes the court to "delay" or suspend an adult sentence while imposing juvenile rehabilitation dispositions, subject to limits for the court's extended age of juvenile jurisdiction.

For a summary of Michigan's blended sentencing provisions, click [here](#).

**Direct Placement**
State statute clearly authorizes Circuit Court, Family Divisions to place youth in the care of properly licensed child care institutions, both inside and outside of the State. However, the youth must be a ward of the court, otherwise the placement must occur through a commitment to the custody of the Department of Human Services (DHS) or a County Juvenile Agency. Court placement budgets pay for the costs for placing wards of the court, and the responsibility for release decisions and aftercare services resides with the court through its juvenile probation resources. Probation officers also typically maintain contact with the youth while in a direct placement. The agency with custody of the youth pays for private placements through DHS or a County Agency. DHS commitments include DHS aftercare services.

**Release**
Michigan does not have a juvenile parole board or authority. The court has final authority for the release decision in both public commitments and private placements. However, the state, county, or private agency may petition the court to review the case for release.

**Aftercare/Re-entry**
State and county levels of government support the administration of aftercare in Michigan, with the Department of Human Service's (DHS) Bureau of Juvenile Justice (BJJ) administering offender re-entry services for its state wards and county agencies or courts providing aftercare for local commitments and private placements.

The provision of DHS aftercare services in Michigan is referred to as offender re-entry. DHS juvenile justice specialists operate out of each county DHS office to supervise state wards on re-entry status in the community. Additionally, BJJ administers five community residential facilities for the transition of youth into their communities, some of which serve a dual purpose as a community-based alternative to placement in a secure residential facility.
Michigan is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Michigan's involvement, click [here](#). By visiting the [State Activities & Resources page](#), users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

### State Laws

#### Legal Resources

Michigan's “Juvenile Code”—the law pertaining to delinquency and status offense cases in the family division—resides in MCL 712A.1 et seq. Michigan’s Juvenile Diversion Act is contained in a different chapter (MCL 722.821 et seq). Both are retrievable from the [Michigan Legislature web site](#).

Michigan’s state court rules are available on the [Michigan Court System web site](#).

Funded by the Michigan Justice Training Commission and updated in 2003, the Juvenile Justice Benchbook: Delinquency and Criminal Proceedings is an outstanding guide to understanding the state’s juvenile justice code. Chapters of the Benchbook can be downloaded at the [Michigan Court's web site](#).

#### State Bar of Michigan

**Purpose Clause for Delinquency Proceedings**

Sec. 1. (1) As used in this chapter:

(a) "Civil infraction" means that term as defined in section 113 of the revised judicature act of 1961, 1961 PA 236, MCL 600.113.

(b) "County juvenile agency" means that term as defined in section 2 of the county juvenile agency act, 1998 PA 518, MCL 45.622.

(c) "Court" means the family division of circuit court.

(d) "Foreign protection order" means that term as defined in section 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950h.

(e) "MCI" means the Michigan children's institute created and established by 1935 PA 220, MCL 400.201 to 400.214.

(f) "Personal protection order" means a personal protection order issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, and includes a valid foreign protection order.

(g) "Valid foreign protection order" means a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950i.

(2) Except as otherwise provided, proceedings under this chapter are not criminal proceedings.

(3) This chapter shall be liberally construed so that each juvenile coming within the court’s jurisdiction receives the care, guidance, and control, preferably in his or her own home, conducive to the juvenile’s welfare and the best interest of the state. If a juvenile is removed from the control of his or her parents, the juvenile shall be placed in care as nearly as possible equivalent to the care that should have been given to the juvenile by his or her parents.


**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)

Lower Age: None specified

Upper Age: 16
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
For information on Michigan's juvenile transfer laws, [click here](#).

**Juvenile Justice Leadership**

**Michigan Committee on Juvenile Justice and the Juvenile Crime Enforcement Coalition**
Since 1974, the Governor of Michigan has designated the Michigan Committee on Juvenile Justice to guide the expenditure of State and federal funds for juvenile justice under the Juvenile Justice and Delinquency Prevention Act.

**Juvenile Accountability Block Grant Committee**
More recently, the Governor has designated a seven member Juvenile Accountability Block Grant Committee to implement the federal Juvenile Accountability Block Grant Program in Michigan.

**Michigan Judicial Institute**
The Michigan Judicial Institute (MJI) is the training division of the State Administrative Office of the Courts and promotes excellence in court system education, including juvenile probation services. The MJI web site includes an archive of trainings that can be viewed by web cast.

**Michigan Committee on Juvenile Justice**
The Director of the Bureau of Juvenile Justice works closely with an advisory committee on delinquency services. The committee membership includes law enforcement, judges, county courts, state officials from Community Health & the Department of Education, university representatives, private providers, and members from the Michigan Council on Crime and Delinquency.

**Michigan Council on Crime and Delinquency**
The Council is Michigan's only citizen-led public policy agency that promotes the use of data to inform criminal and juvenile justice policy. The Council's e-bulletin provides information concerning promising approaches in juvenile justice.

**Resources/Contacts**
Michigan Association of Children's Alliances
Michigan Council on Crime and Delinquency
Michigan Court System
Michigan Crime Victims Services Commission
Michigan Department of Human Services
Michigan Judicial Institute
Michigan Prosecuting Attorneys Coordinating Council
Michigan Victim Alliance
State Bar of Michigan

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Delinquency Services Summary

Combination State: Delinquency services are primarily organized at the local level in Minnesota; however, local autonomy produces several different scenarios. The counties, the Department of Corrections, and private contractors provide detention services. Delinquency intake screening is the responsibility of either the county attorney or the juvenile court administration, depending on the county. Juvenile probation officers are responsible for predisposition investigations and probation supervision. Counties in Minnesota operate under one of three probation systems. Each of these options is described in the probation supervision section of this profile. The Department of Corrections operates juvenile correctional facilities.

Service Classification

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Court(s) with Delinquency Jurisdiction

District Courts exercise jurisdiction over delinquency proceedings, except in St. Louis County where the probate court serves as the juvenile court. District Courts are trial courts of general jurisdiction. For more information, visit the Minnesota Court System's web site.

Highlights

Proposed Amendments to the Minnesota Rules of Juvenile Delinquency Procedure

A report filed by the Minnesota Supreme Court Juvenile Delinquency Rules Committee recommends changes to the Rules of Juvenile Delinquency Procedure. Proposed amendments address issues such as the maximum period for the detention of juveniles pending a probation violation hearing, right to counsel, and extended jurisdiction juvenile proceedings, prosecution, and appeals.

Detention

Detention facilities are administered in a variety of ways in Minnesota, including by county commission or board, county executive or manager, state juvenile agency, sheriff or police chief, and private contractor. Counties fund detention, with subsidies available from the Minnesota Department of Corrections (DOC) for the construction or rehabilitation of juvenile detention facilities or for maintaining adequate facility operations or alternative detention programs. Detention options include secure detention, holdover facilities, shelters, home detention, and electronic monitoring. DOC's Community Services Division, Facilities Inspection and Enforcement Unit, licenses and inspects a total of 21 facilities with designated detention beds to monitor compliance with its standards. Some beds in these facilities are licensed as both residential and detention beds.

Juveniles may be detained prior to adjudication and post adjudication while awaiting disposition or placement, but may not be committed to detention as a disposition. Youth can be detained as a sanction for a probation violation.

By statute, juveniles may be detained if they are a danger to themselves or others; to ensure their appearance at subsequent hearings; if they are a risk to flee; or if their immediate health or welfare is endangered. Once detained, juveniles must be released if a petition is not filed within 36 hours.

The use of risk assessments at detention screening varies from county to county. For example, the
Dakota Juvenile Detention Center in Dakota County uses the Massachusetts Youth Screening Instrument (MAYSI).

**Delinquency Intake Screening**
Depending on the county's intake procedure, juvenile court administration or county attorneys' offices receive all referrals regarding delinquent youth. While the majority of referrals come from law enforcement, they may also come from probation officers/agents, welfare agencies, school officials, parents, and community members; however, this may vary by county. Generally, the county attorney, after determining the charges, will decide whether the case will be handled formally or informally.

**Diversion**
Juveniles classified as Juvenile Petty Offenders (first-time theft, shoplifting, or disorderly conduct offenders) are typically diverted from formal court processing; however, eligibility requirements may vary from county to county. By statute, every county attorney's office must establish a pretrial diversion program for juvenile offenders. The prosecutor usually makes diversion decisions.

Formal diversion procedures and available programs may also vary. Options for diversion include peer courts/teen courts, restitution, and community service, among others. In addition to county attorneys' offices, local courts and community-based agencies may run diversion programs. Minnesota statute (section 388.24) outlines the requirements for county attorneys' establishment of diversion programs.

The peer court diversion program in Dakota County is an alternative sentencing program in which first-time juvenile offenders and second-time property crime offenders come before a jury of their peers, which recommends dispositions that emphasize individual accountability and responsible decision-making. Dispositions may include participating in community service, substance abuse counseling, or in a future peer court as a juror. For more information on this program and other diversion programs available in Dakota County, visit [www.co.dakota.mn.us/attorney/attorney_avail.htm](http://www.co.dakota.mn.us/attorney/attorney_avail.htm).

**Predisposition Investigation**
Juvenile probation officers/agents perform predisposition investigations. Although it is not state mandated, many counties use some form of risk/needs assessment instrument or standardized assessment tool to prepare the predisposition report. Many departments across Minnesota use the Youth Level of Service/Case Management Inventory, but instruments used may vary from county to county. Almost all jurisdictions use risk assessments with all types of offenders.

**Victim Rights and Services**
Minnesota law states that victims of juvenile offenders have the same rights as victims of adult offenders. (Although there is a chapter in Minnesota Statutes that is often referred to as the "Crime Victim Bill of Rights," there is no constitutional provision regarding victim rights. In addition to this chapter, numerous other victim rights can be found in various sections of the law). The rights of victims in Minnesota include the right to be notified of the final disposition of the case, the content of plea agreements, and the release/transfer/escape of the offender; the right to participate in the prosecution of the case; the right to protection from harm; and the right to apply for financial assistance. Victims’ rights are listed here.

The Office of Justice Programs, Center for Crime Victim Services supports a network of victim services, including crime victim reparations, victim and community notification, distribution of state and federal funds to over 160 victim service programs throughout the state, and a Victim Service Provider Directory. The Center’s Crime Victim Justice Unit provides information and referral services to victims and conducts investigations of mistreatment of victims or violations of victim rights. The Center’s Crime Victims Reparations Board compensates victims for losses due to violent crime. Victims may file claims for medical expenses, mental health counseling, lost wages, funeral/burial costs, moving expenses, child care, travel, and rehabilitation.

Many victims also have access to VINE (Victim Information and Notification Everyday), an automated system that immediately notifies registered users via telephone of changes in an offender’s status, such
as release, transfer, or escape. Users may also access custody information 24 hours a day, 7 days a week. A handful of Minnesota counties do not have VINE.

**Probation Supervision**

Counties in Minnesota operate under one of three probation systems:

1. **Community Corrections Act (CCA)**
   
   Any Minnesota county or group of contiguous counties with a population exceeding 30,000 may elect to enter the CCA. There are currently 17 jurisdictions, representing 32 counties organized under this system. The county or jurisdiction provides all correctional services. Funding is provided by a combination of state subsidy, county tax dollars, and various state and federal grants. This system is overseen by a Corrections Advisory board in each jurisdiction, which must submit a comprehensive plan for approval by the DOC. For more information, visit the [Minnesota Association of Community Corrections Act Counties web site](http://example.com).

2. **County Probation Officers (CPO)**
   
   CPOs work at the pleasure of the county's Chief Judge. Supervision is provided by the County's Court Services Director. Salary and fringe benefits of the director and CPPOs are eligible for reimbursement by the state of up to 50% depending on funds available if the county follows the state pay scale. CPOs in these counties supervise all juveniles and most adult misdemeanant offenders. There are currently 28 counties utilizing this method of correctional delivery system.

3. **Minnesota Department of Corrections (DOC)**
   
   The DOC provides felony probation and supervised release services in the 55 counties that are not a part of the Minnesota Community Corrections Act. State provided services are under the direction of 12 district supervisors, and the full cost is borne by the State of Minnesota.

   In addition to felony services, the DOC also provides juvenile and adult misdemeanant services to the court in 27 counties. These counties, referred to as contract counties, are billed for service costs, including agent salary and fringe benefits. Counties are eligible for up to 50% reimbursement of these costs depending on funds available.

   The DOC also provides Intensive Supervised Release services, either directly under 2 ISR supervisors or through contracts with 6 CCA jurisdictions.

**Delivery Systems Statutory Citations**

DOC - M.S. 241 and 244.19  
CCA - M.S. 401  
CPO - M.S. 244.19

A good description of Minnesota's three probation systems can be found in [Funding for Probation Services](#), a report by the Program Evaluation Division of the Office of the Legislative Auditor, State of Minnesota.

There is no statewide, mandated philosophical approach that guides juvenile probation practice in Minnesota. Guiding principles vary from county to county, and may include restorative justice, a balanced approach, social work, or public safety, or any combination of these approaches and others.

In the majority of counties in Minnesota, caseloads consist solely of juvenile offenders; however, depending on the size of the county, probation officers may carry a combined caseload of juvenile and adult offenders. Generally, juvenile probation officers are called agents in Minnesota. While not mandated, the majority of counties use risk/needs assessment instruments to determine levels of probation supervision. Instruments used vary across jurisdictions, and include the Youth Level of Service/Case Management Inventory (YLS/CMI) and the Wisconsin risk assessment tool. Also, counties may use other specialized tools for risk assessments on specific populations, such as the POSIT (Problem-Oriented Screening Instrument for Teenagers). A description of the instruments used,
including the YLS/CMI, can be found on the [Minnesota Association of Community Corrections Act Counties' Assessments web page](https://minnesotaassociation.org/). 

Requirements for the creation of individualized supervision plans vary from county to county. DOC probation system counties, for example, are required to develop individualized plans using a standard format (the Juvenile Case Plan form outlined in the Department of Corrections' policy and procedure manual). In Hennepin County, a CCA probation system county, probation staff are required to create individualized plans for their cases, with a focus on cases in which juveniles are or will eventually be in out-of-home placement. In Wright County, a CPO probation system county, individualized plans are not required, but screening teams made up of juvenile agents and supervisors review and/or revise case plans each week.

In most counties, juvenile probation agents work out of central offices; however, some probation departments have offices out in the community, such as in city halls and schools. Non-traditional practices also vary. In 2003, Hennepin County began decentralizing some probation services away from downtown Minneapolis and into several neighborhoods. One neighborhood juvenile probation office, which serves 1,300 juveniles and their families, is located behind a county service center that provides access to services from social workers, vocational counselors, economic assistance staff, and a public health nurse. Hennepin County also recently opened its first suburban juvenile probation office in a school that serves juveniles with emotional/behavioral disorders and other disabilities and needs; the school also houses mental health and social service agencies, a police liaison officer, and other on-site services.

Specialized probation programs vary from county to county, along with their funding sources. In Hennepin County (CCA probation system), for example, specialized programs include a special unit for Extended Jurisdiction Juvenile caseloads, institutional aftercare caseloads, an outpatient drug and alcohol program, and specialized officers with only sex offender caseloads. These programs are funded through a mix of state and county funds.

Minnesota has begun to evaluate the interim or long-term effectiveness of the supervision of juvenile offenders and have been tracked statewide since the last Legislative Auditors Report issued in 1995.

### Juvenile Probation Officer Qualifications, Certification, and Training

Generally, juvenile probation officers/agents in Minnesota are required to have a bachelor's degree in a behavioral science field, or a combination of education (such as 60 semester credits) and experience (such as providing case management services in corrections, treatment, or residential services). Specific requirements vary depending on the county.

Minnesota does not certify its juvenile probation officers/agents.

Training requirements may differ from county to county. In the Department of Corrections (DOC) system counties, for example, new juvenile probation officers/agents must attend 40 hours of orientation as well as training in motivational interviewing and using the Youth Level of Service/Case Management Inventory assessment instrument within one year of their hire. After the first year, they are required to have 40 hours a year of ongoing training. The Minnesota Department of Corrections provides and funds the training for DOC-contracted counties, and also offers most of its agent training to county agents who are charged $20 a day for the training. The training policies of the Department of Corrections can be found in Part 1 (Administration and Management) of its [Policies, Directives and Instructions Manual](https://www.mncorrections.com/). 

### Juvenile Corrections Continuum

The [Minnesota Department of Corrections’ Facility Services Division](https://www.mncorrections.com/) administers juvenile correctional facilities for males (MFC-Red Wing, a fenced facility for serious and chronic offenders, and MFC-Togo, a minimum security, early intervention program), while the [Commissioner's Office, Juvenile Services Division](https://www.mncorrections.com/) is responsible for the [Woodland Hills Girls Program](https://www.mncorrections.com/) for girls committed to DOC. The Juvenile Services Division is also responsible for the coordination and oversight of Minnesota’s community-based juvenile re-entry services for the department. The Juvenile Services Division also has the task of
collaborating with the additional juvenile justice delivery systems to continually develop a comprehensive juvenile justice model.

The Sentencing to Service Program of the Department of Corrections’ Community Services Division provides a sentencing alternative for juvenile courts in Minnesota. It puts carefully selected, non-violent property offenders to work on community improvement projects. The Restorative Justice Unit (restorative justice initiative) assists interested counties in developing a restorative justice correctional system (i.e., one that involves the community more broadly, emphasizes offender accountability, addresses the needs of victims, and repairing the harm done by the crime).

**Commitment to State**

Commitments to the Department of Corrections (DOC) are indeterminate. DOC program administrators determine the length of commitment through the development of a case plan. The case plan, however, is subject to the juvenile court judge's review and approval. An adjudicated delinquent may not be placed in a licensed secure treatment facility unless the juvenile court approves the placement. However, the program administrator may determine the juvenile's length of stay in the secure portion of the facility.

Upon a juvenile's commitment, DOC makes placement decisions. Placement options include the state correctional facilities, a conservation camp, alternative residential programs, group or foster homes, or private facilities. For juveniles committed to DOC, the Commissioner is responsible, via transitional agents or parole agents, to supervise them while in placement. The Commissioner maintains this responsibility until the juveniles are discharged from parole status.

While not required, a risk/needs assessment tool is typically used when making placement decisions. Most counties in Minnesota are using or are planning to use the Youth Level of Service/Case Management Inventory as their risk/needs assessment tool. In addition, the Minnesota Department of Corrections has created Juvenile Commitment Criteria to be used when placing juvenile males at the Red Wing juvenile correctional facility and for juvenile females. These criteria are used to classify juveniles as serious offenders, chronic offenders, or sex offenders.

**Blended Sentencing**

If a juvenile is 14 to 17 years old and is charged with any felony, the prosecutor may request that the court try the case as an "extended jurisdiction juvenile prosecution." EJJ offenders may be given a juvenile disposition along with an adult one, which may be stayed if the juvenile completes the terms of the juvenile sentence. If the juvenile does not complete the juvenile disposition, the adult sentence may be imposed. Minnesota Statutes section 260B.130 outlines specific criteria for designating a case as an extended jurisdiction juvenile prosecution. For more information on extended jurisdiction juvenile prosecutions in Minnesota, download Juveniles Facing Criminal Sanctions: Three States That Changed the Rules. For more information concerning Minnesota's blended sentencing provisions, click here.

**Direct Placement**

The juvenile court can place a juvenile in a private residential facility without committing him or her to the Minnesota Department of Corrections. Judges have various options for out-of-home placements, such as foster homes or residential treatment centers. Correctional agents supervise such juveniles.

**Release**

Institutional staff makes the release decision based on the facility's determination that the youth has successfully completed the case plan. The Community Services Division, Policy and Legal Services Unit, Hearings and Release Unit of the Minnesota Department of Corrections (DOC) grants and revokes parole and supervised release.

The Youth Level Service Inventory (YLSI) is used upon intake and a final is done prior to release from the 90-day furlough.. Consideration for parole comes after a lengthy facility programming regimen and a minimum 90-day furlough back into the community. In order to reach the furlough stage, a juvenile must meet all of his or her treatment/program goals and objectives while still a resident of the facility. In order to be granted parole, the juvenile must be successful in his or her extended furlough.
Since the juvenile court relinquishes jurisdiction to DOC upon committing a juvenile to the state, there are no court review requirements. The exception is for Extended Jurisdiction Juveniles, whose adult sanction may be pronounced if they do not satisfy their juvenile sanction.

**Aftercare/Re-entry**

Juvenile Re-entry is a component of the Juvenile Services Division. Aftercare services are provided for youth completing the programming at the DOC facilities. Supervision is founded on an Intensive Aftercare model, which has been noted as a best practice by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). A continuum of services is provided through the development of a re-entry support team. Graduated re-entry services are provided through short-term and 90-day supervised furloughs. This progression back into the community allows the youth to assess his/her strengths and barriers to the vast stimuli in the community. The furlough process is managed in collaboration with the re-entry support team. This team consists of but is not limited to Probation Officers, Parents, Community Members, and Mentors. The purpose of the team is to assist the youth in developing an individualized case plan based on the assessment provided by the YLSI (Youth Level of Service Inventory). Re-entry staffings are held to ensure continuity of services from institution to community.

County aftercare programs vary. In Wright County, for example, the Intensive Aftercare Program provides supervision for a specialized caseload of juveniles who are returning to their homes/communities following placements of 90 days or longer. In this program, agents work only non-traditional hours and use electronic monitoring, drug screens, and community contacts to ensure juvenile accountability.

**State Laws**

**Legal Resources**

Minnesota's Juvenile Code resides in sections 260B.001 to 260B.446 of Chapter 260 Juveniles.

Minnesota Court Rules - Home page - Amendments to rules. Complete sets of rules are currently only available for Appellate Procedure. Full sets of rules for other areas will be available as they are converted for the Minnesota Court Rules web site.

Minnesota State Bar Association

**Purpose Clause for Delinquency Proceedings**

Subd. 1. Citation. Sections 260B.001 to 260B.446 may be cited as the delinquency provisions of the Juvenile Court Act.

Subd. 2. Delinquency. The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.

Subd. 3. Construction. The laws relating to juvenile courts shall be liberally construed to carry out the purpose specified in subdivision 2.


**Purpose Clause for Juvenile Corrections**

When a person has been committed to the commissioner of corrections, the commissioner under rules shall forthwith cause the person to be examined and studied, and investigate all of the pertinent circumstances of the person's life and the antecedents of the crime or other delinquent conduct because of which the person has been committed to the commissioner, and thereupon order the treatment the
commissioner determines to be most conducive to rehabilitation. Persons convicted of crimes shall not be detained in institutions for adjudicated delinquents, nor shall delinquent children be detained in institutions for persons convicted of crimes. The court and the prosecuting and police authorities and other public officials shall make available to the commissioner of corrections all pertinent data in their possession in respect to the case.

Citation: Minnesota Statutes Annotated. Corrections; Youth. 242.18. Current with 2005 Regular Session laws through March 8, 2005.

**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: 10
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

**Extended Age of Delinquency Jurisdiction**
In Minnesota, the extended age of juvenile court jurisdiction is 19; however, for "extended jurisdiction juveniles" and offenders who fail to appear at any court hearing or any placement under court order, or who abscond from any placement under court order, the court may extend jurisdiction until the offender is 21 years old.

**Juvenile Transfer Laws**
For information on Minnesota's juvenile transfer laws, click here.

**Juvenile Justice Leadership**

[Minnesota Juvenile Justice Advisory Committee](#)
The Minnesota Juvenile Justice Advisory Committee (JJAC) is appointed by the Governor pursuant to the federal Juvenile Justice and Delinquency Prevention Act. The JJAC makes recommendations to the Governor and the Legislature regarding issues related to juvenile justice. Program areas that the JJAC has focused on include delinquency prevention, diversion, and pre-adjudication services; post-adjudication programs; and aftercare programs.

**Resources/Contacts**

Criminal Justice Statistics Center at Minnesota Planning (Statistical Analysis Center)
Department of Economic Security, Office of Youth Development
Minnesota Association of Community Corrections Act Counties
Minnesota Association of County Probation Officers
Minnesota Corrections
Minnesota Court System
Minnesota Department of Corrections, Juvenile Services Division
Minnesota Department of Public Safety, Office of Justice Programs
Minnesota Juvenile Justice Advisory Committee
Minnesota State Bar Association

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Delinquency Services Summary

Combination State: A single state executive department, the Department of Human Services, Division of Youth Services, administers most services to delinquents in Mississippi, encompassing delinquency intake, diversion, juvenile probation, commitment, and aftercare. However, secure detention is administered at the local level, as are limited juvenile probation services in a few counties.

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Court(s) with Delinquency Jurisdiction

Chancery Courts or Youth Court Divisions of County Courts (in counties with large urban centers), exercise jurisdiction over delinquency proceedings. Chancery Courts are courts of general jurisdiction. Youth Court Divisions of County Courts are limited jurisdiction trial courts. For more information, visit the Mississippi Supreme Court State Judiciary web site and review an annual report.

Highlights

Juvenile Justice Reform
The U.S. Department of Justice filed a lawsuit in December 2003 against the state of Mississippi for conditions in its two juvenile training schools. Juvenile Justice Committees in both chambers of the state legislature are currently considering system improvement. Additional information concerning the lawsuit and system reform is available from the Southern Poverty Law Center, including the DOJ investigative report and juvenile justice reform legislation that is effective July 1, 2006.

DYS Web Site
The Division of Youth Services (DYS) web site is a source of news for current initiatives in Mississippi juvenile justice. Among current initiatives reported on the DYS web site are an Adolescent Offender Program for mental health counseling and services through partnerships with regional mental health centers, a wilderness camp program as an alternative to placement at the state training school, and an intensive counseling (probation) program. For additional detail concerning these initiatives, visit DYS' Accomplishments web page.

Detention
Secure detention in Mississippi is organized and administered at the local level with some facilities having regional catchment. Ten facilities currently exist in the state, administered by county and city government, county boards and commissions, youth courts, and local law enforcement departments.

Youth services counselors screen referrals for preadjudication/disposition custody in secure detention and make recommendations for the court's approval at the detention hearing, under state statutes guiding the use of detention (43-21-309).

In addition to using secure detention prior to a delinquency case adjudication and disposition, by statute, youth can be sentenced to secure detention or placed in detention as a sanction for violating probation not to exceed 90 days (43-21-605). Youth may also be held in secure detention while waiting a placement in a state training school or other state placement.
Currently, a statewide screening tool is not used to make detention decisions. State statutes provide general guidelines for detention decisions in 43-21-301. These provisions provide a good deal of latitude for detaining juveniles. Specifically, youth may be detained when a youth is at risk of harm or harming others, to insure attendance at court, when no custodian or guardian is available to provide care for the youth, or when “there is no other reasonable alternative to custody.”

Local youth courts are responsible for developing alternatives to detention. However, DYS brings resources to bear in terms of intensive supervision and electronic monitoring to reduce the need for secure detention.

**Delinquency Intake Screening**

By statute, every youth court division judge must appoint one or more persons to function as the intake unit for the youth court division (43-21-115). Under these arrangements, youth services counselors typically make charging decisions and screen delinquency referrals for legal sufficiency. However, depending on local arrangements with the youth court, prosecutors can also be involved in this process, but the law does not require them to review decisions. The law requires the youth court prosecutor to draft and file petitions with the court unless they have designated some other person for this task (43-21-451). In practice, youth services counselors are often designated by prosecutors to receive complaints, make decisions with regard to diversion from court, and actually draft and file petitions.

**Diversion**

Statute 43-21-357 outlines the ways that youth court intake units may handle delinquency referrals. Among the program options available to the counselors at intake are community-based intensive youth supervision programs for first time delinquent offenders, status offenders, and children in need of supervision (CHINS); Volunteer Services Program referral networks for services in the community; and a transitional living center voluntary group living program. Statute 43-21-405 outlines the procedures for "informal adjustment conferences." Finally, the statutes authorize pilot teen court diversion programs in certain counties. For more information on Division of Youth Services' (DYS) diversion programs, please visit its [Community Services Programs and Services web page](#).

In addition to outlining the options available for diversion or informal adjustment, 43-21-405 requires that the process not extend beyond six months from its commencement. However, the statute provides the counselor with flexibility to extend the period for an additional month.

**Predisposition Investigation**

Youth services counselors, working for the Department of Human Services, Division of Youth Services, develop social histories for disposition of cases. Under statute (43-21-251), the social history must include an investigation of the youth's personal and family history and environment and describe alternative dispositions and a specific plan of care and assistance to the child. As required by statute, the youth court designates the county attorney or an attorney designated by the youth court as the "youth court prosecutor" to represent the petitioner in all youth court proceedings and to orchestrate the investigation and the admission of evidence in court. Considering their specialized role, statute outlines the training requirements for prosecuting attorneys who serve as youth court prosecutors, with the Administrative Office of the Courts designated to enforce training provisions and consequences for failure to attend required training programs.

**Victim Rights and Services**

The Mississippi Constitution [Section 26(a)] establishes victim rights. Specifically, “[v]ictims of crime, as defined by law, shall have the right to be treated with fairness, dignity and respect throughout the criminal justice process; and to be informed, to be present and to be heard, when authorized by law, during public hearings.”

Mississippi’s Victim Bill of Rights (99-43) specifically extends rights to victims of juvenile violence, including the right to designate a lawful representative in the process if they are physically or emotionally unable to exercise a right, the right to receive an explanation of their rights from law enforcement 72 hours after they become responsible for investigating a crime, the right to attend all court hearings and have a separate waiting area, the right to confer with prosecutors prior to a trial.
and to submit impact statements at disposition, and the right to be notified 15 days prior to a youth being released from a placement.

The Mississippi Office of the Attorney General administers the state’s crime victim compensation program.

The Division of Youth Services operates a victim notification program similar to the one operated by the Department of Corrections (DOC). The DOC web site is a central location for identifying local resources for crime victims, including agencies that coordinate services to crime victims, including victim service coordinators and advocates in youth court, local law enforcement, and other agencies.

**Probation Supervision**

The Department of Human Services, Division of Youth Services (DYS), administers juvenile probation services through seven Community Service Divisions. However, juvenile probation officers (called youth services counselors) work out of offices in the local youth courts as opposed to regional state offices. Youth services counselors are state employees. As required in several of the larger youth courts, the county executive sometimes funds additional counselor positions under the administrative supervision of the County Court, Youth Division. These courts include, but are not limited to: Alcorn, Harrison, Hinds, Jackson, Jones, Lauderdale, Lee, Lowndes, Madison, Rankin, and Yazoo counties.

The primary goals of probation supervision, referred to as community supervision by DYS, have shifted to reflect the balanced approach to juvenile justice. Other reform goals include testing the effectiveness of community-based programs, partnering with local communities, and establishing uniform DYS services.

Juvenile court judges determine the length and terms of juvenile probation based upon recommendations from youth services counselors. However, the counselor can request that the court increase or decrease the terms of supervision.

DYS operates several specialized probation programs, including intensive probation through the Intensive Youth Supervision Program (IYSP) and electronic monitoring probation. Both resources are used interchangeably between youth who are disposed to probation and those on aftercare from DYS residential facilities.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Information concerning the qualifications, certification, and training of youth services counselors is currently unavailable from the Division of Youth Services.

**Juvenile Corrections Continuum**

The Department of Human Services, Division of Youth Services (DYS) operates juvenile correctional facilities through its Juvenile Institutions Division. The Division administers two residential training schools (campus setting) with medium and maximum-security units. DYS also supports programming for military training interventions for youth in its residential placements and contracts for wilderness camp placements. At the community level, DYS administers intensive supervision and electronic monitoring programs and provides counseling and therapeutic service programs through partnerships with regional mental health centers. For more information on DYS residential training schools, visit DYS' Institutional Programs and Services web page.

**Commitment to State**

Youth court judges can give legal custody of youth directly to any public or private organization able to assume the education, care, and maintenance of a youth, which the court finds to be suitable. By law, they can also give legal custody to the Department of Human Services (DHS) to find an appropriate placement generally, or specifically commit to DHS for placement in a wilderness training program or a Division of Youth Services (DYS) operated training school (43-21-605).

DYS commitments are indeterminate, but cannot exceed the youth’s 20th birthday. DYS determines the placement and bears the full responsibility for funding placement services for youth committed to its legal custody. However, the youth court retains jurisdiction and reviews the case annually on an
informal basis by motion of the youth or the youth's parent/guardian. While in placement, including sentences to secure detention, youth court judges can require the DYS youth services counselor to provide written reports concerning the youth's progress and recommendations for further supervision or treatment. Since youth services counselors are generally responsible for both probation supervision and reentry subsequent to placement, they are also responsible for working with institutional staff to monitor youth while they are in placement and preparing for re-entry.

**Blended Sentencing**
Mississippi does not have blended sentencing provisions.

**Direct Placement**
Youth court judges are able to place youth directly in the custody of any public or private organization able to assume the education, care, and maintenance of a youth, which the court finds to be suitable. However, the extended age of jurisdiction for the placement cannot exceed the youth's 20th birthday, and the same rules apply for annual court reviews and monitoring by youth services counselors. The youth court judge has authority for the release decision.

**Release**
Mississippi does not have a juvenile parole authority. Rather, the Division of Youth Services (DYS) makes the release decision for youth committed to its legal custody, but law requires DYS to notify the committing youth court of decisions to release a youth to parole. Subsequently, the court may schedule a hearing for further disposition orders. However, the court is restricted from re-committing a youth to a secure facility without an adjudication for a new offense or probation or parole violation.

**Aftercare/Re-entry**
The Division of Youth Services (DYS) administers aftercare services through seven Community Service Division offices. Institutional staff develops aftercare plans for youth returning to the community from institutional placements. The youth services counselors assigned to the youth also have reintegration plans for state commitments and direct private placements.

In terms of specialized aftercare programs, the Youth Villages Intercept Program provides family preservation services when the youth is released from the Columbia Training School. Intensive supervision and electronic monitoring resources may also be used to help release youth into the community early with a high level of supervision and surveillance. Finally, for youth who cannot return home, DYS operates a transitional living group home that prepares youth for independent living by providing employment assistance and educational opportunities.

Mississippi is participating in the Office of Justice Program’s Serious and Violent Offender Reentry Initiative. For information about Mississippi’s involvement, click [here](#). By visiting the [State Activities & Resources page](#), users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

**State Laws**

**Legal Resources**
Title 43. Public Welfare, Chapter 21, Youth Court contains the core of the statutes governing delinquency court proceedings. Although local youth court rules may provide additional structure to case processing, state court rules for youth courts do not currently exist. For more information, visit the [Mississippi Code web site](#).

[Mississippi Bar](#)

**Purpose Clause for Delinquency Proceedings**
This chapter shall be liberally construed to the end that each child coming within the jurisdiction of the youth court shall become a responsible, accountable and productive citizen, and that each such child shall receive such care, guidance and control, preferably in such child's own home as is conducive toward that end and is in the state's and the child's best interest. It is the public policy of this state that
the parents of each child shall be primarily responsible for the care, support, education and welfare of such children; however, when it is necessary that a child be removed from the control of such child's parents, the youth court shall secure proper care for such child.


**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: 10
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 19

**Juvenile Transfer Laws**
For information on Mississippi's juvenile transfer laws, [click here](#).

**Juvenile Justice Leadership**

**Council of Youth Court Judges**
Mississippi statute created the Council of Youth Court Judges as the official organization of judges with youth court jurisdiction in the state. For more information, see the [statute section](#) defining the Council's powers and responsibilities.

**Mississippi Division of Public Safety and Planning, Office of Justice Programs**
The Mississippi Division of Public Safety and Planning, Office of Justice Programs is designated by the Governor under the Juvenile Justice and Delinquency Prevention Act to guide the expenditure of State and federal funds for juvenile justice.

**Resources/Contacts**
- Mississippi Center for Justice
- Mississippi Department of Human Services, Division of Youth Services
- Mississippi Division of Public Safety and Planning, Office of Justice Programs
- Mississippi Supreme Court
- Southern Poverty Law Center

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The National Center for Juvenile Justice strives to make each State Profile as accurate as possible. Please bring any errors, updates, or additions to the attention of the [State Profiles project manager](mailto:). Persons listed as state contacts are not responsible for information contained in these profiles.

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Delinquency Services Summary

Combination State: Delinquency services are organized at both the state and local levels in Missouri. Local courts administer secure detention, with the county government funding operations. Although Juvenile Officers are employees of the State Judicial Branch, local courts administer probation services through a Juvenile Office in each of the state's 45 judicial circuits, except in the state's 10 largest counties. These probation services encompass delinquency intake screening, predisposition investigation, and probation supervision. The Division of Youth Services (DYS) of the Department of Social Services administers commitment programs and aftercare.

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Court(s) with Delinquency Jurisdiction

Juvenile or family divisions of Circuit Courts exercise jurisdiction over delinquency proceedings. Circuit Courts are general jurisdiction trial courts. For more information, visit the Missouri Judiciary’s web site.

Highlights

Missouri Juvenile Offender Classification System
As part of a statewide effort to promote graduated sanctions, the state has created the Missouri Juvenile Offender Classification System to manage juvenile delinquents and status offenders. The classification strategy assesses juvenile offenders according to their level of risk for future delinquency, uses a classification matrix to link these offenders to a set of graduated sanctions, and assesses the psychosocial needs of juvenile offenders.

Juvenile Justice Performance Standards
In September 2004, the Missouri Standards for Administration of Juvenile Justice Committee released the Revised Missouri Court Performance Standards for the Administration of Juvenile Justice in order to promote best practices and to provide an empirical basis for planning, assessing, and improving juvenile justice in Missouri. These performance standards were developed based on the notion that court performance should be driven by core values of equality, integrity, fairness, and justice. Juvenile Officers from both rural and urban, multi-county, and single county circuits served on the Committee.

Graduated Sanctions Demonstration Site
Buchanan County Juvenile Court, Fifth Judicial Circuit, is participating in a national graduated sanctions project that the Office of Juvenile Justice and Delinquency Prevention awarded to the Juvenile Sanctions Division of the National Council of Juvenile and Family Court Judges. As a result of a coordinated graduated sanctions effort, Buchanan County reduced its detention rate and detention population by half; developed a complete psycho-social, health, and dental assessment for delinquent youth; redesigned its combined short- and long-term detention and placement facility from a boot camp to treatment model; established a strengths- and resiliency-based assessment and supervision strategy; and participated in an evaluation of its empowerment program for delinquent youth from a dependency background. For more information, contact Chad Campbell, Chief Juvenile Officer, Buchanan County Juvenile Office, at (816) 271-1421 or Chad.Campbell@courts.mo.gov.

Detention
There are 25 secure juvenile detention facilities in Missouri administered at the county or regional level by a juvenile and family court. Any two or more counties within the state may establish a regional juvenile detention district.

Individual counties/regions administer alternatives to detention, which may include home detention contracts and electronic shackle programs.

Detention is used as a short-term placement for youth awaiting hearings, primarily youth awaiting adjudication or awaiting placement. Youth alleged to have violated probation may be detained temporarily while awaiting adjudication/disposition. Pending disposition, the juvenile court may hold a youth at a county juvenile detention facility, a public or privately run facility designed for the care and protection of children, a court-supervised shelter care facility, or other suitable custody as determined by the court. Secure detention may not be used as a disposition or as a sanction for probation violations.

**Delinquency Intake Screening**

Deputy Juvenile Officers, working for the judicial circuits' Juvenile Office, handle delinquency intake screening. They screen for legal sufficiency, determine how the case should be handled, write petitions, and forward the case to juvenile court for adjudication.

**Diversion**

Deputy Juvenile Officers, working for the judicial circuits' Juvenile Office, have the authority by statute and Supreme Court Rule to place youth on administrative supervision (informal adjustment with supervision) for a maximum of six months.

According to 211.081 RSMo. and Supreme Court Rule 133.01, informal adjustment includes the Deputy Juvenile Officer giving counsel and advice to the juvenile and his or her parent and may include sanctions and services with parental consent.

Currently, 11 teen court programs operate in Missouri. Most programs require the juvenile to admit to the allegations prior to participating in the program; however, those in Jackson and Lafayette counties are structured to determine whether the allegations are true.

**Predisposition Investigation**

In any matter referred to the court, Deputy Juvenile Officers, working for the judicial circuit's Juvenile Office, assess the youth and report the results to the juvenile court prior to disposition. The Missouri Juvenile Offender Classification System assesses juveniles according to their level of risk for future delinquency, determines offenders' psychosocial needs, and links offenders with appropriate sanctions designed to reduce risk potential with a classification matrix. The Missouri Risk Assessment has been validated on two separate occasions.

**Victim Rights and Services**

State law extends victims of serious and violent crimes certain rights in the juvenile justice system. These rights can be found in Section 595.209 of Missouri Revised Statutes. The Missouri Attorney General’s Office provides a listing of these rights, including certain notification and participation rights.

The Department of Youth Services provides victim notification as specified by statute. Refer to Section 595.209 RSMo for information concerning victim rights, compensation, and services for victims of juvenile offenders.

**Probation Supervision**

Deputy Juvenile Officers supervise youth on probation. Deputy Juvenile Officers are employees of the State Judicial Branch and are hired and supervised by the Presiding Circuit Judge, except in the state's 10 largest counties. In Missouri’s 10 largest counties (single county circuits), Deputy Juvenile Officers are county employees subject to the terms and conditions of county employment. In these single-county circuits, the Presiding Circuit Judge, or Administrative Judge of the Family Court, is ultimately responsible for hiring and supervising Juvenile Officers and Family Court personnel.
Please see the [Highlights](#) section for information on how risk/needs instruments and graduated sanctions are used by juvenile officers to classify youth on probation.

The Juvenile Court Diversion program diverts juveniles from commitment to the Division of Youth Services through early intervention. Programs are designed and implemented at the local level. Juvenile courts across the state apply for grants from DYS to support programs such as intensive probation, family therapy, and group counseling. In addition, the Division of Youth Services operates 10 [day treatment centers](#) for at-risk youth.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Deputy Juvenile Officers must be older than 21 and have satisfactorily completed four years of college education with a major in sociology or a related field. In lieu of a college degree, a candidate may qualify with four or more years experience in social work with youth on probation or in allied services. Judicial circuits may adopt other qualifications for the position of juvenile officer.

Although probation officers are not certified in Missouri, a certification process is pending. The Office of State Courts Administrator (OSCA) has established minimum educational/training standards for Juvenile Officers through the Juvenile Education Division Committee. The Juvenile Division Education Committee has identified 10 knowledge and skill sets that Juvenile Officers should possess. Juvenile Officers are expected to have core skills and competencies that include (but are not limited to) knowledge of state statutes, the juvenile code, Supreme Court Rules documentation and the ability to prepare written reports, and knowledge of community and statewide resources. Additional training standards are established for the first six months, first year, and second year of employment. Within the third year of employment, Juvenile Officers will receive a minimum of 25 hours of training, 12 of which must be related to the identified core skills and competencies. Thereafter, 24 hours of job related training are required per year.

**Juvenile Corrections Continuum**

The Missouri Department of Social Services, Division of Youth Services (DYS) administers a range of programs for delinquent youth, including residential care facilities across the state for young offenders who require a more structured setting than the community. Each residential program includes intensive counseling, life skills training, and a fully accredited education program.

The least-restrictive residential environments in the division are group homes. Typically, about 10 youth live together in a home-like setting under 24-hour supervision. Most residents attend school on site and participate in other activities in the community on a regular basis while some residents attend public schools. Some juvenile offenders are placed in a short-term treatment program that combines traditional residential services with re-entry exercises. DYS operates twelve sites providing a moderate structure (three in state parks). These programs use the same treatment approach as group homes, but are designed for youth who need more structure and supervision. There are also seven highly structured secure care programs (locked facilities) for more serious offenders, with longer offense histories or crimes against people.

**Community Corrections**

DYS also operates a spectrum of non-residential community-based programming, including [intensive case supervision](#) - "trackers" call or visit juvenile offenders throughout the day and evening and provide support, counseling, and supervision to help prevent less serious offenders from entering DYS residential care.

**Commitment to State**

The juvenile court judge makes the determination to commit a juvenile offender to the Missouri Department of Social Services, Division of Youth Services (DYS). However, DYS makes placement decisions for committed youth. In most cases, commitments to DYS are indeterminate. However, the court may set a minimum review date. A DYS case manager is assigned to every youth committed to DYS for supervision. To provide continuity and consistency, each youth remains with the same case manager throughout DYS placement.
Blended Sentencing
Dual Jurisdiction is a blended sentencing option in which a juvenile and adult sentence is simultaneously imposed with the execution of the adult sentence suspended (Dual Jurisdiction Statute 211.073 RSMo). To be considered for the Dual Jurisdiction Program in DYS, a juvenile offender must be younger than 17, be transferred to a Court of general jurisdiction, and must have been convicted or submitted a guilty plea.

The Division of Youth Services operates a 40-bed secure facility in Montgomery City, designed specifically for Dual Jurisdiction youth. When a Dual Jurisdiction youth reaches the age of 17, the Court has a hearing to decide if the youth will be: (1) transferred to the Department of Corrections, (2) placed on probation; or (3) remain in the custody of DYS, with the agreement of both the Court and DYS.

For more information concerning Missouri's blended sentencing provisions, click here.

Direct Placement
Courts cannot place juveniles in a local/private facility without first committing the juvenile to the state’s care and custody.

Release
In most cases, the Division of Youth Services makes release decisions; however, the judge may determine the release date at disposition.

Aftercare/Re-entry
Virtually all youth are placed on aftercare status when they transition out of a Division of Youth Services (DYS) residential facility. DYS case managers assigned to the youth while he or she was in DYS custody continue to supervise youth while on aftercare. Case managers help them successfully return to their communities. In addition, they may serve as counselors for the youth or may refer them to appropriate services in the community.

State Laws
Legal Resources
Revised Statutes - Juvenile Courts
Missouri Bar

Purpose Clause for Delinquency Proceedings
The purpose of this chapter is to facilitate the care, protection and discipline of children who come within the jurisdiction of the juvenile court. This chapter shall be liberally construed, therefore, to the end that each child coming within the jurisdiction of the juvenile court shall receive such care, guidance and control as will conduce to the child's welfare and the best interests of the state, and that when such child is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which should have been given him by them. The child welfare policy of this state is what is in the best interests of the child.

Citation: Vernon's Annotated Missouri Statutes Title XII. Public Health and Welfare Chapter 211. Juvenile Courts. Current through the end of the 2004 Second Regular Session of the 92nd General Assembly.

Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 16
Extended Age of Delinquency Jurisdiction: 20

Juvenile Transfer Laws
For information on Missouri's juvenile transfer laws, click here.

Juvenile Justice Leadership
Department of Public Safety
The State Advisory Group, administered by the Department of Public Safety, allocates and disburses federal funding and insures compliance with the core requirements of the Juvenile Justice and Delinquency Prevention Act of 1974.

Missouri Juvenile Justice Association
Established in 1977, the Missouri Juvenile Justice Association (MJJA), is a statewide, not-for profit 501(c)(3) organization dedicated to promoting Justice for Children, youth and families. These include abused/neglected, delinquent and runaway children.

MJJA leads the state of Missouri in juvenile justice collaborations in the areas of educational programming, policy issues, and awareness of juvenile justice issues.

Resources/Contacts
Department of Public Safety
Department of Social Services, Division of Youth Services
Missouri Bar
Missouri Judiciary
Missouri Juvenile Justice Association

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Interim State Courts Administrator
Delinquency Services Summary

**Combination State:** Delinquency services are organized at mostly the state level in Montana. However, counties or a region (collection of counties) administer detention facilities. District courts administer state-funded juvenile probation services through 22 judicial districts. Youth Court probation officers, working out of District Courts that serve as Youth Courts, are responsible for delinquency intake screening, predisposition investigation, and probation supervision. The Juvenile Division of the Department of Corrections administers the juvenile corrections continuum and aftercare/parole services to committed youth.

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**Court(s) with Delinquency Jurisdiction**

Montana's 22 District Courts, acting as the state's 22 Youth Courts, exercise jurisdiction over delinquency proceedings. District Courts are general jurisdiction trial courts while Youth Courts are limited jurisdiction trial courts. For more information, visit the [Montana Supreme Court's Youth Courts web page](#).

**Highlights**

**Montana Public Defender Act**

On July 1, 2006 the [Office of the State Public Defender](#) assumed responsibility for statewide Public Defender Services, previously provided by cities and counties. These services are now provided statewide through Regional Offices of the State Public Defender. The mission of the Office of the State Public Defender is to ensure equal access to justice for the State's indigent and to provide appellate representation to indigent clients. The Public Defender Commission has appointed Randi M. Hood as the Chief Public Defender for the State of Montana.

**Risk Assessment**

Pursuant to Montana's [Juvenile Delinquency Intervention Act](#), which requires Youth Courts to use a risk assessment instrument, Montana's Youth Court Officers have recently started using Back On Track, a risk assessment instrument available on [www.assessments.com](http://www.assessments.com). Similarly, the Act requires the Department of Corrections to use a risk assessment instrument and it has selected the Youth Level of Service/Case Management Inventory.

**Graduated Sanctions**

[Montana’s Youth Court Act](#) was established to prevent and reduce delinquency through “immediate, consistent, enforceable, and avoidable consequences.”

**Graduated Sanctions Demonstration Site**

Missoula County Juvenile Court is participating in a national graduated sanctions project that the Office of Juvenile Justice and Delinquency Prevention awarded to the [Juvenile Sanctions Division](#) of the National Council of Juvenile and Family Court Judges. The court has focused on securing professional training and providing programs for special needs offenders, specifically Native American and female offenders. The Indian Center provides Native American counselors on site to work with detained youth. Drug and alcohol evaluation and assessment services are available. The Missoula Indian Center
provides interdiction and counseling services. For more information, contact Judge John Larson, District Court Judge, at (406) 258-4773 or johlarson@mt.gov.

**Detention**

Each county or region (collection of counties) is responsible for operating its own detention facilities. Montana's seven detention facilities are in Blaine, Cascade, Flathead, Missoula, Lincoln, Ravalli, and Yellowstone counties. A privately-owned facility in Galen holds youthful offenders referred by the Federal Bureau of Prisons, several counties in southwestern Montana, the state, and the U.S. Marshall’s Service.

The Department of Corrections licenses these facilities in accordance with American Correctional Association Standards, and the Montana Board of Crime Control distributes state reimbursement dollars and monitors the facilities for compliance with the federal Juvenile Justice and Delinquency Prevention Act and the state Youth Court Act.

By statute, county commissioners within each county must fund detention services. The state currently subsidizes pre-adjudicatory detention from a state general fund allocation. The state and the county evenly split the costs for pre-adjudicatory secure detention and split 75/25 the costs for non-secure detention until the general fund allocation is expended. The county is responsible for the balance. To be eligible for general fund reimbursement, county detention practices must comply with state and federal juvenile detention statutes. The Department of Corrections and counties are 100% responsible for paying detention costs for post adjudicatory and post dispositional detention. Montana has used some federal Juvenile Accountability Incentive Block Grant funds to build and remodel detention facilities.

Detention facilities house pre-adjudicated youth, youth awaiting disposition and placement, parole and probation violators, and youth who have been transferred to adult court but whose cases are pending. A court may order an adjudicated youth to detention for a set disposition of up to 10 days. In this situation, the county must pay all of the expenses because the state will not subsidize using detention as a disposition.

**Statute 41-5-341** outlines criteria for holding youth in secure detention, including to protect persons or property and to ensure the youth’s court appearance. Probable cause hearings must be held within 24 hours, excluding weekends and holidays. A petition must be filed within seven working days of detaining a youth. Although there are no specific time limits for adjudicating or disposing the cases of detained youth, the Youth Court Act requires immediate consequences and fair judicial procedures be fair and comply with constitutional and statutory rights. There is no instrument currently used to screen youth in detention.

**Delinquency Intake Screening**

Police officers, parents, and community members may initiate delinquency referrals. Youth Court probation officers, working out of Youth Courts, receive and screen these referrals. Probation officers may refer cases to the county attorney for filing a petition in court. The county attorney makes the final charging decision.

**Diversion**

Youth Court probation officers can divert cases that meet criteria outlined in **statute 41-5-1302** from court through "consent adjustments without petition." If the terms extend for more than six months, the probation officer must submit a report to the court. Possible dispositions under this arrangement include probation, restitution, house arrest, and placement in detention for up to three days. For a complete list of possible dispositions, see **statute 41-5-1304**. Private companies, county agencies, or the state government administer diversion programs.

**Predisposition Investigation**

Probation Placement Committees in each judicial district, funded by the Department of Corrections, develop cases for disposition after delinquency adjudications. A Youth Court Probation Officer chairs each committee, which may include representatives from the Department of Public Health and Human Services, mental health agencies, and the school. A parole officer represents the Department of
Corrections on the committee. Committees use the "Back on Track" pre-screen to assist at this decision point. The committee's recommendation assists the presiding judge in making the disposition. Judges must also use a risk assessment tool approved by the Department of Corrections.

**Victim Rights and Services**

Statute [41-5-1416](#) ensures that victims of felony juvenile offenders receive the same rights and services as victims of adult criminals, including the right to be notified of proceedings and the juvenile's release and to be consulted about plea bargains and possible dispositions.

The Montana Department of Corrections (DOC) provides [services](#) to victims of committed adults and juveniles. Victims have access to VINE (Victim Information and Notification Everyday), an automated system that immediately notifies registered users via telephone of changes in an offender’s status, such as release, transfer, or escape. Users may also access custody information 24 hours a day, 7 days a week.

The Montana Department of Justice administers crime victim compensation. More information is available [online](#).

**Probation Supervision**

District Courts administer probation services while the state provides funding. Youth Court probation officers are state employees and supervise delinquent offenders on probation. Youth Court probation officers work out of centralized offices in each of Montana's 22 judicial districts. Many districts have specialized probation programs dealing with specific issues.

Youth Court judges set terms of probation based on information provided by Youth Court probation officers and county attorneys. Montana statute prohibits using continuing supervision as a disposition if a youth's second offense would be a felony or misdemeanor if committed by an adult.

Montana's purpose clause includes restorative justice principles. The Montana Juvenile Probation Officers Association adopted statewide policies and procedures in 1999. No standard sets caseload size.

According to the [Montana Juvenile Probation Officer's Policy and Procedures Manual](#), Youth Court probation officers must use a risk/needs instrument to determine the level of supervision and develop a supervision plan, with input from the juvenile and the juvenile's parents, that includes objectives and a projected date of termination. Currently, Youth Court probation officers use the "Back on Track" pre-screen to determine the level of risk for every youth placed on informal or formal probation and complete a follow-up assessment every three months to help determine the youth's progress.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Youth Court probation officers must have at least a college degree and some formal training in behavioral sciences. Related work experience may substitute educational requirements. Although Montana professionally certifies its Youth Court probation officers, certification is not a requirement for employment.

Youth Court probation officers must attend an initial 40-hour basic training program. In addition, they must attend 16 hours a year of on-going training. The Crime Control Division of the Department of Justice administers Youth Court probation officer training at the Montana law enforcement academy.

**Juvenile Corrections Continuum**

The Department of Corrections' [Youth Services Division](#) administers and operates two juvenile correctional facilities and community-based services: the Pine Hills Youth Correctional Facility, a 120-bed facility for boys, and the Riverside Youth Correctional Facility, a 20-bed facility for girls. Both are considered to be maximum security but neither has razor wire.

**Commitment to State**

Commitments to the Department of Corrections are indeterminate. The Department of Corrections makes placement decisions in cooperation with each judicial district's placement committee (see the [Predisposition Investigation section](#) for a description of the committee). Placement options include
shelter care, foster care, treatment facilities, or secure correctional facilities. Montana Placement Guidelines are used to recommend the level of secure-care based on current offense, most serious previous offense, and number of violations.

The placement committee conducts case reviews at least every 6 months and at other times as requested by the youth court. The Department of Corrections reviews the cases of all youth being considered for out-of-home placements, who are recommended for a change in placement, or who have been in out-of-home placements for six months or longer.

The Department of Corrections has specialized programs at its correctional facilities, consisting of sex offender, chemical dependency treatment, gender specific programming and cognitive restructuring.

Montana’s state delinquency institutions use the Youth Level of Service/Case Management Inventory.

Juvenile probation loses jurisdiction when youth are committed to correctional facilities. The responsibility of supervision is with the Department of Corrections facility staff and Department juvenile parole officers.

**Blended Sentencing**
In Montana, the [Extended Jurisdiction Prosecution Act](#) allows the youth court to pursue extended jurisdiction juvenile prosecution of certain youth alleged to have committed an offense that would be a felony if committed by an adult, except an offense punishable by death or life imprisonment or when a sentence of 100 years could be imposed. The youth court can impose a sanction involving both the juvenile and adult correctional systems. The adult portion is stayed pending successful completion of the juvenile disposition. For more information concerning Montana's blended sentencing provisions, click [here](#).

**Direct Placement**
The court can place adjudicated juveniles in local or private placements without committing them to the Department of Corrections. Youth Court probation officers supervise these youth and provide aftercare services upon release.

**Release**
Once a youth is committed to the Department of Corrections for placement in a state youth correctional facility, the department determines the release date based upon length of stay guidelines it has established. The release date of a juvenile is based on the juvenile’s disposition. Placement committees may not substitute their judgment for that of the superintendent of a state youth correctional facility regarding release (see the [Predisposition Investigation section](#) for a description of the committee). Montana does not have a paroling authority. The releasing authority is the superintendent of the facility by statute.

**Aftercare/Re-entry**
The Department of Corrections' Juvenile Division's Juvenile Community Corrections Bureau administers parole services. Aftercare is described as both aftercare and parole. If a juvenile offender is released from a secure placement, a Department of Corrections' Juvenile Parole Officer provides aftercare services for the youth. There are 12 Juvenile Parole Officers throughout Montana, working in 5 regions. The Department of Corrections administers two transition centers, one for males and one for females transitioning from secure correctional facilities back into their communities.

Montana parole uses the Youth Level of Service/Case Management Inventory.

Montana is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Montana's involvement, click [here](#). By visiting the [State Activities & Resources page](#), users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

**State Laws**
Legal Resources
Montana Youth Court Act (Title 41 Minors, Chapter 5 Youth Court Act)

State Bar of Montana

Montana Judges’ Benchbook: Municipal, Justice, and City Courts

Montana Judges’ Deskbook: Municipal, Justice, and City Courts

Montana Judicial Branch Policies & Procedures

Purpose Clause for Delinquency Proceedings
The Montana Youth Court Act must be interpreted and construed to effectuate the following express legislative purposes:

(1) to preserve the unity and welfare of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of a youth coming within the provisions of the Montana Youth Court Act;

(2) to prevent and reduce youth delinquency through a system that does not seek retribution but that provides:

   (a) immediate, consistent, enforceable, and avoidable consequences of youths’ actions;

   (b) a program of supervision, care, rehabilitation, detention, competency development, and community protection for youth before they become adult offenders; and

   (c) in appropriate cases, restitution as ordered by the youth court;

(3) to achieve the purposes of subsections (1) and (2) in a family environment whenever possible, separating the youth from the parents only when necessary for the welfare of the youth or for the safety and protection of the community;

(4) to provide judicial procedures in which the parties are ensured a fair, accurate hearing and recognition and enforcement of their constitutional and statutory rights.


Purpose Clause for Juvenile Corrections
The department of corrections shall use at maximum efficiency the resources of state government in a coordinated effort to:

(1) develop and maintain comprehensive services and programs in the field of adult and youth corrections; and

(2) provide for the custody, assessment, care, supervision, treatment, education, rehabilitation, and work and skill development of youth alleged to be youth in need of intervention or delinquent youth who are referred or committed to the department.

Citation: Montana Code Annotated Title 53. Social Services and Institutions Chapter 1. General Administration of Institutions Part 2. Department of Corrections. Current through the 2003 Regular Session of the 58th Legislature.

Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 24
Juvenile Transfer Laws
For information on Montana's juvenile transfer laws, click here.

Juvenile Justice Leadership

Montana Board of Crime Control
The Montana Board of Crime Control, part of the Department of Justice, oversees juvenile justice funding and administers Youth Court probation officer training. The MBCC administers the general fund juvenile detention dollars and the federal Juvenile Accountability Incentive Block Grant (JAIBG).

Montana Children's Initiative
This is a nonprofit provider association committed to building a responsive and integrated system of care for at risk children and their families.

Montana Juvenile Probation Officers Association
This is a membership association for chief and deputy Youth Court probation officers in Montana. MJPOA provides training, develops standards and best practice methodologies, and promotes Balanced and Restorative Justice.

Resources/Contacts
Montana Board of Crime Control  
Montana Children's Initiative  
Montana County Attorney's Association  
Montana Department of Justice  
Montana Department of Corrections, Youth Services Division  
Montana Peace Officer Standards and Training (P.O.S.T.) Council  
Montana Youth Courts  
State Bar of Montana  
Montana Correctional Association  
Judges Association  
Montana Association of Counties  
Montana Law Enforcement Academy

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The National Center for Juvenile Justice strives to make each State Profile as accurate as possible. Please bring any errors, updates, or additions to the attention of the State Profiles project manager. Persons listed as state contacts are not responsible for information contained in these profiles.

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Delinquency Services Summary

Combination State: With the exception of secure detention, the state operates most delinquency services in Nebraska. However, responsibility is divided between the judicial and executive branches. County commissions or boards operate secure detention centers. The Office of Probation Administration, within the State Court Administrator’s Office, administers probation services through 15 probation districts, 3 of which serve counties with separate juvenile courts. The Nebraska Department of Health and Human Services administers the state’s institutions for delinquent offenders and aftercare services through the Office of Juvenile Services, which is located within the Office of Protection and Safety.

Service Classification

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<tr>
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Court(s) with Delinquency Jurisdiction

In much of the state, County Courts exercise jurisdiction over delinquency proceedings. However, in Douglas, Lancaster, and Sarpy counties, separate Juvenile Courts exercise jurisdiction in delinquency proceedings. County Courts and Juvenile Courts are limited jurisdiction trial courts. The state pays 90% of the costs of the County Juvenile Courts (all personnel costs for judges, clerks, and their staff). For more information, visit the Nebraska Judicial Branch’s web site.

Highlights

Juvenile Data Integration Project
The Nebraska Crime Commission’s Juvenile Information Sharing project completed a strategic plan and has begun to implement projects. The state is working to establish overall governance for the project.

Graduated Sanctions Demonstration Site
The Douglas County (Omaha) Separate Juvenile Court is participating in a national graduated sanctions project that the Office of Juvenile Justice and Delinquency Prevention awarded to the Juvenile Sanctions Division of the National Council of Juvenile and Family Court Judges. In addition to providing cross-site technical assistance and training on cultural competency, the site has focused on immediate sanctioning at the front end of the juvenile justice system. The court published a handbook on youth rights and responsibilities and has enhanced its tracking system to allow higher risk youth to be safely released from detention pending trial. For more information, contact Judge Wadie Thomas, Jr., Juvenile Court Judge, at (402) 444-7889 or wthomas@co.douglas.ne.us.

Detention

County commissions or boards operate Nebraska’s four detention centers and some of Nebraska’s eight staff-secure facilities. Private nonprofit organizations operate the remaining facilities. Three Assessment Centers are now in operation in the communities with separate juvenile courts. One assessment center is on the detention center campus, one on the staff secure campus and the other is its own facility. Alternatives to detention include electronic monitoring, trackers, mediation, and drug and alcohol testing.

Probation Intake Officers perform an intake screen to determine the most appropriate option for the juvenile, including detention. Then, they assess the juvenile using a standardized juvenile detention screening instrument to determine if detention is necessary. Detention is used to hold youth
preadjudication, predisposition, and awaiting placement and sometimes as a sanction for probation violations. However, detention is never used as a disposition. Detention hearings must be held within 24 hours. A petition must be filed within 48 hours. Detention standards are outlined in Nebraska Minimum Jail Standards for Juvenile Detention Facilities: Title 83 Nebraska Rules and Regulations.

**Delinquency Intake Screening**

Any person who has credible information may file a delinquency complaint. The County Attorney receives delinquency referrals, reviews them for legal sufficiency, makes handling decisions, and makes the charging decision.

**Diversion**

County attorneys determine a juvenile’s eligibility for diversion. Although guidelines recommend that only nonviolent misdemeanors be diverted, decisions are made on a case by case basis. Criteria include the juvenile’s age, the nature of the offense and the juvenile’s role in it, the threat that the juvenile poses to persons or property, and recommendations of the referring agency, the victim, and advocates for the juvenile. Statute prohibits diverting juveniles charged with the offenses of driving while intoxicated and implied consent refusal.

County attorneys, with the county board or a city attorney, may establish juvenile pretrial diversion programs. While more informal programs are operated out of county attorney’s offices, more formal programs are often run by non-profit agencies that the county attorney refers youth to for diversion. Diversion programs include a letter of apology, community service, restitution, educational or informational sessions at a community agency, and juvenile offender and victim mediation. Successful completion of the program results in dismissal of the juvenile petition.

Each pretrial diversion program establishes an overall time limit for all offenses. Guidelines set the time limit at six months except in extenuating circumstances.

*Nebraska Juvenile Pretrial Diversion Guidelines and Resources* (2002), published by the Nebraska Crime Commission, outlines some recommendations and resources for diversion programs. The Nebraska Crime Commission developed standardized guidelines for collecting diversion data across the state.

**Predisposition Investigation**

Probation officers, working for the Office of Probation Administration, within the State Court Administrator’s Office, develop the case for disposition, utilizing a court-ordered predisposition evaluation. The court can also order a more extensive evaluation through the Office of Juvenile Services (OJS).

Probation and OJS use different risk/needs assessment tools. Probation’s evaluation encompasses prior record, family, social, educational, health, and substance abuse issues as they pertain to the juvenile and his or her family. After a pilot, the Probation Administration and OJS agreed to implement the Youth Level of Services Inventory as the common tool for both agencies.

**Victim Rights and Services**

Nebraska does not have a statute extending rights to victims of juvenile crime. However, the goals of pretrial diversion include promoting restitution to the victim.

The Nebraska Department of Health and Human Services' (HHS) Office of Protection and Safety contracts with the Nebraska Mediation Center Association to provide mediation and conflict resolution services across the state. Upon request by HHS, the mediation centers can provide victim offender mediation to referred juvenile offenders if the victim voluntarily agrees.

The Nebraska Crime Commission administers the state crime victim compensation program.

**Probation Supervision**

The Office of Probation Administration, within the State Court Administrator's Office, administers probation services through 15 probation districts, 3 of which serve the counties with separate juvenile courts. In these three counties (Douglas, Sarpy, and Lancaster), separate probation offices handle
juvenile caseloads. In the remaining 90 counties, probation officers carry caseloads of both juveniles and adults. The State Probation Central Office is located in Lincoln, which houses the administrator and two deputy administrators.

The state is divided into six regions that provide intensive supervision probation (ISP), and these officers serve both juveniles and adults. Officers work schedules vary depending on needs of clients and compliance checks. The utilization of trackers has helped probation officers have more accountability with their caseloads.

The court sets the terms of probation supervision. Currently, probation officers work with clients to meet the conditions of probation. After a pilot, the Probation Administration and the Office of Juvenile Services agreed to implement the Youth Level of Services Inventory as the common tool for both agencies. As part of the implementation of the YLSI, probation officers will develop a case plan in addition to the conditions of probation.

Legislation passed in 2001 gives counties funding to develop community-based services for juveniles, encouraging communities to serve youth locally rather than sending them to the state delinquency institutions or other expensive out-of-home placements. These funds cannot be used to construct or renovate juvenile facilities. LB640 requires each county to develop a comprehensive community juvenile services plan using a coalition of community members. Seventy of Nebraska’s 93 counties are involved in a comprehensive plan. Services or programs developed depend on the needs identified in the plan and include prevention activities, diversion, graduated sanctions, and substance abuse services. The entities providing services vary widely depending on the resources of the communities.

**Juvenile Probation Officer Qualifications, Certification, and Training**
Probation officers must have college degrees. The Office of Probation Administration, within the State Court Administrator’s Office, sets the minimum performance and qualification standards for probation officers.

Although probation officers are not professionally certified in Nebraska, the Office of Probation Administration requires probation officers to be trained. They must attend 120 hours of initial training, which is provided by the state, and 24 hours of additional training each year, paid for by the state/county.

**Juvenile Corrections Continuum**
A youth can be directly committed to the Department of Health and Human Services’ Office of Juvenile Services (within the Office of Protection and Safety) for treatment.

OJS administers the juvenile corrections continuum, ranging from in-home services to out-of-home placements. There are two Youth Rehabilitation and Treatment Centers (YRTCs), located in Geneva and Kearney.

The Office of Juvenile Services also maintains a 12-bed juvenile male sex offender program, an extension of the main program at the YRTC-Kearney. In addition, a substance abuse treatment program at Hastings Regional Center can house up to 40 male youth.

**Community Corrections**
Integrated Care Coordination Units (ICCUs), located across the state, are alternatives to committing juvenile offenders to state juvenile institutions. The overall purpose of the ICCU is to effectively manage the care of juvenile offenders with multiple and complex needs at the local level. The Department of Health and Human Services' Office of Protection and Safety allots ICCUs 95% of the amount that the state would spend on youth in state custody. Behavioral Health Services in Lancaster County and central Nebraska laid the groundwork for the ICCUs by establishing community-based programs and developing wrap-around services.

**Commitment to State**
Commitment to the Department of Health and Human Services' Office of Juvenile Services (OJS) is
Upon commitment to the juvenile institution, OJS obtains custody of the adjudicated delinquent and makes placement decisions. Although the court selects the initial level of treatment and determines whether the juvenile will be placed, OJS may later decrease the level of treatment without court approval. A Department of Health and Human Services' Juvenile Services Officer supervises the juveniles during commitment.

After a pilot, the Probation Administration and the Office of Juvenile Services agreed to implement the Youth Level of Services Inventory as the common tool for both agencies. Both agencies will use the YLSI in making placement decisions.

**Blended Sentencing**
Nebraska has criminal blended sentencing - a court with criminal jurisdiction over a juvenile is authorized to impose a juvenile disposition following conviction in lieu of a criminal sentence, unless the juvenile was convicted of a crime for which a life term is required by law. For more information, click [here](#).

The Department of Correctional Services administers the Nebraska Correctional Youth Facility in Omaha, a maximum security youth confinement facility that houses youthful offenders adjudicated as adults (ages 13 to 18).

**Direct Placement**
The County Courts can place juveniles in local/private placements at any time without committing the juvenile to the Department of Health and Human Services' Office of Juvenile Services (HHS-OJS). State Probation Administration is responsible for supervising these juveniles and submitting progress reports to the court and is involved in all court reviews.

**Release**
Juveniles are released from juvenile institutions upon successful completion of their individual programs or at a time when the Facility Administrator and the youth’s Juvenile Service Officer determine placement, supervision, and treatment in the community is available and will meet the juvenile’s needs. A Treatment Team submits a release recommendation to the Facility Administrator, who has final release authority.

**Aftercare/Re-entry**
The Nebraska Department of Health and Human Services (HHS) provides a case management system to all juveniles committed to HHS-Office of Juvenile Services. In consultation with the juvenile institutions, the HHS Juvenile Service Officer develops a case plan identifying aftercare services that will be provided to the juvenile upon release from the institution. Juvenile Service Officers are located in five service areas across the state.

**State Laws**

**Legal Resources**
Nebraska's juvenile code resides in Chapters 28 (Crime and Punishment), 29 (Criminal Procedure), 43 (Infants), and 83 (State Institutions)

Nebraska State Bar Association

**Purpose Clause for Delinquency Proceedings**

Acknowledging the responsibility of the juvenile court to act to preserve the public peace and security, the Nebraska Juvenile Code shall be construed to effectuate the following:

1. To assure the rights of all juveniles to care and protection and a safe and stable living environment and to development of their capacities for a healthy personality, physical well-being, and useful citizenship and to protect the public interest;

2. To provide for the intervention of the juvenile court in the interest of any juvenile who
(3) To remove juveniles who are within the Nebraska Juvenile Code from the criminal justice system whenever possible and to reduce the possibility of their committing future law violations through the provision of social and rehabilitative services to such juveniles and their families;

(4) To offer selected juveniles the opportunity to take direct personal responsibility for their individual actions by reconciling with the victims through juvenile offender and victim mediation and fulfilling the terms of the resulting agreement which may require restitution and community service;

(5) To achieve the purposes of subdivisions (1) through (3) of this section in the juvenile's own home whenever possible, separating the juvenile from his or her parent when necessary for his or her welfare, the juvenile's health and safety being of paramount concern, or in the interest of public safety and, when temporary separation is necessary, to consider the developmental needs of the individual juvenile in all placements, to consider relatives as a preferred potential placement resource, and to make reasonable efforts to preserve and reunify the family if required under section 43-283.01;

(6) To promote adoption, guardianship, or other permanent arrangements for children in the custody of the Department of Health and Human Services who are unable to return home;

(7) To provide a judicial procedure through which these purposes and goals are accomplished and enforced in which the parties are assured a fair hearing and their constitutional and other legal rights are recognized and enforced; and (8) To assure compliance, in cases involving Indian children, with the Nebraska Indian Child Welfare Act.

Purpose Clause for Juvenile Corrections
The purposes of the Juvenile Services Act shall be to

(1) assist in the provision of appropriate preventive, diversionary, and dispositional alternatives for juveniles,

(2) encourage coordination of the elements of the juvenile services system, and

(3) provide an opportunity for local involvement in developing community programs for juveniles so that the following objectives may be obtained:

(a) Preservation of the family unit whenever the best interests of the juvenile are served and such preservation does not place the juvenile at imminent risk;

(b) Limitation on intervention to those actions which are necessary and the utilization of the least restrictive yet most effective and appropriate resources;

(c) Encouragement of active family participation in whatever treatment is afforded a juvenile whenever the best interests of the juvenile require it;

(d) Treatment in the community rather than commitment to a youth rehabilitation and treatment center whenever the best interests of the juvenile require it; and

(e) Encouragement of and assistance to communities in the development of
alternatives to secure temporary custody for juveniles who do not require secure detention.

All state agencies providing direct services to juveniles shall coordinate their efforts and work with the commission, members of the judiciary, and local political subdivisions in the development of a comprehensive juvenile services plan and the establishment and provision of programs or services in such plan. Programs or services established pursuant to the Juvenile Services Act and the federal act shall conform to the family policy tenets prescribed in sections 43-532 to 43-534.


It is the intent of the Legislature that the juvenile justice system provide individualized accountability and individualized treatment for juveniles in a manner consistent with public safety to those juveniles who violate the law. The juvenile justice system shall also promote prevention efforts which are community-based and involve all sectors of the community. Prevention efforts shall be provided through the support of programs and services designed to meet the needs of those juveniles who are identified as being at risk of violating the law and those whose behavior is such that they endanger themselves or others. The goal of the juvenile justice system shall be to provide a range of programs and services which:

(1) Retain and support juveniles within their homes whenever possible and appropriate;

(2) Provide the least restrictive and most appropriate setting for juveniles while adequately protecting them and the community;

(3) Are community-based and are provided in as close proximity to the juvenile's community as possible and appropriate;

(4) Provide humane, secure, and therapeutic confinement to those juveniles who present a danger to the community;

(5) Provide followup and aftercare services to juveniles when returned to their families or communities to ensure that progress made and behaviors learned are integrated and continued;

(6) Hold juveniles accountable for their unlawful behavior in a manner consistent with their long-term needs, stressing the offender's responsibility to victims and the community;

(7) Base treatment planning and service provision upon an individual evaluation of the juvenile's needs recognizing the importance of meeting the educational needs of the juvenile in the juvenile justice system;

(8) Are family focused and include the juvenile's family in assessment, case planning, treatment, and service provision as appropriate and emphasize parental involvement and accountability in the rehabilitation of their children;

(9) Provide supervision and service coordination, as appropriate, to implement and monitor treatment plans and to prevent reoffending;

(10) Provide integrated service delivery through appropriate linkages to other human service agencies; and

(11) Promote the development and implementation of community-based programs designed to prevent unlawful behavior and to effectively minimize the depth and duration of the juvenile's involvement in the juvenile justice system.

**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 18

**Juvenile Transfer Laws**
For information on Nebraska's juvenile transfer laws, [click here](#).

**Juvenile Justice Leadership**

**Nebraska Coalition for Juvenile Justice**
The Nebraska Crime Commission's Nebraska Coalition for Juvenile Justice operates as the State Advisory Group (SAG) guiding the expenditure of federal and State funds and overseeing compliance with the core requirements of the federal Juvenile Justice and Delinquency Prevention Act of 1974.

**Voices for Children in Nebraska**
Voices for Children is an independent, nonprofit organization that addresses issues relating to parenting, family income, child care, foster care, child abuse, health, adoption, and juvenile justice.

**Center on Children, Families, and the Law**
The Center on Children, Families, and the Law (CCFL) at the University of Nebraska-Lincoln (UNL) was established in 1987 as a home for interdisciplinary research, teaching and public service on issues related to child and family policy and services.

**Resources/Contacts**
**Center on Children, Families, and the Law**
**Nebraska Coalition for Juvenile Justice**
**Nebraska Crime Commission**
**Nebraska Department of Health and Human Services, Office of Juvenile Services**
**Nebraska Judicial Branch**
**Nebraska State Bar Association**
**Voices for Children in Nebraska**
**Nebraska Juvenile Justice Association**
**Heartland Juvenile Detention Association**

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Delinquency Services Summary

*Decentralized State:* Delinquency services are organized at both the state and local level in Nevada. District juvenile courts, except in Clark County, administer most secure detention facilities in the state and juvenile probation services. Clark County's Department of Juvenile Justice Services, under the Board of County Commissioners, administers detention, probation, and aftercare. Youth Correctional Services, Division of Child and Family Services (DCFS), Department of Human Resources administers commitment programs and aftercare services.

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Court(s) with Delinquency Jurisdiction

District Courts exercise jurisdiction over delinquency proceedings in most districts. District Courts are general jurisdiction trial courts. However, in the Eighth Judicial District (Las Vegas) and the Second Judicial District (Reno), Family Divisions handle juvenile delinquency cases. Nevada's 17 counties are divided into 9 judicial districts. Some districts encompass only one county while districts in more rural areas may include more than one county. For more information, download the [Nevada Supreme Court's Annual Report](#).

Highlights

**Graduated Sanctions Demonstration Site**

Clark County (Las Vegas), Nevada has participated in a national graduated sanctions project that the Office of Juvenile Justice and Delinquency Prevention awarded to the Juvenile Sanctions Division of the National Council of Juvenile and Family Court Judges. Clark County's Department of Juvenile Justice Services has initiated a resource reallocation program to reduce the detention population and allow for personnel to focus on community-based services. Continuous population growth at the rate of approximately 4,000 per month presents a challenge to goal attainment. The county led the way in restructuring contractual services and forming a continuum responsive to offender and family needs, as assessed by the court. The agency has refurbished its risk/needs assessment format and implemented a gender-specific residential treatment program for young female offenders. For more information contact, Cherie Townsend, Director, Clark County Juvenile Justice Services, at (702) 455-5210.

Clark and Washoe County has been actively involved with the Anne E. Casey Foundation, Juvenile Detention Alternatives Initiative. Additionally, Clark County participates in the Performance Based Standards Initiative within their juvenile detention facility.

**Detention**

Clark County's Department of Juvenile Justice Services, under the Board of County Commissioners, administers a secure juvenile detention facility. Probation departments operate secure detention facilities under a juvenile or family court judge's direction in the following counties: Carson City, Douglas, Elko, Humboldt, Mineral, and Washoe. Alternatives to detention include electronic monitoring, home detention, and day reporting programs. Other rural jurisdictions without secure detention facilities utilize these alternatives as well as evening reporting centers.

The detention centers have adopted a standardized assessment tool, developed by the Silver State...
Detention Association, for screening admissions. Statute requires screening juveniles in detention for mental health and substance abuse problems. Clark and Washoe County utilize a Risk Assessment Instrument developed for utilization with their Juvenile Detention Alternatives Initiative projects.

Juveniles may be held in detention while awaiting adjudication, disposition, or placement. Detention may also be used as a sanction for violating probation and as a disposition. NRS 62C.030 outlines criteria for detaining a juvenile before disposition, including that he or she poses a danger to him or herself, the community, or property, may run away, or is a fugitive. In 1998, through court order, the state implemented a 30-day maximum waiting period for youth awaiting placement in detention. Youth can be sentenced to secure detention for up to 30 days for violating probation.

Under NRS 62C.040, the timeframes for detention hearings vary depending on circumstances. For example, detention hearings must be held within 24 hours if the juvenile submits a written application. Juveniles being held in adult facilities must receive a detention hearing within 24 hours or 6 hours, depending on county population size. Juveniles held in facilities not for adults must receive detention hearings within 72 hours.

**Delinquency Intake Screening**
Any person who has knowledge of the alleged facts may file a delinquency complaint. Intake workers or probation officers (depending on the county) in the probation department’s assessment unit receive delinquency referrals from law enforcement and screen them for legal sufficiency, with the district attorney’s review if there is a challenge. Probation officers may recommend handling the case formally, but the district attorney makes the final handling and charging decisions. The district attorney prepares and signs the petition before it is filed with the court.

The Washoe County (Reno) Department of Juvenile Services uses a modified version of the Nevada Association of Juvenile Justice Administrators’ community probation placement instrument at intake. The Clark County (Las Vegas) Department of Juvenile Justice Services’ intake unit uses the Service Assessment System, an assessment and screening tool, and plans to develop an empirically-based instrument. Rural counties vary in their use of risk/needs assessment instruments at intake.

**Diversion**
Intake workers or probation officers (depending on the county) in the probation department’s assessment unit may recommend to the district attorney that a juvenile be diverted and placed under informal supervision. Juveniles who voluntarily admit to being delinquent may consent to being placed on informal supervision. If any of the acts would constitute a gross misdemeanor or felony if committed by an adult, the district attorney must approve of this arrangement in writing. The period of informal supervision must not exceed 180 days.

Informal supervision may include community service, restitution, and a cognitive training and human development program that teaches skills, such as problem-solving, communication, conflict resolution, and anger management.

Clark, Washoe, and a number of rural counties run their own diversion programs.

**Predisposition Investigation**
Juvenile probation officers perform predisposition investigations. The Nevada Association of Juvenile Justice Administrators developed an instrument containing standardized risk indicators and suggested dispositions, but its use is voluntary and assessment practices vary across the state. The Washoe County Department of Juvenile Services uses a modified version of this instrument to make intake decisions and determine appropriate dispositions, such as diversion, probation, or commitment.

Administrators from Spring Mountain Youth Camp, Nevada Youth Correctional Services, and Clark County IMPACCT (Intensive Monitoring Program and Community Corrections Team) program established the Screening Committee. The Committee reviews all cases recommended by Clark County probation officers for state commitment, county youth camp placement, and referrals to IMPACCT before court proceedings.
Victim Rights and Services
The Nevada Revised Statutes for Victims of Crime (NRS 217) applies to victims of juvenile offenders under NRS 62. Victims of juvenile offenders have the right to present an oral impact statement at disposition, be informed of the disposition of the case, receive restitution, and know if the offender was committed and the location of that placement, and be informed of the release date.

The Nevada Victims of Crime Program, within the Department of Administration, administers crime victim compensation. Clark County Department of Juvenile Justice Services established a Victim Assistance Program.

Probation Supervision
District courts administer probation services, except in Clark County where the county executive administers probation. Each probation department has standard conditions for probation that a court order can enhance. Some counties require juvenile probation officers to develop specific supervision plans in addition to the court’s terms.

The judicial districts offer a range of specialized probation services, including intensive supervision, aftercare, substance abuse education programs, and sex offender specific caseloads. In addition, Clark County's Department of Juvenile Justice Services has a truancy intervention program that assigns specific staff to specific schools. Clark and Washoe Counties use Probation Community Placement instruments and, with Churchill County, use risk and needs assessments to make community placement decisions. A.C.R. 13, the Legislative Commission’s Subcommittee to Study the System of Juvenile Justice in Nevada, recommended the implementation of Probation Community Placement instruments statewide.

The state assists probation departments through a variety of state and federal pass-through grants. The state has adopted the Balanced Approach as its guiding philosophy for juvenile probation in its mission statement. The Nevada Association of Juvenile Justice Administrators developed voluntary state standards and recommends the American Probation and Parole Association’s caseload standard of 35:1 on standard probation.

Juvenile Probation Officer Qualifications, Certification, and Training
Each judicial district determines the employment qualifications for its juvenile probation officers. The Peace Officers Standards and Training (POST) Commission, a cabinet-level commission, certifies probation officers. Certification is a requirement for employment. Probation officers must complete 8 weeks at the POST academy during their first year of employment and 24 hours of continuing education each following year.

Juvenile Corrections Continuum
Youth Correctional Services, Division of Child and Family Services, Department of Human Resources administers Nevada’s three state delinquency institutions. The Caliente Youth Center (co-educational) and the Nevada Youth Training Facility in Elko (for males) are staff-secure. The Summit View Youth Correctional Center is Nevada’s first maximum-security juvenile facility.

The state also runs the Desert Willow Treatment Center, a juvenile sex offender/mental health facility.

Commitment to State
The court orders adjudicated delinquents to indeterminate periods of commitment. The Nevada Division of Child and Family Services gains custody of the juvenile and makes placement decisions. Youth parole counselors supervise juveniles while they are in state custody.

The Nevada Association of Juvenile Justice Administrators' standardized instrument guides staff in recommending appropriate levels of correctional care. Youth facilities use the Massachusetts Youth Screening Instrument (MAYSI) and the Problem Oriented Screening Instrument for Teenagers (POSIT) as part of the institutional treatment plan that is developed for each juvenile. The Transitional Community Reintegration program (TCRP) provides initial assessments for newly committed delinquent youth. Statute requires screening each juvenile who is adjudicated delinquent and committed by the
juvenile court for mental health and substance abuse problems.

Blended Sentencing
Nevada does not have blended sentencing provisions.

Direct Placement
Courts can place a juvenile in a local or private placement without committing the juvenile to the Nevada Division of Child and Family Services. Almost all private placements are in Clark and Washoe counties with a few available in rural areas. Placement stays can be indeterminate, but are often limited by budgets. County probation officers supervise youth in placement and provide aftercare supervision upon release.

The state's two county-run youth camps are Spring Mountain Youth Camp, located in Clark County, and China Spring Youth Camp, located in Douglas.

Release
A clinical team made up of mental health professionals, correctional staff, parole officers and school personnel conduct clinical team reviews for all youths who are close to completing their commitment. The team provides a recommendation to the superintendents of the State Youth Training Centers to make release decisions.

Aftercare/Re-entry
Youth Correctional Services, Division of Child and Family Services, Department of Human Resources administers aftercare services for youth returning from state commitment through its Youth Parole Bureau. The Youth Parole Bureau provides aftercare services to youth released from the Nevada Youth Training Center at Elko, the Caliente Youth Center in Caliente, and youth committed to Division of Child and Family Services custody at the China Spring Youth Camp in Minden. The Youth Parole Bureau is not a parole board. The bureau provides a range of services, including alternative placement, specialized treatment, intensive aftercare, drug education and counseling, transitional community integration, and drug testing. The bureau operates six offices statewide and employs youth parole counselors.

At the time of commitment, youth are assigned youth parole counselors who work with the juvenile and institutional staff to identify and implement an appropriate treatment plan to facilitate a successful return to the community. In 1997, Youth Correctional Services implemented the commitment assessment and classification process in which parole and mental health counselors conduct assessments to inform treatment services and parole case plans.

After China Springs, some youth are placed on state parole and others go on county probation, depending on jurisdiction. Youth parole workers with the Clark County Department of Juvenile Justice Services supervise offenders leaving institutions in that county.

The Transitional Community Reintegration program (TCRP) provides initial assessments for newly committed delinquent youth, transitional placements for youth returning from correctional facilities, placements for youth in lieu of revocation, and day programming. TCRP monies have been used to fund programs for youth parolees in southern Nevada such as Rite of Passage which provides day treatment, Westcare provides gender specific programming for adolescent female offenders and Center for Independent Living provides residential and life skills training for youth moving into adulthood.

State Laws

Legal Resources
Title 5 - Procedure in Juvenile Cases, Chapter 62 - Juvenile Courts

State Bar of Nevada

Purpose Clause for Delinquency Proceedings
The Legislature hereby declares that:

1. This title must be liberally construed to the end that:

   (a) Each child who is subject to the jurisdiction of the juvenile court must receive such care, guidance and control, preferably in the child's own home, as will be conducive to the child's welfare and the best interests of this state; and

   (b) When a child is removed from the control of the parent or guardian of the child, the juvenile court shall secure for the child a level of care which is equivalent as nearly as possible to the care that should have been given to the child by the parent or guardian.

2. One of the purposes of this title is to promote the establishment, supervision and implementation of preventive programs that are designed to prevent a child from becoming subject to the jurisdiction of the juvenile court.

Citation: West's Nevada Revised Statutes Annotated Title 5. Procedure in Juvenile Cases Chapter 62A. General Provisions. 62.031. Current through the 2004 21st Special Session of the 72nd Legislature and the 2004 Revisions by the Legislative Counsel Bureau.

Purpose Clause for Juvenile Corrections

1. The purposes of the division of child and family services in the department are to:

   (a) Provide a comprehensive state system for the coordination and provision of services to children and families who need assistance relating to juvenile justice and the care, welfare and mental health of children.

   (b) Aid in the preservation, rehabilitation and reunification of families.

   (c) Ensure that children are placed in the least restrictive environment available which is appropriate to their needs.

   (d) Provide services for youth who are in need of residential care or in need of treatment or both.

2. In accomplishing its purposes, the division shall:

   (a) Establish and operate a central, comprehensive state system for:

       (1) The diagnosis and assessment of the needs of particular children and families, including those in need of multiple services;

       (2) The referral of children and families to appropriate services; and

       (3) The management and monitoring of cases in which children and families are referred to multiple services.

   (b) Provide services for the support of families to:

       (1) Maintain the integrity of families;

       (2) Ensure that children are not unnecessarily removed from their homes; and

       (3) Ensure that families are reunited as soon as practicable after the removal of children from their homes.

   (c) Ensure that a sufficient range of services is available to provide care and treatment to children and families in the least restrictive setting appropriate to their needs.
(d) Work closely with other governmental agencies and with public and private agencies providing the same or similar services.

3. The division shall develop standards for carrying out programs aimed toward the prevention of delinquent acts of children and programs for the treatment of those brought to its attention. It shall assist in the development of programs for the predelinquent children whose behavior tends to lead them into contact with law enforcement agencies.

4. The division shall develop and assist in carrying out programs for the diversion of juveniles out of the judicial system and programs for the aftercare of juveniles who have been released from state institutions, who have been brought before the juvenile court or family court or have otherwise come into contact with law enforcement agencies. The administrator of the division shall observe and evaluate the success of those programs.

Citation: West's Nevada Revised Statutes Annotated Title 18. State Executive Department Chapter 232. State Departments, Department of Human Resources, Division of Child and Family Services. 232.400. Current through the 2004 21st Special Session of the 72nd Legislature and the 2004 Revisions by the Legislative Counsel Bureau.

Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

Juvenile Transfer Laws
For information on Nevada's juvenile transfer laws, click here.

Juvenile Justice Leadership

Department of Human Resources, Division of Child and Family Services
The Division of Child and Family Services convenes the Nevada Juvenile Justice Commission, the State Advisory Group charged with administering funds received through the federal Juvenile Justice Delinquency Prevention Act and monitoring compliance with the Act's mandates.

Silver State Detention Association
In 1998, juvenile detention directors and probation chiefs formed this association to promulgate and implement detention standards throughout the state, improve conditions and resources for county detention facilities, and enhance training opportunities for detention staff.

Nevada Correctional Association

Nevada Association of Juvenile Justice Administrators

Resources/Contacts
Caliente Youth Center
Juvenile Justice Services, Division of Child and Family Services, Department of Human Resources
Nevada Juvenile Justice Commission
Nevada Supreme Court
Nevada Victims of Crime Program
State Bar of Nevada

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The National Center for Juvenile Justice strives to make each State Profile as accurate as possible. Please bring any errors, updates, or
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Delinquency Services Summary

Centralized State: The Division for Juvenile Justice Services (DJJS), within the Department of Health and Human Services (DHHS), is the state executive agency responsible for providing delinquency services in New Hampshire. DJJS through its Bureau of Field Services conducts court-ordered investigations; utilizes community-based services, placements, and programs; and supervises juveniles on probation and parole; and through its Bureau of Residential Services provides institutional services at its combined detention center and commitment facility.

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Court(s) with Delinquency Jurisdiction

Prior to 2004, District Courts exercised jurisdiction over juvenile proceedings. In 2004 (see House Bill 643), the NH Legislature made the Family Division of the courts, then operating as a pilot program in Grafton and Rockingham counties, a permanent component of the judicial branch. The Family Division is presently exercising juvenile jurisdiction in 8 of New Hampshire’s 10 counties. In the two remaining counties, Cheshire and Hillsborough, the District Court continues to exercise juvenile jurisdiction. Statewide implementation of the Family Division is anticipated by the end of 2010. The Family Division courts consolidate into one forum the marital, family, juvenile and related cases formerly separated among the Superior, Probate and District Courts.

Highlights

New Youth Services Center Opens

The new John H. Sununu Youth Services Center (SYSC), a detention and training school facility, opened for admissions on the grounds of the Youth Development Center (YDC) in Manchester in late summer 2006.

Juvenile Drug Court

New Hampshire's Juvenile Drug Court serves adjudicated non-violent first or second time offenders between the ages of 13 to 16 and their families. Referrals may come from schools, law enforcement officers, JPPOs, or the courts. There are four levels of treatment: educational component; outpatient counseling component; community based intensive treatment and supervision; and residential care. Treatment can include group or individual therapy, community service, and probation. The length of time that the juvenile spends in the juvenile drug court program depends upon the juvenile’s level of treatment, although there is a 90-day minimum.

Detention

DJJS operates the Youth Detention Services Unit (YDSU) in Manchester, part of SYSC, the only secure pre-adjudication/pre-disposition detention facility in New Hampshire. YDSU has a 24-bed capacity. The state recently opened its new detention and training school facility on the grounds of YDC in Manchester. The one-building facility opened in late summer 2006. See the Highlight section for more information.

In New Hampshire, the police release most juveniles arrested for delinquent acts to a parent, guardian, or custodian pending arraignment or diversion referral. Alternatives to secure detention of delinquents
include release to a relative or friend, or placement in a youth attender bed, crisis home, group home or shelter care facility. Increasingly, courts are releasing juveniles home on "house arrest" status with curfew and other conditions specified in the court order.

Detention at YDSU cannot be used as a sanction for probation violations. Juveniles also cannot be held in detention after disposition while awaiting out-of-home placement. Detention is primarily used for delinquents who are being held in secure custody while awaiting court proceedings between arrest and final disposition. The adjudicatory hearing for detained youth must be held within 21 days, or for an additional period of up to 14 days for good cause. Runaways, escapees or absconders who are awaiting return to their home states pursuant to the Interstate Compact on Juveniles, and some juveniles who are awaiting transfer for adult trial in the Superior Court, may also be detained.

**RSA 169-B:14** establishes the legislative criteria for detention, including to insure the juvenile’s presence at a subsequent hearing or if the juvenile poses a threat to himself or herself or to others. DJJS lacks statutory authority to make detention decisions.

On a statewide basis since October 2008, New Hampshire has been utilizing a detention risk-screening instrument (Risk Assessment Instrument or RAI) to ensure that only appropriate youth are detained. The police department making the arrest completes the RAI for those youth for whom they seek pre-trial detention. The officer administering the instrument must receive a valid court order from a judge before a youth can be detained. The judges who are on duty (or on-call after business hours) ask for the score on the RAI before making a final decision regarding detention, alternative placement or release.

Along with the RAIs completed by the police departments, New Hampshire has identified beds in group homes that are available for youth as an alternative to detention. This Juvenile Detention Alternative Initiative (JDAI) funded by the [Annie E. Casey Foundation](https://www.anneecasey.org) has been statewide to help ensure that only appropriate youth are being detained.

**Delinquency Intake Screening**

Under New Hampshire law, anyone may file a petition with the court alleging the delinquency of a minor; however, in practice, police officers file most delinquency petitions. Both police officers and JPPOs are authorized to arrest juveniles found to be violating the law. In the rare instance in which a JPPO makes an arrest, departmental protocol is to turn the youth over to law enforcement for further investigation and prosecution.

Typically, a police officer files and prosecutes a delinquency petition or makes a referral to a diversion program. The petitioner makes the charging decision. In some jurisdictions, particularly in the larger municipalities, a city attorney or police department attorney prosecutes cases. The county attorney or attorney general prosecutes serious felonies for which certification or transfer for criminal (adult) prosecution is being sought.

Effective January 1, 2005, **HB 1275** established that DHHS shall be a “party” to all juvenile delinquency and status offender (CHINS) proceedings upon the filing of a juvenile petition with the court. However, the specific functions performed by a JPPO occur when the court authorizes DJJS to conduct an investigation or to provide supervision or services.

**Diversion**

The New Hampshire statute that addresses diversion for juvenile delinquents is **RSA 169-B:10**. Police officers, JPPOs and prosecutors may refer a juvenile to any court-approved diversion program rather than file a formal petition, subject to local diversion referral procedures approved by the district's administrative judge. However, the court must approve any diversion once a delinquency petition has been filed. Criteria for referring a juvenile to diversion depend upon the person or agency actually making the referral (court, prosecutor, police officer). Although eligibility criteria vary from one diversion program to another, most programs accept first-time delinquents charged with misdemeanors who admit to the offense. However, not all NH communities have diversion programs available.
Although the formality of diversion depends upon the program and community, most are formalized because they are accountable to the funding and referral sources. County or municipal government or nonprofit agencies generally run diversion programs. The New Hampshire Juvenile Court Diversion Network’s members include private non-profits, town and county run departments, and police based programs. Typically, a diversion contract for a youth might include victim restitution, apology to the victim, community service, and some educational intervention (e.g., shoplifters anonymous and the Challenge program).

One noteworthy diversion program is the City of Keene’s "Earn-It," a juvenile offender/victim restitution program. The program places offenders in work situations, such as the YMCA, community meals programs, parks, or day care centers, to help them earn money to pay restitution to their victims, and pay court fines. It also assigns and supervises community service work for juvenile offenders consistent with their diversion contract or court order.

Belknap County has established Belknap County Community Justice, a countywide restorative justice initiative funded by grants and a trust fund and administered by the Belknap County Citizens Council on Children and Families.

**Predisposition Investigation**
JPPOs complete court-ordered investigations of adjudicated juvenile delinquents and provide the court with reports and recommendations regarding disposition unless the same juvenile had an investigation report completed less than three months previously. Following adjudication, when the court orders the assigned JPPO to conduct a predispositional investigation by statute, the JPPO must address home conditions, school records, and the juvenile’s mental, physical and social history (See RSA 169-B:16, III). If ordered by the court, the investigation also includes a mental and physical examination of the juvenile.

After completing the investigation, the JPPO prepares a predisposition report. The report includes specific recommendations regarding sanctions, services, supervision, and case plan. The recommendations must be consistent with legal requirements and options, DJJS and DHHS policies, and resource and funding availability. The report is submitted for the court’s consideration at the dispositional hearing. The court uses it as a guide in making an informed dispositional decision.

JPPOs currently use standardized assessment tools to assist in making appropriate dispositional recommendations to the courts, including a risk/needs/protective factor assessment and a classification instrument. DJJS standardizes the investigation and report-writing processes by issuing agency policies that outline predispositional investigations and investigation reports.

**Victim Rights and Services**
Per RSA 169-B:35-a, victims of violent crimes committed by juvenile offenders are entitled to certain rights, including the right to be notified of the offender's name and address, any hearings, and the offender's escape or release. Victims are also given the right to present victim impact statements at disposition and may receive restitution.

The Department of Justice administers the crime victim compensation program.

**Probation Supervision**
Juvenile probation is called "conditional release" in New Hampshire and probationers are subject to supervision and behavioral/treatment expectations. JPPOs are assigned to each judicial district in New Hampshire. JPPOs work out of 12 field units housed at 20 separate sites throughout the state, including DHHS district offices, courts, and satellite offices located in Berlin, Claremont, Concord, Conway, Dover, Franklin, Goffstown, Keene, Laconia, Lebanon, Littleton, Londonderry, Manchester, Nashua (two locations), Ossipee, Plymouth, Portsmouth, Rochester, and Salem. Each JPPO works under the supervision of a Juvenile Probation and Parole Supervisor (JPPS), or Juvenile Probation and Parole Coordinator (JPPC), who also manages the field office's daily operations.

JPPOs supervise juvenile probationers referred by the courts, and juvenile parolees referred by the
Juvenile Parole Board. Supervision requires monitoring the juvenile’s behavior through school, home, work, office and other contacts to insure that they comply with court orders (see RSA 170-G:16, II). In recent years, the duties of JPPOs have evolved from providing direct services to juveniles to providing case management and arranging services through private providers.

JPPOs supervise juvenile delinquents and status offenders, and are responsible for supervising both juveniles placed on probation and juveniles paroled by the Juvenile Parole Board (see RSA 170-H). Additionally, JPPOs in several offices specialize in working with juvenile offenders with substance abuse or mental health concerns. Federal formula grant funds support these specialized positions.

JPPOs are mandated to complete a risk and needs assessment tool for case planning. Collected data is being analyzed to establish workload guidelines for juvenile probation and parole staffing. JPPOs prepare written case plans on all placement cases to comply with federal Title IV-E requirements.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Entry-level JPPOs (JPPO I) must have a bachelor's degree in a related field. Progression to higher-level positions (JPPO II, III, IV, Coordinator, and Supervisor) requires increasing levels of education and experience.

Professional certification is not required for employment. All newly hired JPPOs must complete a 2-week juvenile probation and parole training institute within their first year of employment. Staff may also volunteer or be required to attend the institute as a refresher or for remedial training. In addition, during their first year, staff must complete three days of training that includes management of aggressive behavior and the use of handcuffs, restraints, and oleoresin capsicum spray (OC spray). Each JPPO must satisfactorily complete or repeat the curriculum until they pass and are certified, and must re-certify every three years. Any JPPO who fails to take or successfully pass this latter curriculum is prohibited from performing arrest, custody, and restraint functions. Additional mandated training courses are also provided, e.g., special education laws and computer data management. Continuing education requirements include a minimum of 40 hours of training annually.

The DJJS professional development unit establishes the training curriculum and uses both agency employees and non-agency trainers. The unit also certifies the training concurrent with agency management approval. DJJS is presently seeking accreditation by the American Correctional Association (ACA) of both its residential and field services functions.

**Juvenile Corrections Continuum**

DJJS operates New Hampshire’s sole architecturally secure treatment and detention facility for delinquents, SYSC in Manchester. SYSC has a 144-bed capacity (120 commitment beds plus 24 detention beds). Please see the Highlight for more information.

There are no fences or wires around the campus of YDC. Institutional staff provides around-the-clock awake supervision within SYSC, a locked architecturally secure facility that houses all detained and committed delinquents.

**Commitment to State**

New Hampshire's basic disposition model is indeterminate. Commitments to DHHS are for the remainder of minority, expiring on the youth's 17th birthday unless the Juvenile Parole Board or Superior Court discharges the youth earlier from commitment, the committing court vacates or suspends the commitment, or the committing court extends the commitment to age 18 upon motion of DHHS.

By order of the Administrative Judge, judges and JPPOs use formal "Youth Development Center Eligibility Guidelines" to determine whether an adjudicated delinquent meets objective criteria for commitment to state custody. However, a 1998 performance audit determined that judges were overriding the instrument in the majority of cases.

All committed delinquents are sent to the SYSC facility in Manchester, NH. A newly committed juvenile delinquent is assigned to a particular program and curriculum after an initial classification assessment.
that considers gender, age, offense history, treatment and educational requirements, safety, and other factors.

Committed delinquents with specialized treatment needs that SYSC cannot meet may be administratively "furloughed" to a private residential facility, either in New Hampshire or elsewhere in New England. SYCS staff and JPPOs, usually with prior court approval, jointly make these placement decisions. The receiving state must also approve incoming out-of-state residential placements pursuant to the Interstate Compact on the Placement of Children.

Delinquents may also be placed in residential facilities, including group homes and institutions that DHHS has certified to provide various levels of care and treatment for agency clients, including delinquents.

JPPOs provide ongoing case management for all youth on their caseloads. It is also expected that facility staff provide supervision of the youth as well.

**Blended Sentencing**
The New Hampshire Supreme Court in its *In re Juvenile 2004-822* decision found that imposing a suspended jail sentence does not violate a statute precluding holding a person "criminally responsible" for an act committed when he or she was twelve years old. *In re Jeffrey C.*, another recent New Hampshire Supreme Court decision, significantly curtailed blended sentencing in the state. In that decision, the Supreme Court ruled that incarcerating juveniles in adult correctional facilities without the right to a jury trial violated the NH state constitution. Download these and other opinions from New Hampshire Supreme Court web site.

**Direct Placement**
New Hampshire courts have the authority to remove delinquent juveniles from their homes and "place" them in various levels of long-term care, including relatives' homes, foster care, group homes, inpatient care (typically psychiatric or substance abuse), wilderness camps, and other institutional placements. Statute and the court's placement orders do not mandate any specific time limit, except that placement would end no later than the expiration of court jurisdiction.

Periodic court review hearings occur throughout the placement, sometimes several times per year on a given case. For delinquents placed outside of their own homes, permanency hearings are now required by RSA 169-B:31-a. Annual court review hearings of dispositional orders are required in all juvenile cases per NH RSA 169-B:31. The judge makes the decision to release juveniles in local/private placements while JPPOs make recommendations.

JPPOs provide ongoing case management for all youth on their respective caseloads, including placement and commitment cases. They are also required to have ongoing visitation with youth in placement. It is also expected that placement staff provide 24/7 supervision of the youth as well, except that some youth in placement attend public schools during weekdays.

If the juvenile is still on probation after release from placement, JPPOs are responsible for establishing appropriate follow-up supervision and intervention. Otherwise, the state provides no aftercare.

**Release**
An independent Juvenile Parole Board conducts hearings to determine whether juveniles whose release from secure custody has been recommended by SYSC staff should be granted or denied parole. The board has five citizen members appointed by the governor to staggered five-year terms. It is required to hold at least 12 parole hearings a year and more if necessary. Currently, it conducts hearings every two weeks. JPPOs and institutional staff provide input to the board on parole readiness issues in individual cases. The Juvenile Parole Board does not use a structured decision-making tool to make release decisions. The Juvenile Parole Board's Administrative Rules are available online.

**Aftercare/Re-entry**
JPPOs provide parole supervision of juveniles released by the Juvenile Parole Board from SYSC. JPPOs
are required in all juvenile parole cases to prepare a written Parole Supervision Plan for the Juvenile Parole Board's approval.

JPPOs refer juveniles alleged to have violated parole conditions to DHHS hearing officers to determine whether probable cause exists. If probable cause is found, the juvenile is usually returned to SYSC pending a parole revocation hearing before the Juvenile Parole Board.

In October 2007, New Hampshire funded a School Retention Specialist and a Youth Aftercare Specialist to assist youth as they transition back to their respective home communities. The School Retention Specialist focuses upon the educational aspect of the youth’s re-entry to ensure that the youth is connected to the most appropriate school setting. The Youth Aftercare Specialist engages the youth in recreational activities, assists in finding employment, introduces the youth to an individual or family counselor, as needed, and identifies other community-based services that may be needed in the future.

State Laws

Legal Resources
Various provisions of New Hampshire statutes regarding delinquent juveniles are found in RSA 169-A: RSA 169-B; RSA 170-A; RSA 170-G; RSA 170-H; RSA 621; RSA 621-A; RSA 651:61-a through 651:67; RSA 651-B; and RSA 651-C.

Rules of the Family Division of the State of New Hampshire

Rules of the District Courts of the State of New Hampshire

NH Juvenile Parole Board Rules

New Hampshire Bar Association

Purpose Clause for Delinquency Proceedings
This chapter shall apply to delinquent children as defined in RSA 169-B:2. This chapter shall be liberally interpreted, construed and administered to effectuate the following purposes and policies:

I. To encourage the wholesome moral, mental, emotional, and physical development of each minor coming within the provisions of this chapter, by providing the protection, care, treatment, counselling, supervision, and rehabilitative resources which such minor needs.

II. Consistent with the protection of the public interest, to promote the minor's acceptance of personal responsibility for delinquent acts committed by the minor, encourage the minor to understand and appreciate the personal consequences of such acts, and provide a minor who has committed delinquent acts with counseling, supervision, treatment, and rehabilitation and make parents aware of the extent if any to which they may have contributed to the delinquency and make them accountable for their role in its resolution.

III. To achieve the foregoing purposes and policies, whenever possible, by keeping a minor in contact with the home community and in a family environment by preserving the unity of the family and separating the minor and parents only when it is clearly necessary for the minor's welfare or the interests of public safety and when it can be clearly shown that a change in custody and control will plainly better the minor.

IV. To provide effective judicial procedures through which the provisions of this chapter are executed and enforced and which recognize and enforce the constitutional and other rights of the parties and assures them a fair hearing.


Purpose Clause for Juvenile Corrections
The New Hampshire youth development center shall be administered to effect the following purposes and policies:

I. To provide a wholesome physical and emotional setting for each child detained at or committed to the center;

II. To provide protection, care, counseling, supervision, and rehabilitative services as required by the individual child;

III. To assure that the child has not been deprived of those rights to which he or she is entitled by law;

IV. To teach the child to accept responsibility for his or her actions;

V. To recognize that the child's interests are of major importance while also acknowledging the interests of public safety;

VI. To cooperate with the courts, law enforcement agencies, and other agencies in juvenile matters to ensure that the needs of each child who is involved with these agencies are met with minimum adverse impact upon the child; and

VII. To return each child committed to the center to a community setting with an improved attitude toward society.


**Delinquency Jurisdiction** (as of the end of the 2008 legislative session)
Lower Age: None specified
Upper Age: 16
Extended Age of Delinquency Jurisdiction: 20

**Extended Age of Delinquency Jurisdiction**
In New Hampshire, the court's delinquency jurisdiction ends when the juvenile attains age 17, unless earlier discharged by the court. Delinquency jurisdiction can be extended up to age 21 under several different circumstances, including but not limited to the following: when the committing court extends the commitment to age 18 upon motion of the Department of Health and Human Services; or the juvenile consents to the court's retention of jurisdiction, and the juvenile is attending school for the purpose of obtaining a high school diploma or GED and is likely to receive it. For more information, refer to [NH RSA 169-B:4](http://example.com).

**Juvenile Transfer Laws**
For information on New Hampshire's juvenile transfer laws, [click here](http://example.com).

**Juvenile Justice Leadership**
Commission on Juvenile Justice (established by [NH RSA 169-H](http://example.com))

*New England Council on Crime and Delinquency*
This membership organization includes adult and juvenile probation officers, parole and corrections officials, and some members representing academia, law enforcement, attorneys, and courts.

*New Hampshire Juvenile Court Diversion Network*
Many nonprofit and local government juvenile diversion programs belong to this organization.

*New Hampshire State Advisory Group on Juvenile Justice (SAG)*
The SAG advises DJJS regarding juvenile justice related matters, and works collaboratively to ensure that the goals of each organization are being met. The SAG makes funding decisions regarding [OJJDP](http://example.com).
grants, and works with DJJS regarding various other juvenile justice grants.

Resources/Contacts
Division of Juvenile Justice Services
Justiceworks
New England Council on Crime and Delinquency
New Hampshire Department of Justice (Statistical Analysis Center)
New Hampshire Judicial Branch
New Hampshire Juvenile Court Diversion Network

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**Delinquency Services Summary**

*Combination State:* With the exception of secure detention, the state operates most delinquency services for youth in New Jersey. However, responsibility is divided between the state judicial and state executive branches.

County executive agencies are generally responsible for administering detention facilities. In each of New Jersey's 21 counties, the Administrative Office of the Court's Family Division administers delinquency intake screening and predisposition investigation while the Probation Services Division provides probation and some aftercare supervision. Juvenile probation officers in New Jersey are state civil service employees. The Juvenile Justice Commission (JJC) operates secure and non-secure placement facilities and provides aftercare services to committed youth.

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**Court(s) with Delinquency Jurisdiction**

The Family Division of the Superior Court (sometimes referred to as the trial court) exercises jurisdiction over delinquency proceedings. The Superior Court is a general jurisdiction trial court. For more information, visit the [Family Practice Division web page](#).

**Highlights**

**NGA Prisoner Reentry Policy Academy**

The New Jersey Juvenile Justice Commission is an active member in the National Governors Association's (NGA) Prisoner Reentry Policy Academy. Since participating in this program, the Office of Juvenile Parole and Transitional Services has become the pivotal link in the reentry process by implementing a team approach that combines enforcement and treatment. Reentry teams consist of a case manager, a parole officer, an education specialist, and a project manager who partner with families, institutional staff, and representatives from appropriate community programs and services to develop an individualized case action plan. Legislation requires each youth who re-enters the community to comply with Post Incarceration Supervision, which ensures that all youth re-entering the community are provided with transitional services, monitoring, and supervision. The New Jersey NGA's Juvenile Work Group plans to implement changes within the areas of education, mental health and substance abuse treatment, health, housing, employment and vocational training, and finally community and family reintegration.

**Juvenile Detention Alternatives Initiative**

The Annie E. Casey Foundation and the Coalition for Juvenile Justice selected New Jersey as a replication site for the Juvenile Detention Alternatives Initiative (JDAI). The objectives of JDAI are to reduce the number of youth needlessly or inappropriately detained; to decrease the number of youth who fail to appear in court or reoffend pending adjudication; to redirect public funds toward successful reform strategies; and to improve circumstances of confinement. The Juvenile Justice Commission (JJC) will receive a $200,000 grant award, technical assistance on various detention reform strategies, and opportunities to participate with, and learn from, colleagues from other jurisdictions. The project will be piloted at several county sites. The JJC will coordinate the efforts of multiple stakeholders at the state and local level. More information about this initiative is available [online](#).
Detention
New Jersey has 17 juvenile detention centers across the state administered by county boards/commissions, county executives/managers, and local sheriffs/police chiefs. A few counties share detention center services. On a daily basis, approximately 900 male and female juveniles are being held in detention awaiting court hearings and adjudication. In the course of a year, New Jersey detention centers process approximately 12,000 admissions. Alternatives to detention in New Jersey include electronic monitoring, in-home detention, shelters, and after-school reporting centers.

New Jersey law authorizes the court to detain youth alleged to be delinquent only if they are considered a danger to the community or if they are deemed a risk not to appear in court. The decision to place a juvenile in a detention center is handled through the family court and involves a screening process to determine that detainment is necessary. If a youth taken into custody by a law enforcement officer is not released to an authorized person or agency pending disposition, an initial hearing to determine whether pretrial detention must be held no later than the morning following (including weekends and holidays) the youth's placement in custody.

New Jersey law authorizes the sentencing of adjudicated delinquents to incarceration in secure county detention facilities for periods of up to 60 days. In addition, a court may sanction a violation of any disposition order (including an order of probation supervision subject to written conditions) by substituting "any other disposition which it might have made originally" -- presumably including, in appropriate cases, incarceration in a detention facility. Some youth are detained post-disposition while awaiting program placement.

Standards for Detention are outlined in the New Jersey Rules of Court. The state's role is primarily limited to setting standards, monitoring, and providing technical assistance. The Juvenile Justice Commission conducts training for county juvenile detention officers under the auspices of the Police Training Commission.

Delinquency Intake Screening
Any person with knowledge of the alleged facts or who is informed of such facts and has reason to believe that they are true may file a delinquency complaint. Probation officers in the Juvenile Section (or Unit) of the Family Division receive these complaints, assign them docket numbers, and screen them. Although the prosecutor's office checks all screening decisions, there is some negotiation between the two over close cases.

A Family Division probation officer may: (1) arrange an adjustment conference, typically before a local conference committee, at which certain conditions for having the complaint dropped will be agreed upon; (2) send the case into "counsel not mandatory court," an intermediate procedure in which an actual hearing is held before a judge, but there is no danger of incarceration and no attorneys appear for either side; or (3) send the case to the prosecutor's office with a recommendation that it be given the most formal ("counsel mandatory court") handling.

For more information, read Rule 5:20 on Complaint/Process of the Rules Governing Practice in the Chancery Division, Family Part.

Diversion
A law enforcement officer may take a youth into custody when there is probable cause to believe that the youth is delinquent. In lieu of signing a delinquency complaint, the officer may divert the case through several means, including releasing the youth to a responsible parent or guardian or conducting a station house adjustment. A station house adjustment is a diversionary program that the police department administers locally within a municipality. This program may simply consist of a meeting with a juvenile police officer, the youth, and the parents/guardian; or it may be more structured to include sanctions, such as community service and written essays. The Youth Services Commission coordinates these programs in many counties.

Juvenile Conference Committees (JCCs) and Intake Service Conferences (ISCs) are diversion procedures established by the court and used in select first and second minor offense cases. JCCs are
comprised of community residents appointed by the court to review certain delinquency complaints. Court intake staff conducts ISCs to review slightly more serious delinquency allegations. Both diversion procedures occur after the court has signed and filed delinquency complaints.

**Predisposition Investigation**
The predisposition investigation is the responsibility of the Administrative Office of the Courts, Superior Court Family Division and is conducted by probation officers assigned to that Division. Prior to disposition, the court refers the youth to an appropriate individual agency or institution for examination and evaluation. Before the youth is referred to any institution as an inpatient, the court must first allow the juvenile and the parents, guardian, or custodians of the juvenile to have legal representation. The court may also confer and consult with individuals and agencies appropriate to the juvenile's situation and convene a predisposition conference to discuss and recommend disposition.

**Victim Rights and Services**
Legislation passed in 2002 amended the definition of "victim" in the Crime Victims Bill of Rights to include persons who have suffered a loss or injury as a consequence of juvenile delinquency.

In each of the 21 county prosecutors’ offices, a County Office of Victim-Witness Advocacy assists victims through the court process and helps them obtain necessary services. In some locations, a Victim Witness Counselor is assigned exclusively to supervise the program on the juvenile level.

The Probation Division is responsible for collecting the Victims of Crime Compensation Board (VCCB) penalties that are applied to each docket. These monies are forwarded to the VCCB for central disbursement to victims who apply for compensation.

**Probation Supervision**
Probation officers assigned to the Administrative Office of the Courts, Superior Court Probation Services Division supervise probationers in accordance with the court order and Probation Outcome Standards. Typically, the Vicinage Chief Probation Officer (VCPO) is in charge of the Probation Division (including juvenile supervision, adult supervision, and child support enforcement), with a Vicinage Assistant Chief Probation Officer (VACPO) overseeing juvenile supervision. Juvenile probation offices are housed within each county’s Superior Court. Note: In some vicinages, it appears that juvenile probation officers in the Probation Division also have a predisposition investigation function. Also, some Probation Divisions combine juvenile and adult supervision into a single operational unit. However, both of these arrangements are atypical.

Probation supervision is the most common disposition and is often ordered together with other dispositions, such as performing community service or paying financial restitution. Probation can also be ordered together with more extensive/restrictive requirements, such as entering a residential program or undergoing counseling. The Supreme Court, under the leadership of the chief justice, is responsible for setting statewide probation policy. There is no standard for probation caseload size; however, for specialized caseloads (such as domestic violence or sex offenders), Supreme Court guidelines limit caseloads to 50 probationers per officer.

Six day-reporting programs operated by the Juvenile Justice Commission (JJC) serve juveniles who are placed on probation by the courts. These programs provide disposition options for judges who determine that a youth needs structure and supervision but does not need to be removed from his or her home. Day programs serve as alternatives to commitment to JJC.

**Juvenile Probation Officer Qualifications, Certification, and Training**
Probation officers are state employees. Juvenile probation officer candidates must have a bachelor's degree in a related social service field and pass a Civil Service entry exam. Training includes: (1) a five-day orientation conducted at the county level; (2) a 15-day entrance level training class conducted by the central Administrative Office of the Courts, Probation Services Division; (3) a five-day officer safety course coordinated by the Administrative Office of the Courts; and (4) a one-day aerosol defensive tactics course.
Juvenile Corrections Continuum
The New Jersey Juvenile Justice Commission (JJC) is responsible for providing a continuum of services and sanctions for juveniles in its custody. JJC operates five facilities identified as secure. Educational, vocational programming, counseling, and medical services are provided on the grounds of the facilities.

Community Corrections
In addition to secure institutions, JJC operates less restrictive facilities for youth who have been placed in the custody of the JJC and do not require a secure setting or youth who have been placed on probation. JJC operates 15 Residential Community Homes and contracts with private providers to operate additional homes. The State Department of Health also administers five residential substance abuse programs. A judge may make placement to a community program a condition of a juvenile's probation, or the Juvenile Justice Commission's classification committee may determine that a community program is the most appropriate setting for a juvenile sentenced to its custody.

Commitment to State
Short of waiving juvenile offenders to the adult system, commitment to the Juvenile Justice Commission (JJC) for placement is the most severe disposition available to the Family Court. Commitments are for determinate terms set by statute and must not exceed the maximum sentences for crimes committed by adults. The Office of Juvenile Parole and Transition Services determines actual periods of confinement (see Release). For certain offense categories, the law sets minimum periods of incarceration. The average term for placement is two years.

All committed adolescents are received by the JJC at the Juvenile Reception and Assessment Center, where they undergo a comprehensive physical, psychological, educational, vocational, and risk assessment. Each youth is assigned to a specific custody level and treatment program based on assessments of the supervision requirements and service needs of the offender. The determination is first made as to whether juvenile offenders are appropriate for institutional or structured non-institutional placement. A Mobile Classification team initiates the classification process. Upon completion of a unified intake assessment packet and a placement recommendation, the team submits this information to the Juvenile Justice Commission's Centralized Intake and Classification Office.

Blended Sentencing
New Jersey does not have blended sentencing provisions.

Direct Placement
As an alternative to committing youth to the Juvenile Justice Commission for placement, counties may place youth in local county-operated or independently operated facilities through the State Incentive Program. The State Incentive Program was created to provide judges with additional dispositional options that will help them craft the most appropriate disposition for each juvenile that is consistent with serving public safety, ensuring offender accountability, and providing to juveniles opportunities for personal growth and skill development through rehabilitative efforts. The State Incentive Program supports counties in their program planning and development efforts to provide a continuum of effective sanctions and services for juvenile offenders at the local level. Youth in direct placement are returned to their respective probation officer at the county level for aftercare services.

Release
The Juvenile Justice Commission's Office of Juvenile Parole and Transitional Services is responsible for pre-release screening and evaluation of all juvenile offenders incarcerated in New Jersey, including juveniles in the state training schools and in certain community residential programs. Generally, the Office of Juvenile Parole and Transitional Services determines when an incarcerated juvenile may be released from confinement. However, where the Office intends to release a juvenile before one-third of the prescribed term of incarceration has been served, it must seek approval from the sentencing court, which has 30 days within which it may block the proposed release. In addition, the court may order an early release on its own: in any case in which a juvenile has been ordered incarcerated, the sentencing court retains jurisdiction for the duration of the incarceration, and may at any time substitute an alternate disposition not involving incarceration. Currently, there is not a risk/needs instrument used to make release decisions for committed juveniles.
Aftercare/Re-entry
All of the adolescents released from JJC facilities are released to some form of juvenile justice system supervision and support. Youth committed to the Juvenile Justice Commission (JJC) are released to JJC’s Office of Juvenile Parole and Transitional Services. Juvenile parole officers provide post-release parole/aftercare supervision.

The Office releases some committed juveniles prior to the completion of their maximum term. Other committed juveniles complete their maximum term and are released to a term of post-incarceration supervision that can extend up to one-third of the maximum incarcerative term. Juveniles placed in a JJC residential facility as a condition of probation are released to the probation department in the family court vicinage from which they were disposed.

The education component of the Juvenile Justice Commission focuses on providing services that allow pupils to reintegrate into community schools or other placements upon release. JJC’s Education Department's curriculum is coordinated with that of the students' high schools to enable youth to return to their school at the same point as their classmates and/or receive their diploma from their home high school whenever possible.

JJC uses day programs to help youth released from JJC Residential Community Homes prepare to return to their communities. This help is in the form of securing employment, returning to school, and compliance with the guidelines of their individual parole plan.

New Jersey is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about New Jersey’s involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

State Laws

Legal Resources
Rules Governing Practice in the Chancery Division, Family Part, Part 5:19, General Provisions

New Jersey State Bar Association

Purpose Clause for Delinquency Proceedings
This act shall be construed so as to effectuate the following purposes:

a. To preserve the unity of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of juveniles coming within the provisions of this act;

b. Consistent with the protection of the public interest, to remove from children committing delinquent acts certain statutory consequences of criminal behavior, and to substitute therefore an adequate program of supervision, care and rehabilitation, and a range of sanctions designed to promote accountability and protect the public;

c. To separate juveniles from the family environment only when necessary for their health, safety or welfare or in the interests of public safety;

d. To secure for each child coming under the jurisdiction of the court such care, guidance and control, preferably in his own home, as will conduce to the child's welfare and the best interests of the State; and when such child is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents;

e. To insure that children under the jurisdiction of the court are wards of the State, subject to the discipline and entitled to the protection of the State, which may intervene to
safeguard them from neglect or injury and to enforce the legal obligations due to them and from them; and

f. Consistent with the protection of the public interest, to insure that any services and sanctions for juveniles provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, fostering interaction and dialogue between the offender, victim and community and the development of competencies to enable children to become responsible and productive members of the community.


Purpose Clause for Juvenile Corrections
The Legislature finds and declares:

a. The public safety requires reform of the juvenile justice system;

b. Juvenile arrests for murder, robbery, aggravated sexual assault, sexual assault and aggravated assault have increased 38 percent between 1988 and 1993 and New Jersey ranks near the top nationally in the number of juvenile arrests for serious violent crimes;

c. Juvenile crime has become a leading cause of injury and death among young people;

d. Currently, preventive, deterrent and rehabilitative services and sanctions for juveniles are the responsibility of no less than three State departments: The Department of Law and Public Safety deals with county prosecutors and local police and implements prevention programs; the Department of Corrections operates the New Jersey Training School for Boys and the Juvenile Medium Security Facility, and its Bureau of Parole supervises juvenile parolees; and the Department of Human Services operates residential and day programs in facilities for juveniles adjudicated delinquent;

e. The division of responsibility for the juvenile justice population and the limitations on resources available to meet ever-increasing demands for services provided by the Departments of Human Services and Corrections have prevented the departments from maximizing efforts to meet the special needs of the juvenile justice population;

f. The juvenile justice system lacks services and sanctions short of incarceration, particularly in urban areas and for that reason, many juveniles are not held accountable until they have committed a series of increasingly serious criminal acts;

g. The special needs of juveniles can be addressed through services and sanctions provided at the county and local level;

h. The need to protect the public from criminal acts by juvenile offenders requires a comprehensive program and concerted action of governmental agencies and private organizations at the State, county and local level that permit effective response and avoid waste of scarce resources;

i. (1) The comprehensive program should provide a range of services and sanctions or juveniles sufficient to protect the public through prevention; early intervention; and a range of meaningful sanctions that ensure accountability, provide training, education, treatment and, when necessary, confinement followed by community supervision that is adequate to protect the public and promote successful reintegration into the community;
(2) Consistent with the need to protect the public, services and sanctions for juveniles shall provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, fostering interaction and dialogue between the offender, victim and community and the development of competencies to enable juvenile offenders to become responsible and productive members of the community.

j. The most efficient and effective use of available resources requires fixing responsibility for the comprehensive program in a single State agency and providing incentives to encourage the development and provision of appropriate services and sanctions at the county and local level; and

k. It is, therefore, necessary to establish a Juvenile Justice Commission responsible for operating State services and sanctions for juveniles involved in the juvenile justice system and responsible for developing a Statewide plan for effective provision of juvenile justice services and sanctions at the State, county and local level; to establish a State/Community Partnership Grant Program through which the State will provide incentives to county and local governments to encourage the provision of services and sanctions for juveniles adjudicated or charged as delinquent and programs for the prevention of juvenile delinquency, and to establish county youth services commissions responsible for planning and implementing the Partnership at the local level.

Citation: New Jersey Statutes Annotated Title 52. State Government, Departments and Officers. Subtitle 3. Executive and Administrative Departments, Officers and Employees. Chapter 17b. Department of Law and Public Safety. Act to Deter Criminal Activity. 52:17B-169. Current through L.2005, c. 1 to 42.

Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: Extends until full term of dispositional order

Juvenile Transfer Laws
For information on New Jersey's juvenile transfer laws, click here.

Juvenile Justice Leadership

Juvenile Justice Commission
The Juvenile Justice Commission convenes the State Advisory Group, which allocates and disburses federal funding and insures compliance with the core requirements of the JJDP Act of 1974.

Association for Children of New Jersey
The Association for Children of New Jersey (ACNJ) is a statewide non-profit, non-partisan child advocacy organization governed by a 30-member Board of Trustees. ACNJ collects, analyzes, and distributes information on the well-being of children in New Jersey, so that policymakers can identify problems and work toward solutions.

Youth Services Commissions
In New Jersey, local Youth Services Commissions -- made up of family court judges, prosecutors, detention center directors, family court staff, public defenders, agency directors, and interested community members -- engage in juvenile justice planning and priority-setting, in developing new community programming for juveniles, and in monitoring the effectiveness of existing programs in their jurisdictions.

Resources/Contacts
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NCJJ State Profiles: New Mexico

Delinquency Services Summary

Centralized State: With the exception of secure detention, the state operates most delinquency services for youth in New Mexico. County executive agencies administer detention. The New Mexico Children, Youth and Families Department, Juvenile Justice Services, administers intake screening, probation, and parole (aftercare) services through district offices covering the 13 judicial districts and administers commitment services.

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Court(s) with Delinquency Jurisdiction

District Courts exercise jurisdiction over delinquency proceedings. District Courts are general jurisdiction courts. There are 13 district courts, 11 of which are multi-county. For more information, visit the [New Mexico State Judiciary’s web site](http://www.state.nm.us/judiciary/).

Highlights

Juvenile Justice Reform
The American Civil Liberties Union (ACLU) of New Mexico and the Youth Law Center settled a class-action lawsuit against New Mexico’s Children Youth and Families Department (CYFD) in mid-February 2006. As part of the agreement, CYFD must improve security, mental health programming, and rehabilitation services in its juvenile correctional facilities and close the New Mexico Boys’ School in Springer. For more information, please read this [ACLU press release](http://www.aclu.org).

New Mexico Juvenile Justice Program Inventory
The New Mexico Criminal and Juvenile Justice Coordinating Council developed the [New Mexico Juvenile Justice Program Inventory](http://www.nm.gov/juvenilejustice/), an online searchable database of programs for juveniles referred to the New Mexico Children, Youth and Families Department’s (CYFD) Juvenile Justice Services. Users can obtain the following information about each program: program name, contact information, description, eligibility, ages served, capacity, funding sources, CYFD contract division (if contracted through CYFD), non-profit status, CYFD client populations, areas of the state served, and types of services offered.

Detention

County executives administer the 14 secure juvenile detention facilities in New Mexico.

Juveniles can be detained preadjudication, predisposition, and awaiting placement. Delinquent youth can be sentenced to a local detention facility for 15 days or less within a given year. Detention may be used as a sanction for probation or parole violations. Detention hearings must be held within 24 hours after filing the petition.

New Mexico Statutes, Chapter 33, Articles 6, 9A, and 12 and New Mexico Administrative Code, Title 8, Chapter 14, Parts 14 and 15 discuss detention. Effective July 1, 2003, the New Mexico Children's Code was changed to emphasize reducing the number of youth in detention. Changes include: basing the decision to detain youth on an objective detention risk assessment instrument; using alternatives to detention, such as electronic monitoring and intensive supervision; and making criteria for detention more specific. Under the new detention criteria, a youth must pose a substantial risk of harm or leaving
the court's jurisdiction. In compliance with the new Children's Code, the Detention Risk Assessment Instrument (RAI) is now in use statewide. Detention facilities also use the MAYSI-2 mental health screening instrument and the V-Disk mental health assessment tool.

**Delinquency Intake Screening**
Juvenile Probation/Parole Officers from the New Mexico Children, Youth and Families Department, Juvenile Justice Services receive and examine law enforcement delinquency complaints and conduct preliminary inquiries (PI) to determine how to proceed. The PI determines the best interests of the youth and the public regarding any action taken. Intake must notify the District Attorney of all felony complaints along with any recommended adjustments to the complaint. The county District Attorney, after consulting with probation, must endorse the filing and subsequently sign all petitions.

**Diversion**
By statute (32A-2-7), during the preliminary inquiry on a delinquency complaint, Juvenile Probation/Parole Officers from the New Mexico Children, Youth and Families Department, Juvenile Justice Services may refer youth to an appropriate agency, and adjustment conferences may be held instead of filing petitions. At the beginning of the preliminary inquiry, the parties must be advised of their basic statutory rights, and no party may be compelled to appear at any conference, produce any papers, or visit any place. If the juvenile completes the agreed upon conditions and no new charges are filed against the juvenile, the pending petition is dismissed. Juvenile Probation and Parole Officers have the power to informally dispose of up to three misdemeanor charges brought against a youth within two years.

**Predisposition Investigation**
Juvenile Probation/Parole Officers from the New Mexico Children, Youth and Families Department, Juvenile Justice Services prepare predisposition reports for the court to consider at disposition. New Mexico uses a structured decision making formula when making disposition recommendations and determining appropriate levels of supervision to provide uniformity statewide for handling cases. The state focuses on three areas of rehabilitation: education, cognitive restructuring, and mental health care. For more information, visit the [Children’s Research Center](#) of the National Council on Crime and Delinquency.

**Victim Rights and Services**
Victims of juvenile offenses have the statutory right to be notified by the District Attorney if their offender escapes or is released from a correctional or juvenile justice facility (see 31-26-11 and 31-26-12). The court may also order a delinquent youth to pay restitution to the victim (32A-2-31). The [New Mexico Crime Victims Reparation Commission](#) administers crime victim compensation.

**Probation Supervision**
Juvenile Probation/Parole Officers (JPPOs), employed by the New Mexico Children, Youth and Families Department (CYFD), Juvenile Justice Services, work out of 33 local offices. JPPOs supervise only juveniles. The court sets the terms of probation with recommendations from the JPPO, District Attorney, and the youth's attorney. JPPOs are encouraged to maintain contact with clients in placement through phone calls, letters, and staffings. By statute, the court may extend a judgment of probation for one year until the youth reaches the age of 21 if the court finds that it is necessary to protect the community or the youth's welfare.

The mission statement of the Children, Youth and Families Department is: **CYFD believes in the strengths and resiliency of families who are our partners and for whom we advocate to enhance their safety and well-being. We respectfully serve and support children and families and supervise youth in a responsive community based system of care that is client-centered, family focused, and culturally competent.** The philosophy driving probation practice in the state is a balanced approach with increased emphasis on treatment and front-end services rather than commitment to facilities. To that end, resources have been reallocated to specific family centered services (such as Family Functional Therapy).

JPPOs are not stationed in neighborhood or school-based offices. However, almost every county has a
JPPO office, and many JPPOs have an office they use in the schools. Most offices have surveillance officers and JPPOs who work non-traditional hours. New Mexico provides specialized probation services, including intensive supervision, with state funding. No standard sets caseload size.

CYFD uses a structured decision making tool that recommends levels of probation supervision in all counties. In addition, a Plan of Care Tracking Sheet is used.

Juvenile Community Corrections and the University of New Mexico periodically evaluates the effectiveness of probation supervision. The legislature funds these evaluations with community corrections funding.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Juvenile Probation/Parole Officer (JPPO) candidates must have a bachelor’s degree and two years of experience. New Mexico does not certify its JPPOs. The New Mexico Children, Youth and Families Department, Juvenile Justice Services provides a two-week core training program for new JPPOs. JPPOs must also attend 40-hours of continuing education each year. Although New Mexico does not have a JPPO Manual, the state Administrative Code contains juvenile probation procedures.

**Juvenile Corrections Continuum**

The New Mexico Children, Youth and Families Department's Juvenile Justice Services administers the state's four commitment facilities:

- New Mexico Boys School (153 beds, medium secure)
- Youth Diagnostic and Development Center (152 beds, 76 for medium secure and maximum secure boys; 22 for medium secure and maximum secure girls; 32 for diagnostics; and 22 for the Central Intake Unit).
- Camp Sierra Blanca (30 beds, minimum secure run by AMI)
- J. Paul Taylor Center (36 beds, medium secure, operated by Southwest Key Program, Inc. in Las Cruces).

**Commitment to State**

At disposition, the Children's Court may transfer legal custody of a delinquent youth to the New Mexico Children, Youth and Families Department's diagnostic and central intake center, where staff determines the appropriate placement, supervision, and rehabilitation program for the youth. The judge may include recommendations for the placement of the youth. Commitments are determinate. They may be a one-year (short-term) commitment or a two-year (long-term) commitment. The committing court can extend a long-term commitment for additional periods of one year until the youth reaches age 21, if necessary, to safeguard the welfare of the youth or the public interest (32A-2-19).

Juvenile Correction Officers supervise youth while in placement.

**Blended Sentencing**

New Mexico was the first state to enact a blended sentencing law when it enacted its youthful offender law in 1993. Under New Mexico's Children's Code, once the state files the notice of intent to invoke adult sanctions and the youth is adjudged a youthful offender, the district court may impose either an adult sentence or juvenile disposition. Prior to July 1996, a youthful offender had to be between 15 to 18 years old at the time of the offense and adjudicated for committing at least one of a number of enumerated offenses. The age range for youthful offender status now includes youth age 14 at the time of the offense.

If the court chooses to impose a juvenile disposition on an adjudicated youthful offender, the court may enter a judgment for the supervision, care, and rehabilitation of the youth that may include an extended commitment until the youth reaches age 21. To impose an adult sentence on an adjudicated youthful offender, the court must find that: (1) the youth is not amenable to treatment or rehabilitation as a youth in available facilities; and (2) the youth is not eligible for commitment to an institution for the developmentally disabled or mentally disordered. In making such findings, the court must consider several factors, including the seriousness of the offense and the likelihood of a reasonable rehabilitation.
of the youth that would adequately protect the public.


**Direct Placement**
In New Mexico, the court can place a juvenile directly in a residential treatment center (RTC), group home, or other type of treatment setting without committing the juvenile to Children, Youth and Families. Such commitment is for the duration of treatment. The court and the Juvenile Probation/Parole Officer (JPPO) makes the release decision. The JPPO in charge of the youth's probation supervises the juvenile while in direct placement.

**Release**
A juvenile parole board, administratively attached to the New Mexico Children, Youth and Families Department, makes parole decisions. The governor appoints a director and three part-time volunteer members are appointed to the board for 6-year terms. The juvenile parole board has the exclusive power to parole or release the youth when it appears that the purpose of the order has been achieved before the expiration of the period of judgment. JJS procedure requires that it provide structured decision making information to the juvenile parole board. At least 30 days before ordering any parole, the juvenile parole board must submit a written report to the court on each release or termination and the reasons. The judge may express his or her views to the board, but the board makes the final parole decisions. However, the board cannot override the judge's decision to extend judgment for additional one-year periods.

Per 32A-7-8(C), the court has the option to affirm or deny the parole board's decision if deemed necessary.

**Aftercare/Re-entry**
The New Mexico Children, Youth and Families Department's Juvenile Justice Services (JJS) administers parole (aftercare) services through district offices covering the 13 judicial districts. JJS also operates four step down centers and a community residential facility for probationers and parolees released from one of the commitment facilities. Juvenile Probation and Parole Officers provide aftercare supervision.

New Mexico is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about New Mexico's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

**State Laws**

**Legal Resources**
Juvenile Code is found at New Mexico Statutes, Title 32A, Articles 1 and 2.

[State Bar of New Mexico](#)

**Purpose Clause for Delinquency Proceedings**
The purpose of the Delinquency Act is:

A. consistent with the protection of the public interest, to remove from children committing delinquent acts the adult consequences of criminal behavior, but to still hold children committing delinquent acts accountable for their actions to the extent of the child's age, education, mental and physical condition, background and all other relevant factors, and to provide a program of supervision, care and rehabilitation, including rehabilitative restitution by the child to the victims of the child's delinquent act to the extent that the child is reasonably able to do so;
B. to provide effective deterrents to acts of juvenile delinquency, including an emphasis on community-based alternatives; and

C. to strengthen families and to successfully reintegrate children into homes and communities.


**Purpose Clause of Juvenile Corrections**
The legislature finds that juvenile crime is steadily increasing and that a reliable process of disposition of juvenile offenders and the availability of treatment alternatives is likely to decrease repeated criminal activity. The legislature further finds that there is a need for a community-based system for juveniles which would provide reintegration assistance, diagnostic evaluations and referral to community-based treatment programs for courts, district attorneys and other service agencies. Two programs related to such a system and associated with the judicial and criminal justice systems have been tested for the past three years. They have been found to be successful in providing evaluation and treatment and have shown significant reduction of repeated criminal activity. These programs are the forensic evaluation program and the wilderness experience program.


**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
For information on New Mexico's juvenile transfer laws, click here.

**Juvenile Justice Leadership**

**Juvenile Justice Advisory Committee**
The Juvenile Justice Advisory Committee operates as the State Advisory Group (SAG) guiding the expenditure of federal and State funds.

**Resources/Contacts**

Human Resource Development Associates' Taos Community Corrections Program
New Mexico Children, Youth and Families Department
New Mexico Council on Crime and Delinquency
New Mexico Crime Victims Reparation Commission
New Mexico Sentencing Commission
New Mexico State Judiciary

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**Delinquency Services Summary**

*Decentralized State:* Delinquency services are organized at both the state and local level in New York. County commissions/boards or private agencies contracted by individual counties run detention facilities; the Department of Juvenile Justice administers New York City's juvenile detention system. Fifty-eight county probation departments in 62 counties investigate and supervise juveniles. The Office of Children and Family Services' Division of Rehabilitative Services administers commitment and most aftercare services.

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**Court(s) with Delinquency Jurisdiction**

Family Courts, established in each county and in the City of New York, exercise jurisdiction over delinquency proceedings. Family courts are trial courts of limited jurisdiction. For more information, visit the [New York State Uniformed Court System web site](http://www.courts.state.ny.us).

**Highlights**

**Youth Assessment and Screening Instrument Project**

The Youth Assessment and Screening Instrument (YASI) Project was customized and enhanced for New York State's use during juvenile intake, investigation, and supervision in juvenile delinquency and Persons in Need of Supervision (PINS) cases. The YASI, in Microsoft Access, synthesizes multiple pieces of assessment information through a "roll-up" function and provides a profile of the client that can be easily shared on paper. The YASI Project is currently in one of three phases of implementation in 46 jurisdictions throughout the State. New YASI software is being tested that will develop a draft narrative report of assessment findings. This will be particularly useful in drafting predispositional reports for the family court. Aggregate YASI data is available to county probation directors and other state and local policy makers for quality assurance, data analysis, local planning, and program evaluation. Information about the YASI project and other Family Court programs and services is available [here](http://www.nyjud.com).

**Detention**

New York State has nine secure detention facilities, three of which are in New York City. County commissions/boards or private agencies contracted by individual counties run detention facilities; the Department of Juvenile Justice (DJJ) administers New York City's juvenile detention system. Juveniles can be held in detention facilities pre and post adjudication (awaiting disposition). However, detention cannot be utilized as a disposition option or a sanction for probation violations.

In New York City, youth may be held pending adjudication or transfer to institutions of the Office of Children and Family Services after disposition or sentence. In addition to its three secure juvenile detention facilities, New York City has a network of privately run group homes that provide non-secure detention. DJJ oversees a network of 14 non-secure detention group homes located in Queens, Manhattan, Brooklyn, and the Bronx. DJJ directly operates two non-secure detention intake facilities; the remaining non-secure detention facilities are operated through contracts with private social service organizations. Juveniles who are remanded to the custody of DJJ by a Family Court judge may be assigned to non-secure detention in one of two ways: the judge may remand the youth specifically into non-secure detention, or the judge may order the youth into the custody of DJJ, with DJJ deciding...
whether secure or non-secure detention is appropriate. In the latter case, DJJ staff makes the determination based on an assessment given during the intake interview.

**Delinquency Intake Screening**

After apprehending a juvenile, a police officer may either take the youth directly to the Family Court or issue an appearance ticket to the youth who then must report to the county probation department. The intake officer at the county probation department interviews all concerned parties, including the arresting officer, the complainant, the parents or guardian of the youth, and the juvenile to determine whether the case should be "adjusted" or referred to the presentment agency (the agent who presents the case/files the petition in court, such as the district attorney) for formal court proceedings.

In New York City, a prosecuting attorney from the New York City Law Department, called an "Assistant Corporation Counsel," presents the juvenile delinquency case. An Assistant District Attorney presents cases involving juvenile offenders and some juvenile delinquency cases involving certain serious crimes (called "designated felonies"). The presentment agency (prosecutor) prepares a petition against the child containing a description of the acts he or she is accused of committing.

**Diversion**

State law establishes the circumstances that may require obtaining the consent of the presentment agency (prosecutor or District Attorney), the court, and/or the victim or complainant before a case may be adjusted. The Family Court Act authorizes probation departments to determine eligibility and suitability for adjustment services for all delinquency complaints. Criteria are detailed in intake rules and regulations.

Adjustment services vary from county to county, depending on available resources, but may include probation monitoring, intensive preventive services, counseling, mediation, cognitive behavioral programs, treatment, restitution, community service, substance abuse programs, youth courts, and mentoring. Diversion may last for up to 60 days for delinquency cases and may be extended for 60 days with court approval.

**Predisposition Investigation**

Probation departments are responsible for conducting investigations and making reports to the Family Court. Based on information gathered concerning the youth's home and school behavior and identified needs, the probation officer, acting as a court liaison officer, reports on these matters at the disposition hearing in the Family Court and makes a disposition recommendation.

**Victim Rights and Services**

Under New York State Law Executive Article 23 (Fair Treatment Standards for Crime Victim), all victims of crime, including juvenile crime, have a comprehensive set of rights. Essentially, victims of juvenile crime in New York State are entitled to: information about available victim services and their role in the criminal justice process; notification of judicial proceedings; the right to address the court through a victim impact statement; and compensation, restitution, and reparation.

The New York State Crime Victims Board (CVB) administers crime victim compensation; funds direct services to crime victims via a network of community-based programs; and advocates for crime victim rights and benefits. CVB has offices in Albany, Buffalo, and Brooklyn.

Individual counties contract with non-profit victim service organizations to provide services for families. New York City has a specific contract with Safe Horizon, a non-profit victim assistance and advocacy organization, to provide victim services in all of the New York City family courts.

**Probation Supervision**

County probation departments supervise youth placed on probation by the Family Court. Adjudicated youth may be placed under probation supervision for a maximum of two years. Youth are assigned to a probation officer who develops a supervision plan based on the needs of the youth and his or her family.

The New York State Division of Probation and Correctional Alternatives (DPCA), a state executive
agency, exercises general supervision over the operation of local probation agencies throughout the state. Both state and local funds support the departments. DPCA provides program development and technical assistance to local probation jurisdictions. Current DPCA initiatives include:

- **PINS Adjustment Services**: This program emphasizes assessment services and the reduction of out-of-home placement of Persons in Need of Supervision through intensive diversion and treatment.

- **Juvenile Delinquency Diversion Project**: A study of juvenile delinquency intake practices in New York, which will result in a series of recommendations concerning reforms to improve accountability in service delivery.

- **Mental Health/Juvenile Justice ODFS Diversion Project**: This project will improve probation’s capacity to assess and supervise emotionally disturbed delinquents and reduce institutional placements by co-locating clinical staff in probation departments.

- **Juvenile Intensive Supervision Program (JISP)**: Probation officers assigned to JISP must be trained in family intervention techniques, youth supervision and delinquency prevention, and use of the YASI protocol (see [highlight](#)); probation officers assigned to JISP will demonstrate specific styles and skills shown in research to be effective in changing behaviors and reducing risk. Caseloads for probation officers assigned to JISP are limited to no more than 15 families.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Juvenile probation officers are required to have a college degree in criminal justice or a related field. The Division of Probation and Correctional Alternatives (DPCA), in conjunction with local probation officials, provides training in Fundamentals of Probation Practice and Peace Officer Certification to new probation officers. DPCA has also been awarded a Juvenile Accountability Incentive Block Grant to create a curriculum and implement training for probation professionals throughout the State.

**Juvenile Corrections Continuum**

The Office of Children and Family Services' (OCFS) Division of Rehabilitative Services operates 34 accredited secure, limited secure, and non-secure juvenile residential facilities statewide for youth remanded to the custody and care of OCFS by family and criminal courts.

**Commitment to State**

The Office of Children and Family Services (OCFS), Division of Rehabilitative Services, cares for youth placed and disposed by the family courts of New York State for offenses they committed under the age of 16. Commitments are indeterminate. A youth committed to OCFS may be released from placement prior to the original court-ordered time if the youth does well. Commitments extended beyond age 16 are determined by the age of the offender when the offense was committed.

**Blended Sentencing**

New York does not have blended sentencing provisions.

**Direct Placement**

Courts cannot directly place youth in local or private residential facilities. All juvenile offenders who are court-ordered to a placement are placed with the Office of Children and Family Services (OCFS). In addition to facilities operated by OCFS, OCFS contracts with private agencies for community and residential placement of adjudicated youth.

**Release**

Ultimately, the Family Courts make release decisions; however, the Office of Children and Family Services (OCFS) can use discretion in recommending release from placement prior to the original court-ordered time for youth who do well in placement. Upon early release, the youth remains under aftercare supervision by OCFS for the remaining time. If the youth does well while on aftercare supervision, he or she could be discharged on his or her original expiration date. However, if the youth does not do well, the OCFS worker could petition Family Court for an extension of placement.
Aftercare/Re-entry
The Office of Children and Family Services' Division of Rehabilitative Services provides aftercare supervision on a regional basis, including youth returning to the five boroughs of New York City. Local probation departments may be involved in providing aftercare, but only if the Family Court orders probation concurrent with an OCFS commitment and OCFS transfers jurisdiction to the probation department.

While in placement, youth are afforded the services of the Family Advocacy Bureau. The Bureau works with families and youth to provide services and transition assistance. Post-residential counseling and supervision are provided for youth who have returned to the community. Aftercare services include maintaining communication with families, school systems, and employers to monitor the youth's reintegration to the community and providing a range of supervision levels, including various supervision levels by aftercare counselors, a pilot Intensive Aftercare Program, agency-operated day placement programs (i.e., electronic monitoring and four evening reporting centers), and contracted day placement programs (i.e., home based intensive supervision). Aftercare usually lasts for approximately six months.

New York is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about New York's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

State Laws

Legal Resources
New York Statutes and Court Rules
New York State Bar Association

Purpose Clause for Delinquency Proceedings
The purpose of this article is to establish procedures in accordance with due process of law

(a) to determine whether a person is a juvenile delinquent and

(b) to issue an appropriate order of disposition for any person who is adjudged a juvenile delinquent. In any proceeding under this article, the court shall consider the needs and best interests of the respondent as well as the need for protection of the community.


Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: 7
Upper Age: 15
Extended Age of Delinquency Jurisdiction: 20

Juvenile Transfer Laws
For information on New York's juvenile transfer laws, click here.

Juvenile Justice Leadership
Juvenile Justice Advisory Group
The Juvenile Justice Advisory Group, overseen by the Division of Criminal Justice Services, serves as the state advisory group charged with administering funds received through the federal Juvenile Justice Delinquency Prevention Act and monitoring compliance with the Act's mandates.

New York State Division of Probation and Corrections Alternatives (DPCA)
DPCA provides program development and technical assistance to local jurisdictions for the
implementation of probation juvenile services and domestic violence program initiatives.

**New York State Probation Commission**
The New York State Probation Commission, whose members are appointed by the Governor, provides advice and consultation to the State Director on all matters relating to probation policy throughout the state.

**New York State Commission of Correction**
The New York State Commission of Correction oversees the management and operations of the secure facilities operated by the Office of Children and Family Services. The Commission was mandated to establish and enforce minimum standards governing the care and custody of juvenile offenders throughout New York State.

**Resources/Contacts**
- Center for Court Innovation
- New York Family Court
- New York State Bar Association
- New York State Commission of Correction
- New York State Council on Children and Families
- New York State Crime Victims Board
- New York State Division of Criminal Justice Services
- New York State Division of Probation and Correctional Alternatives
- New York State Office of Children and Family Services' Division of Rehabilitative Services
- New York State Uniformed Court System
- Safe Horizon

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*The National Center for Juvenile Justice strives to make each State Profile as accurate as possible. Please bring any errors, updates, or additions to the attention of the State Profiles project manager. Persons listed as state contacts are not responsible for information contained in these profiles.*

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Delinquency Services Summary

Centralized State: The Department of Juvenile Justice and Delinquency Prevention administers most delinquency services, encompassing some detention facilities, delinquency intake screening, probation supervision, commitment, and aftercare services.

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Court(s) with Delinquency Jurisdiction

District Courts exercise jurisdiction over delinquency proceedings. District Courts are limited jurisdiction trial courts.

Highlights

Replacing Youth Development Centers

In response to H1414-Sec. 16.3, the Department of Juvenile Justice and Delinquency Prevention (DJJDP) recommended that small, community-connected facilities replace Youth Development Centers. For more information, visit DJJDP's Future Facility Planning page.

Detention

The Department of Juvenile Justice and Delinquency Prevention administers 9 regional detention facilities while county governments administer 4 detention facilities. By statute, youth can be admitted to detention pre- and post-adjudication and while awaiting disposition and placement. Detention can be used as a disposition option for limited timeframes, and a juvenile can be detained as a probation violation sanction if the juvenile is alleged to have damaged property or injured persons.

Juvenile court counselors screen referrals to secure detention. A detention hearing must be held within five days of an admittance. The state offers numerous community programs through Juvenile Crime Prevention Councils and through program-specific state funding.

Delinquency Intake Screening

Juvenile court counselors, working for the Department of Juvenile Justice and Delinquency Prevention, screen referrals for legal sufficiency with the local prosecutor's assistance if necessary. By statute, intake counselors decide whether to handle cases formally or informally.

Diversion

By statute, unless the offense requires a petition, such as murder, first or second-degree rape, or first-degree burglary, the intake counselor may divert the juvenile. Available diversion programs include restitution, community service, victim-offender mediation, and teen courts. By statute, after six months, the juvenile court counselor must close the diversion plan.

Predisposition Investigation

Using standard tools, Department of Juvenile Justice and Delinquency Prevention juvenile court counselors prepare social histories and risk and needs assessments for the judge's consideration at disposition.
Victim Rights and Services
The Juvenile Code purpose clause provides for "uniform procedures that assure fairness and equity and that protect the constitutional rights of the juveniles, parents, and victims." Juveniles are covered by the terms of the Fair Treatment for Certain Victims and Witnesses Act. Rights extended to victims of juvenile and adult offenders include the right to attend hearings, present victim impact statements, and receive notification of the juvenile's release from a state delinquency institution.

The Division of Victims Compensation Services, within the North Carolina Department of Crime Control and Public Safety, administers North Carolina's crime victim compensation program.

Probation Supervision
Department of Juvenile Justice and Delinquency Prevention (DJJDP) juvenile court counselors supervise youth on probation. Chief court counselors administer probation in 39 districts and are appointed by DJJDP's Director based upon recommendations from the appropriate chief district court judge. The majority of counties have a juvenile court counselor office. Regional area administrators oversee the chief court counselors.

The district court judge determines the length (up to one year and may be extended for one year) and terms of probation. Juvenile court counselors contact each youth on probation through telephone calls and letters monthly and visit every 30 days or less. In North Carolina, probation officers are required to develop an individualized supervision plan in addition to the conditions of probation set forth by the court.

Juvenile court counselors supervise caseloads comprised solely of juvenile offenders. Presently, North Carolina does not have a standard that sets caseload size, but the issue is being studied.

Juvenile court counselors work flexible schedules. Intensive probation services are provided statewide, although not always by counselors who only provide intensive services. In larger district, some counselors may carry specialized caseloads.

DJJDP oversees the state's uniform system and sets policies and mandatory standards. Compliance with these standards is not connected to funding. There is no subsidy for probation services or salaries. The Comprehensive Strategy directs the practice of juvenile probation in North Carolina.

Juvenile Probation Officer Qualifications, Certification, and Training
Juvenile court counselors must have bachelor's degrees. The North Carolina Criminal Justice Education and Training Commission certifies juvenile court counselors. The Department of Juvenile Justice and Delinquency Prevention requires new counselors to complete a four-week basic training within one year of service.

Juvenile Corrections Continuum
The Department of Juvenile Justice and Delinquency Prevention currently administers North Carolina's Youth Development Centers: C. A. Dillon Youth Development Center, Cabarrus Youth Development Center, Chatham Young Youth Development Center, Dobbs Youth Development Center, Edgecomb Youth Development Center, Lenior Youth Development Center, Samarkand Youth Development Center, Stonewall Jackson Youth Development Center, and Swannanoa Valley Youth Development Center. North Carolina has Youth Development Centers that specialize in treating sex offenders and substance abuse. The female facility addresses numerous needs in a gender-specific atmosphere. A youth is placed as close to home as possible, given the available vacancies.

Community Corrections
DJJDP does have some commitment programming that is not located in a Youth Development Center through contracts with provider agencies. Examples are Wilderness Commitment Programming, Intensive Community Commitment Services and transition placement programming.

Commitment to State
Commitments to the Department of Juvenile Justice and Delinquency Prevention (DDJDP) are generally
indeterminate and last for at least six months. Upon commitment, the court sets the maximum commitment period based on the maximum sentence that an adult may receive for the committing offense. The maximum commitment period may be extended for treatment purposes. Also, if a juvenile offender is at least 14 years of age and has been adjudicated for 2 or more felony offenses or has been previously committed to DJJDP secure facilities, the court may impose a determinate sentence of no less than 6 months and no more than 2 years. DJJDP Youth Development Division personnel determine which facility best suits the youth's treatment needs.

By statute, in North Carolina, a structured decision-making tool guides disposition decisions. This tool is a disposition matrix based on offense classification and delinquency history levels. There are three disposition levels: Level 1 – Community disposition, Level 2 – Intermediate disposition and Level 3 – Commitment to the Department.

Upon commitment, a juvenile is admitted to a DJJDP assessment center. After assessment, the juvenile is assigned to a commitment program, typically in a youth development center.

**Blended Sentencing**
North Carolina does not have a blended sentencing option.

**Direct Placement**
In North Carolina, judges cannot order juveniles into placements without committing them to the Department of Juvenile Justice and Delinquency Prevention.

**Release**
The Department of Juvenile Justice and Delinquency Prevention (DJJDP) makes release decisions, subject to the committing court's review. However, the court retains jurisdiction during placement and post-release phases of DJJDP supervision and can review progress on its own motion or the motion of the court counselor or the juvenile.

**Aftercare/Re-entry**
The Department of Juvenile Justice and Delinquency Prevention (DJJDP) reintegrates youth into the community and (directly or through contract services) administers a range of programs. DJJDP creates individualized transition plans. DJJDP Court Counselors are directly involved in the community supervision of youth.

**State Laws**

**Legal Resources**
Chapter 7B North Carolina Juvenile Code

North Carolina State Bar Association

**Purpose Clauses for Delinquency Proceedings**
This Subchapter shall be interpreted and construed so as to implement the following purposes and policies:

1. To protect the public from acts of delinquency.

2. To deter delinquency and crime, including patterns of repeat offending:
   a. By providing swift, effective dispositions that emphasize the juvenile offender's accountability for the juvenile's actions; and
   b. By providing appropriate rehabilitative services to juveniles and their families.

3. To provide an effective system of intake services for the screening and evaluation of complaints and, in appropriate cases, where court intervention is not necessary to ensure
public safety, to refer juveniles to community-based resources.

(4) To provide uniform procedures that assure fairness and equity; that protect the constitutional rights of juveniles, parents, and victims; and that encourage the court and others involved with juvenile offenders to proceed with all possible speed in making and implementing determinations required by this Subchapter.

Citation: West's North Carolina General Statutes and Annotated Chapter 7B. Juvenile Code Subchapter II. Undisciplined and Delinquent Juveniles Article 15. Purposes; Definitions. § 7B-1500. Current through the 2008 Regular and Extra Sessions.

The purpose of dispositions in juvenile actions is to design an appropriate plan to meet the needs of the juvenile and to achieve the objectives of the State in exercising jurisdiction, including the protection of the public. The court should develop a disposition in each case that:

(1) Promotes public safety;

(2) Emphasizes accountability and responsibility of both the parent, guardian, or custodian and the juvenile for the juvenile's conduct; and

(3) Provides the appropriate consequences, treatment, training, and rehabilitation to assist the juvenile toward becoming a nonoffending, responsible, and productive member of the community.


**Delinquency Jurisdiction** (as of the end of the 2008 legislative session)
Lower Age: 6
Upper Age: 15
Extended Age of Delinquency Jurisdiction: 20

**Extended Age of Delinquency Jurisdiction**
By statute, when a juvenile is committed to the Department of Juvenile Justice and Delinquency Prevention for placement in a youth development center for an offense that would be first degree murder, first degree rape, or first degree sexual offense if committed by an adult, jurisdiction continues until terminated by order of the court or until the juvenile reaches age 21, whichever occurs first. If the offense would be a Class B1, B2, C, D, or E felony if committed by an adult (other than the offenses listed above), jurisdiction continues until terminated by order of the court or until the juvenile reaches 19, whichever occurs first.

**Juvenile Transfer Laws**
For information on North Carolina's juvenile transfer laws, click here.

**Juvenile Justice Leadership**

**Governor's Crime Commission**
The Governor's Crime Commission is a division of the North Carolina Department of Crime Control & Public Safety and the chief advisory body to the Governor and the Secretary of the Department of Crime Control and Public Safety on crime and justice issues, including juvenile justice. For detail concerning the Juvenile Justice Planning Committee, please visit the Commission's web site.

**Juvenile Crime Prevention Councils**
Each of North Carolina's 100 counties has its own Juvenile Crime Prevention Council (JCPC). North Carolina's general statutes set forth the membership of the local prevention councils. The North Carolina Department of Juvenile Justice and Delinquency Prevention (DJJDP) administers block grants for prevention and intervention programming to these counties. JCPC makes recommendations to county commissioners for use of the funds. JCPC uses a community-level risk assessment tool and a community resource assessment in developing local plans for juvenile delinquency, prevention, and intervention. For additional information, visit the DJJDP web site.
Resources/Contacts
Action for Children North Carolina
Governor's Crime Commission
North Carolina Court System
North Carolina Department of Juvenile Justice and Delinquency Prevention
North Carolina Juvenile Court Officer Association
North Carolina State Bar Association

The Department of Juvenile Justice and Delinquency Prevention's News Releases web page

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Delinquency Services Summary

Combination State: With the exception of secure detention, the state operates most delinquency services for youth in North Dakota. However, responsibility is divided between the state judicial and state executive branches. The Supreme Court Administrator's Office funds and administers juvenile probation services, including delinquency intake screening, predisposition investigation, and probation supervision through 7 judicial districts. Direct supervision of juvenile court employees is at the district court level.

Juvenile Court to the Department of Corrections and Rehabilitation, Division of Juvenile Services' (DJS) community corrections workers assigned to one of eight regions provide case management and aftercare services for youth committed to their agency. DJS also operates the state's single correctional institution, the ND Youth Correctional Center.

Service Classification

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Court(s) with Delinquency Jurisdiction

District Courts exercise jurisdiction over delinquency proceedings. District Courts are general jurisdiction trial courts. For more information, visit the [North Dakota Supreme Court's web site](http://www.supremecourt.nd.gov/).

Highlights

Restorative Justice – Juvenile Accountability Conferencing

Restorative justice programming, specifically Juvenile Accountability Conferencing, was initiated in North Dakota in 1999. Juvenile Accountability Conferencing has been utilized on a statewide basis primarily by the Juvenile Court as an intervention for misdemeanor offenders and property offenders at all levels. It has had a tremendous impact on the persons involved and effectuated system responsiveness by address reparation and accountability for the offenders while fulfilling concerns of the victims and communities. Recidivism is measured based on the number of youth who are re-arrested or seen at Juvenile Court for a new delinquent offense occurring six months after program completion. Based on the most recent performance data, 90% of the juveniles completing Juvenile Accountability Conferencing did not re-offend.

Day Report

Day Report is an after school and early evening supervision and competency-building program for youths ages 14-17 who have a history of delinquent offenses and are on court probation or under the custody of the juvenile corrections agency. Participating youth attend the program Mondays-Fridays from 3:30 – 7:30 pm. A special emphasis is placed on youth returning to the community after placement at the State’s correctional facility. Day Report provides delinquent youth with additional supervision during high risk times and the ability to learn skills and competencies which help protect them from making bad choices which can lead to further delinquent acts. Data suggests that Day Report is a promising option for delinquent youth.

EQUIP – Teaching Youth to Think and Act Responsibly through Peer-Helping Approach

North Dakota’s youth corrections system began delivering anger management programming for youth in 1998. The State’s juvenile corrections agency trains its entire staff both at the correctional facility
and in the community to deliver the EQUIP programming. Whether a DJS staff works in the area of treatment, safety and security staff, case management, dietary, or physical plant, all staff address behaviors, attitudes, and social skill challenges and opportunities in a similar manner. Every youth who is placed at the Youth Correctional Center receives EQUIP programming, and community corrections staff run EQUIP groups and deliver EQUIP to youth on an individual basis to youth living in the community. Many of the private residential providers who work with corrections youth have adopted EQUIP as well, unifying and streamlining the service delivery system.

**Detention**

Detention is provided through seven regional juvenile detention facilities. Six facilities are administered directly by the county or multi-county collaborations, and one facility is administered by the ND Division of Juvenile Services as part of the services provided at the Youth Correctional Center. Juveniles are detained only pre-adjudication or pre-disposition in one of seven local juvenile detention centers or one of 12 non-secure Attendant Care Programs. Detention is not used as a disposition or as a sanction for option.

Detention hearings must be held within 96 hours. By statute, a youth may be detained to protect the person or property of others or of the youth; because the youth may abscond or be removed from the jurisdiction of the court; because he or she has no parent, guardian, or custodian or other person; or the court has made an order for his or her detention.

The Division of Juvenile Services, in cooperation with the North Dakota Association of Counties, developed a program of locally administered non-secure "attendant care" sites, and certain detention and transportation subsidies, to promote least restrictive care of juvenile offenders needing to be held on a pre-adjudicatory basis with the use of Juvenile Justice and Delinquency Prevention Act (JJDP) Act funds. Its implementation reformed the use of detention and resulted in North Dakota's compliance with the JJDP Act. North Dakota's goal in using federal JJDP Act funds has been to develop programs in concert with other state efforts so that their use can be encouraged through economic incentives rather than mandated by state law. The program has been extremely effective in reducing the use of adult jails for juvenile offenders and secure detentions of status offenders.

**Delinquency Intake Screening**

A referral to court may be made by any person, including a law enforcement officer, who has knowledge of the facts alleged or is informed and believes that they are true. Juvenile Court Officers perform delinquency/unruly intake screening. A petition prepared by any person other than a States Attorney (county prosecuting attorney) may not be filed unless the Juvenile Court Director, the court, or other person authorized by the court has determined the filing of the petition is in the best interest of the public and the child.

**Diversion**

The Juvenile Court has three options for processing juvenile referrals: 1) diversion to appropriate programs and services; 2) Informal Adjustment; or 3) Petition or formal adjudication. Juvenile Court intervention at any level is based on Balanced and Restorative Justice with three components. A) Accountability; B) Competency; and C) Community Protection. The decision to divert a case is based on the seriousness of the offense, the age of the juvenile, previous offense history and the reliability of evidence. If the case is diverted, the court may refer the juvenile to drug/alcohol programs, shoplifting classes, individual/family counseling, cognitive restructuring programs, if applicable, or to other programs such as restorative justice conferencing and teen court. If the case is processed with an Informal Adjustment, the juvenile and parents appear for a hearing with the court officer. By statute, in order for the case to be informally adjusted, the juvenile must admit to the allegation and both the juvenile and parents must consent and agree to the conditions for conduct and control set forth by the court officer. Should the juvenile deny the allegation, the case is forwarded to the prosecuting attorney for a possible petition. The juvenile can be placed on an Informal Adjustment probation for up to nine months with a five month extension if good cause is shown. Through an Informal Adjustment, the court officer may: a) warn, counsel and release, b) refer to programs listed above for diversion, c) place the juvenile on probation with varying sanctions, including restitution, community service hours and face to face contacts with a court officer.
Predisposition Investigation
Juvenile Court Officers perform predisposition investigations. North Dakota does not use a standardized predisposition investigation tool.

Victim Rights and Services
Juveniles adjudicated delinquent are subject to the Fair Treatment of Victims and Witnesses chapter under the North Dakota Criminal Code. Under this chapter, victims and witnesses of crimes committed by juveniles are entitled to the same rights as in any other proceeding, including the right to submit a written impact statement, sometimes an oral impact statement, to the court. Hearings are open to the public if the juvenile is alleged to have committed specified offenses, for which they could be transferred to criminal court. By statute, the court may order the youth to make monetary restitution to the victim and/or to complete community service. For more information and a list of rights, visit the North Dakota Crime Victim and Witness Assistance web site.

The Division of Adult Services of the Department of Corrections and Rehabilitation administers the crime victim compensation program.

Probation Supervision
The Supreme Court Administrator's Office funds juvenile probation services in the State. The State is divided into four units with a director of Juvenile Court, a supervisor, and several court officers for each unit. The supervisor in each unit assists the director with case management and probation assignments and services. Juveniles who are adjudicated may receive formal probation for up to two years with conditions and face to face contacts with a court officer. There may be additional sanctions such as drug court.

Juvenile Probation Officer Qualifications, Certification, and Training
Court officers must have, at minimum, a bachelor's degree in criminal justice, social work or psychology/sociology. Court officers attend Supreme Court-sponsored training each year which may include out-of-state training. Each court officer must acquire a minimum of 40 hours of continuing education every three years, which is monitored by the Supreme Court Administrator's Office.

Juvenile Corrections Continuum
The Division of Juvenile Services (DJS) provides intensive supervision and case management services to delinquent youth committed to the agency. Each juvenile is assigned to a corrections specialist prior to or at the time of commitment, and that worker follows the case for the duration of the court order, which averages eighteen months. The corrections specialist completes a thorough risk/needs assessment as a foundation for a "treatment and rehabilitation plan" for every juvenile. The corrections specialists work closely with public and private agencies, schools, and placement agencies to arrange for services identified in the juvenile's treatment plan. Whether the youth is in their own home, a treatment program, or at the state's correctional facility, the corrections specialist is ultimately responsible. The corrections specialists provide the Juvenile Court with quarterly reports to document the status and progress of each case. If the treatment and rehabilitation goals have not been successfully addressed by the time the custody order is scheduled to end, DJS requests that the court extend the term of commitment.

Blended Sentencing
North Dakota does not have a blended sentencing option.

Direct Placement
Several system-wide planning and assessment tools are utilized by DJS to determine the appropriate placement and treatment for each youth. DJS makes a decision regarding the level of care by balancing the principles of least restrictive, most appropriate placement with the need for insuring public safety. If is operational philosophy that it is in the best interests of the juvenile, the family, and the State to keep children in the home when it is safe for the child and the community. Generally, about 30% of the youth in DJS custody are placed in the family home and another 10% are placed in foster homes in the community. Placement may be made anywhere along a continuum that includes the parental home, relative care, family foster care, treatment foster care, group home treatment, residential treatment,
hospitalization, and the State's single correctional facility, the Youth Correctional Center.

**Release**  
When a juvenile is placed at the state's secure correctional facility, the North Dakota Youth Correctional Center, the Division of Juvenile Services makes release decisions. By statute, the Director of the Division of Juvenile Services may discharge any juvenile from the North Dakota Youth Correctional Center at any time for good conduct.

**Aftercare/Re-entry**  
The Department of Corrections and Rehabilitation, Division of Juvenile Services, is responsible for juvenile aftercare.

**State Laws**

**Legal Resources**  
[2001 North Dakota Century Code](#)  
[State Bar Association of North Dakota](#)

**Purpose Clause for Delinquency Proceedings**  
This chapter must be construed to effectuate the following public purposes:

1. To provide for the care, protection, and wholesome moral, mental, and physical development of children coming within its provisions;

2. Consistent with the protection of the public interest, to remove from children committing delinquent acts the taint of criminality and the consequences of criminal behavior and to substitute therefore a program of treatment, training, and rehabilitation;

3. To achieve the foregoing purposes in a family environment whenever possible, separating the child from his parents only when necessary for his welfare or in the interest of public safety;

4. To provide a simple judicial procedure through which this chapter is executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced; and

5. To provide simple interstate procedures which permit resort to cooperative measures among the juvenile courts of the several states when required to effectuate the purposes of this chapter.


**Purpose Clause for Juvenile Corrections**  
The purpose of the department of corrections and rehabilitation is:

1. To develop a statewide correctional philosophy that will provide direction, goals, and standards for corrections.

2. To provide for the care, custody, discipline, training, and treatment of persons committed to state correctional facilities and programs.

3. To coordinate and provide a continuum of correctional services to both adult and juvenile clients.

4. To promote and develop close communication and mutual understanding of corrections issues and concerns between the courts and the department.
5. To provide joint training of staff and career opportunities for corrections staff.

6. To work with local and state entities to develop alternatives to conventional incarceration for those offenders who can be dealt with more effectively in less restrictive, community-based facilities and programs.


**Delinquency Jurisdiction** (as of the end of the 2007 legislative session)
Lower Age: 7
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
For information on North Dakota's juvenile transfer laws, [click here](#).

**Juvenile Justice Leadership**

[North Dakota Association of Counties](#)
The North Dakota Association of Counties staffs the North Dakota Juvenile Justice State Advisory Group, the advisory group charged with administering funds received through the federal Juvenile Justice Delinquency Prevention Act and monitoring compliance with the Act’s mandates.

[Juvenile Policy Board](#)
The Juvenile Policy Board develops administrative policies and procedures that define the mission of juvenile court services. The Board consists of judges, referees, directors of juvenile court, and is staffed by the Supreme Court Administrator's Office.

**Resources/Contacts**

[Department of Corrections and Rehabilitation, Division of Juvenile Services](#)
[North Dakota Association of Counties](#)
[Juvenile Policy Board](#)
[North Dakota Crime Victim and Witness Assistance](#)
[North Dakota Supreme Court](#)
[North Dakota Youth Correctional Center](#)
[State Bar Association of North Dakota](#)

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Delinquency Services Summary

*Decentralized State:* Delinquency services are organized at both the state and local level in Ohio. Counties fund detention services, and either the county or the juvenile court administers detention facilities. Either the county executive or juvenile court judge administers intake screening and probation services. The Ohio Department of Youth Services (DYS) administers the state's juvenile corrections continuum. DYS' Division of Parole and Community Services administers parole services in regional offices.

### Service Classification

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### Court(s) with Delinquency Jurisdiction

Courts of Common Pleas exercise jurisdiction over delinquency matters. Common Pleas Courts are general jurisdiction trial courts. Ten of Ohio's 88 counties have separate juvenile court divisions. The remaining 78 counties have juvenile court divisions combined with domestic and/or probate divisions. For more information, visit the [Ohio Supreme Court's web site](http://www.supremecourt.ohio.gov).

### Highlights

**RECLAIM Ohio**

(REasoned and Equitable Community and Local Alternatives to the Incarceration of Minors) is a fiscal incentive designed to provide juvenile courts with the fiscal means to develop local community-based disposition programs or to contract with private and non-profit organizations to establish these programs. Essentially, funds previously allocated to correctional institutions operated by the Department of Youth Services (DYS) are instead pooled and distributed to counties. RECLAIM Ohio allocations are based on a four-year average of felony adjudications, with deductions for DYS and community correctional facility bed day usage in the prior year. Each court receives “credits,” based on the four-year average of felony adjudications, to use as needed. According to DYS, RECLAIM Ohio is responsible for more youth being served locally rather than in institutions. DYS has been able to focus its treatment efforts on the more serious, felony-level juveniles, resulting in a DYS institutional population drop from more than 2,600 in May 1992 to less than 1,800 in July 2004.

**Graduated Sanctions Demonstration Site**

The Montgomery County Juvenile Court is participating in a national graduated sanctions project that the Office of Juvenile Justice and Delinquency Prevention awarded to the Juvenile Sanctions Division of the National Council of Juvenile and Family Court Judges. The court has adopted a strength-based case management model and implemented a gender-specific, non-residential self-esteem program and a residential unit for female offenders in its Center for Adolescent Services. For more information, contact Gregg Scott, J.D., Intervention Center Director, Montgomery County Juvenile Court, at (937) 225-4829 or scottg@mcohio.org.

### Detention

Either the county or the juvenile court administers Ohio's 41 juvenile detention centers. Individual counties are responsible for funding juvenile detention services.

In a county without a detention facility, the juvenile court may enter into a contract with another
Juvenile court, another county's detention facility, or a joint county detention facility. If the juvenile court does not contract for detention services, the board of county commissioners must fund the boarding of youth temporarily in private homes or in certified foster homes approved by the court for not more than 60 days or until final disposition of their cases, whichever comes first. The court also may arrange with any public children services agency, private child-placing agency, or private non-custodial agency for temporary care of youth within the jurisdiction of the court.

Juveniles may be held pre or post adjudication in a juvenile detention center for up to 90 days. During that time, a social history is prepared in order to gather information about family history, school and attendance records, court records, and any other information that will assist the court in its disposition of the charges against the juvenile. Detention can also be used as a disposition for adjudicated juveniles for up to 90 days. Statute does not preclude placing delinquent youth in secure detention facilities as a sanction for violating probation, and case law supports this practice.

**Delinquency Intake Screening**
Depending on the county, probation, a separate intake office of the court, or the prosecutor's office can handle intake.

**Diversion**
Depending on the county, either prosecutors or intake officers make diversion decisions. The *Ohio Rules of Juvenile Procedure* states that, in all appropriate cases (determined by an informal screening), formal action should be avoided and other community resources utilized to ameliorate situations brought to the court's attention. Often, juveniles referred to diversion programs are those at risk of expulsion or first time misdemeanor offenders. Diversion options vary in each county, but include community service, truancy, electronic monitoring, mediation, and unofficial probation. Participation in a program may be offered in lieu of expulsion or filing criminal charges. Risk assessments are used to refer juveniles and their families to the most appropriate community programs.

An example of a unique approach to juvenile diversion in Ohio is Cuyahoga County's Juvenile Diversion Commission. The Commission meets at least one a month to hear cases referred by the Division of Police. A Magistrate presides over hearings, and the Commission decides what type of diversion program suits each juvenile. In other locations, Diversion Officers receive referrals from schools or Juvenile Officers.

Some Ohio counties use teen courts as a diversion program. In Stark County, juvenile defendants, who voluntarily come to teen court as opposed to official court hearings, must admit their involvement in the offense. Teen volunteers act as bailiff, defense and prosecuting attorneys, and jurors. They attempt to hold defendants responsible for their actions while encouraging them to emphasize their positive strengths. Defendants who complete their dispositions within the court specified time frame will not have an official juvenile record.

**Predisposition Investigation**
Probation officers conduct this investigation and develop a recommendation for the court's consideration. The probation department makes any pre- or post-disposition investigations that the judge directs, keeps a written record of the investigations, and submits the record to the judge or deals with them as the judge directs.

**Victim Rights and Services**
Most courts provide victim services that are commonly based out of the prosecutor's office.

Statute created the [Office of Victim Services](#) (OVS), a component of the Release Authority, in 1998 to be an effective, supportive, and informative resource for victims. OVS also manages the Victim Awareness Curriculum, a non-mandated program at eight Department of Youth Services (DYS) facilities to help youthful offenders understand the people they have victimized. A Victim Impact Panel talks to youth about how crimes committed against them have impacted their lives.

In addition, DYS provides the following services for victims:
• Information, referral, and advocacy throughout the juvenile corrections process
• Information regarding the status of a youth committed to DYS or under parole supervision
• Notification of upcoming reviews, releases, discharges and revocation decisions, if the victim registers with the Office of Victim Services.

The Victim Information & Notification Everyday (V.I.N.E.) is a free, anonymous, computer-based service that provides information and notification to victims of crime who register. V.I.N.E. will provide offender status information including any upcoming hearings or court events. You may also register for automated telephone notification when an offender has a change in status throughout the juvenile justice process.

**Probation Supervision**
By statute, juvenile courts may administer probation departments or may contract out for probation services. Counties may also establish departments of probation. In counties that have both arrangements, the judge may transfer to the probation department the powers and duties of his or her probation department, provided that an officer or division handles all juvenile cases within a county probation department separate from those handling adult cases.

If the court places a juvenile on probation, the following conditions can be part of a disposition of "community control": basic probation supervision; intensive probation supervision; day reporting; community service; a requirement that the youth obtain a high school diploma, GED, vocational training, or employment; drug and alcohol use monitoring; substance abuse assessment, counseling, or treatment; curfew; house arrest; and electronic monitoring.

Although a standard probation assessment tool is not used, a number of juvenile courts use a risk assessment instrument called the Youthful Level of Service Inventory (Y-LSI), designed to determine the overall risk level of juvenile offenders and to identify their criminogenic need areas to be addressed in their supervision plans.

There is no statewide standard establishing caseload size. Caseloads are determined county by county. Some counties have established guidelines that include setting a cap of 35 - 40 youth or assigning smaller caseloads to probation officers supervising high-risk felony juvenile offenders. Some counties establish caseloads based on geographic areas or school districts. Ohio probation departments have specialized probation caseloads, such as sex offenders, school-based, and all female caseloads, depending on the county.

**Juvenile Probation Officer Qualifications, Certification, and Training**
Generally, counties require a degree at the associate or bachelor level. In some counties, experience may serve as the equivalent for a college degree. Juvenile probation officers are not professionally certified in Ohio. Pre-service training requirements vary across the state, with some courts requiring 40 hours of training prior to being assigned a caseload. Annual training requirements range from 8 to 40 hours. Many courts utilize the fundamental skills training for probation officers that the Department of Youth Services sponsors several times a year.

**Juvenile Corrections Continuum**
The Department of Youth Services (DYS) administers the state's juvenile corrections continuum. DYS operates seven medium to maximum-security corrections facilities for the purpose of "training" and "rehabilitating" the youth and protecting the community. DYS also contracts for beds in one private facility for female offenders with drug and alcohol addictions. The Division of Corrections is responsible for all staff, youth, and operations within DYS institutions.

Programs available for juveniles committed to the Department of Youth Services include: educational services, clinical services, development and correctional programs, and medical and substance abuse services.

The mission of the Ohio Department of Youth Services is to ensure public safety by providing and supporting a range of effective and cost-effective services that hold youthful offenders accountable for
their actions and provide them with the skills and competencies they need to live crime free.

Commitment to State
Juvenile courts may commit youth to the Ohio Department of Youth Services (DYS) for institutional care provided the youth is at least 10 years of age at the time of the youth's delinquent act. Juvenile court jurisdiction terminates at the time of the commitment, except in relation to procedures for the judicial release or early release of youth from institutionalization and hearings conducted relative to judicial release or early release. DYS makes placement decisions for committed youth. The length of commitment is generally indeterminate, but there are minimum periods of commitment during which DYS cannot release the youth without court approval. The length of this minimum varies with the seriousness of the offense. DYS' legal custody ends automatically when the youth reaches age 21.

The Department of Youth Services uses a risk assessment instrument called the Youthful Level of Service Inventory (Y-LSI) to identify specific areas of treatment needs.

Blended Sentencing
Senate Bill 179 established blended sentencing. Under this provision, a serious youthful offender can be sentenced both as a juvenile and an adult. The adult sentence must be stayed, pending successful completion of the juvenile term. The adult sentence can be invoked only after a hearing and only for certain serious rules violations after age 14.

For a summary of Ohio's blended sentencing provisions, click here.

Direct Placement
Juvenile courts can directly place adjudicated youth in local community correction facilities or in private facilities. Local facilities provide a wide range of treatment programs that serve as alternatives to commitment to the Division of Youth Services (DYS). Community corrections facilities are state-funded placements that serve only felony offenders who would otherwise be committed to DYS. Other alternatives to DYS placements are community rehabilitation centers; however, these locally funded and operated facilities do not limit their services to felony youth. County probation officers can be assigned to supervise youth after their release from a direct placement.

Release
All releases are to be approved by the court of jurisdiction. The Release Authority, a bureau within the Ohio Department of Youth Services (DYS), Division of Parole and Community Services, is authorized to grant release from institutional care to those youth who have completed their judicially mandated minimum term of commitment. The Release Authority is also authorized to grant discharge from supervision to youth who have been placed on parole after their release from commitment.

Aftercare/Re-entry
The Bureau of Parole (BOP) within the Division of Parole and Community Services of the Department of Youth Services (DYS) provides parole supervision and related services to youth on parole until DYS' Release Authority discharges the youth. Staff in DYS' regional offices provides supervision. Youth are supervised in their home communities for a period of time determined by the seriousness of the offense committed and the likelihood of the youth reoffending. BOP works with juvenile courts and communities to develop local services to better ensure public safety.

Some courts designate probation officers to share the aftercare supervision responsibilities with the parole officer for those youth committed to DYS.

State Laws

Legal Resources
With several exceptions, the Ohio Rules of Juvenile Procedure prescribe the procedure to be followed in all juvenile court proceedings in Ohio within the jurisdiction of the respective courts.

Ohio Juvenile Code resides in Youth Services: Title 51, Chapter 5139 and Delinquency Law: Title 21,
Purpose Clause for Delinquency Proceedings

The sections in Chapter 2151. of the Revised Code, with the exception of those sections providing for the criminal prosecution of adults, shall be liberally interpreted and construed so as to effectuate the following purposes:

(A) To provide for the care, protection, and mental and physical development of children subject to Chapter 2151. of the Revised Code, whenever possible, in a family environment, separating the child from the child's parents only when necessary for the child's welfare or in the interests of public safety;

(B) To provide judicial procedures through which Chapters 2151. and 2152. of the Revised Code are executed and enforced, and in which the parties are assured of a fair hearing, and their constitutional and other legal rights are recognized and enforced.

Citation: Baldwin's Ohio Revised Code Annotated Title XXI. Courts--Probate-Juvenile Chapter 2151.01. 2152.01. Current through 2004 File 155 of the 125th GA (2003-2004) and the 2004 1st Special Session, apv. by 1/24/05.

(A) The overriding purposes for dispositions under this chapter are to provide for the care, protection, and mental and physical development of children subject to this chapter, protect the public interest and safety, hold the offender accountable for the offender's actions, restore the victim, and rehabilitate the offender. These purposes shall be achieved by a system of graduated sanctions and services.

(B) Dispositions under this chapter shall be reasonably calculated to achieve the overriding purposes set forth in this section, commensurate with and not demeaning to the seriousness of the delinquent child's or the juvenile traffic offender's conduct and its impact on the victim, and consistent with dispositions for similar acts committed by similar delinquent children and juvenile traffic offenders. The court shall not base the disposition on the race, ethnic background, gender, or religion of the delinquent child or juvenile traffic offender.

(C) To the extent they do not conflict with this chapter, the provisions of Chapter 2151. of the Revised Code apply to the proceedings under this chapter.


Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

Juvenile Transfer Laws
For information on Ohio's juvenile transfer laws, click here.

Juvenile Justice Leadership

Common Pleas Judges Association
The Common Pleas Judges Association is one of the organizations that forms the Ohio Judicial Conference. The Association keeps judges informed as to the new developments and changes in the law.

Ohio Association of Child Caring Agencies
Refer to the web site for additional information.

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NCJJ State Profiles: Oklahoma

Delinquency Services Summary
Combination State: Delinquency services are organized at both the state and county level in Oklahoma. The Office of Juvenile Affairs, Department of Juvenile Justice Services oversees juvenile detention and contracts for service from a range of providers. However, facilities are created and operated by county government. The Office of Juvenile Affairs also provides probation supervision services in 73 counties and commitment and parole services in all 77 counties. Canadian County, Comanche County, Oklahoma County, and Tulsa County have juvenile bureaus that provide intake and probation and aftercare services for direct placements in those counties. Legislation authorizes the county executive in certain size counties to create Juvenile Bureaus. However, administrative authority resides with the juvenile court judge and presiding judge of the local District Court who are employees of the State Court.

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Court(s) with Delinquency Jurisdiction
Generally, District Courts in each county exercise jurisdiction over delinquency proceedings. District Courts are courts of general jurisdiction that may create specialized juvenile divisions or unified family courts that combine juvenile and family cases in one court division. Through interlocutory agreements, some municipal courts have jurisdiction over delinquency proceedings referencing misdemeanor offenses. For more information, visit the Oklahoma State Courts Network web site.

Highlights

Oklahoma Graduated Sanctions
The Oklahoma Juvenile Code defines graduated sanctions in 7301-1.3 17 and organizes the service system at the local level through Community Councils. The Councils are guided by the Office of Juvenile Affairs, which has a statute requirement to develop graduated sanctions as an option for local prosecutors to defer filings for first time offenders under 7303-1.3 (E) of the Juvenile Code. The Councils receive financial support through a combination of federal pass through moneys and parental responsibility funds (see next highlight). A list of counties with Community Councils and graduated sanctions programs is available online in the Annual Reports of the Office of Juvenile Affairs.

Parental Responsibility
Oklahoma attempts to hold parents financially responsible for the support of youth committed to the custody of the state juvenile corrections authority (Office of Juvenile Affairs). Program objectives include preserving parental involvement in their child’s welfare, providing consequences for the family, and encouraging the parents to maintain a provider role through a financial obligation. Additional detail concerning the project is available online.

Detention
The Juvenile Code (section 7304-1.3 (C) (2)) requires every county board of commissioners to provide for secure detention services and designates specific methods for meeting this requirement, including establishing services under a statutorily constituted juvenile bureau, a special county office, a multi-county trust authority, or contracts for services from private providers. While much of the onus for secure detention is placed on the counties, the Office of Juvenile Affairs, Department of Juvenile Justice Services (OJA/DJJ) oversees a State Plan for Juvenile Detention Services and is the state agency.
The Oklahoma Juvenile Code (Title 10, Chapter 73) authorizes secure custody for certain juveniles prior to adjudication and disposition and while awaiting placement (section 7304-1.1). Juveniles may be held in preadjudicatory or predisposition detention for no more than 30 days, unless extended for an additional 60 days (section 7304-1.1 (A) (1.a)). While a youth cannot be sentenced to secure detention in Oklahoma, statute does not explicitly prohibit the use of secure detention for probation violations or contempt of court. The Oklahoma Juvenile Code (section 7304-1.1 (C)) authorizes sanctions for weekends or up to five days in a facility specifically designated by OJA/DJJ or a juvenile bureau for the purpose other than a secure detention facility. Section 7303-7.4 explicitly authorizes the use of secure detention as a sanction for contempt of court, but places a 30-day time limit.

According to the Oklahoma Juvenile Code (section 7304-1.1 (B)), a youth may be detained only to assure his or her appearance in court or to protect the youth or the public. Specifically, a detained youth must be an escapee from any delinquent placement; a fugitive from another jurisdiction with a warrant on a delinquency charge or confirmation of delinquency charges by the home jurisdiction; seriously assaulitive or destructive towards others or self; detained for the commission of a crime that would constitute a serious act, as defined by statute, or a habitual criminal act; or currently charged with a felony act as defined by statute, or misdemeanor under certain circumstances.

In addition to statutory guidelines, the Oklahoma Juvenile Code requires that detention utilization decisions be structured under the state's Serious and Habitual Juvenile Offender Program. In practice, the four juvenile bureau counties (Canadian County, Comanche County, Oklahoma County, and Tulsa County) have developed a shared assessment tool to inform contingency plans that help them adhere to statutorily imposed facility resident caps by identifying risk levels for releasing youth to secure detention alternatives, such as electronic monitoring and home detention.

**Delinquency Intake Screening**

The Oklahoma Juvenile Code (section 7301-1.3 (26)) defines a “preliminary inquiry” or "intake" as a mandatory, preadjudicatory interview of the juvenile and, if available, the juvenile's parents, legal guardian, or other custodian. An authorized individual conducts this interview to determine whether a juvenile comes within the Oklahoma Juvenile Code's purview, nonadjudicatory alternatives are available and appropriate, and the filing of a petition is necessary.

Any person can file a delinquency complaint in Oklahoma, and some departments handle a large volume of "walk in" referrals. By statute 7303-1.3(A), juvenile courts are authorized to designate responsibility for the initial screening or "preliminary inquiry" aspect of intake by local court rule. The court authorizes the Office of Juvenile Affairs (OJA), Department of Juvenile Justice Services to administer the preliminary inquiry aspect of intake in 73 out of 77 counties in the state and the juvenile bureau in the remaining four counties: Canadian, Oklahoma, Tulsa, and Comanche.

In all counties, the District Attorney's Office receives referrals from law enforcement and recommendations from duly authorized intake staff to file a petition. The District Attorney screens referrals for legal sufficiency, and has the final decision on charges and whether cases can be handled informally or will be petitioned to the courts for adjudication (section 7303-1.3). Similar to the preliminary inquiry, the intake process in the District Attorney's Office also involves an interview of the juvenile and, if available, the juvenile's parents, legal guardian, or other custodian. For more information, visit the Oklahoma District Attorneys Council web site.

Under section 7303-1.3, district attorneys draft and file delinquency petitions and retain final authority for charging and diversion decisions. However, the Juvenile Bureaus in Canadian, Oklahoma, Tulsa, and Comanche counties conduct preliminary inquiries and are further authorized under Article V. Section 7305-1.4 of the Juvenile Code to enter into deferred prosecution or diversion agreements, determine
charges, and draft and file petitions (only if the district attorney releases this authority to the Bureau).

Impacting the intake process, OJA has established Juvenile Community Intervention Centers (CICs). The CICs are established through contracts with municipalities or youth service agencies to provide 24-hour intervention services for law enforcement to bring youth that may not meet criteria for secure detention but require supervision because a parent is unavailable. The CICs are responsible for supervising youth until a parent can be located and for releasing youth to a responsible person. Therefore, CICs, where they exist, are the initial point of intake for some youth into the juvenile justice system.

Further impacting the intake process, the Oklahoma Juvenile Code establishes Teen Courts and a system of OJA administered graduated sanctions programs (please see this Highlight) as diversion options for first time offenders under 7303-4.6.

**Diversion**

Under the Oklahoma Juvenile Code (section 7303-4.6(B)), a court may defer delinquency proceedings for 180 days for any youth that has not been previously adjudicated delinquent, is currently charged with a misdemeanor, submits a guilty plea, and if the youth and their parent or legal guardian agree to participate in a court-approved alternative program for first-time offenders. Under section 7303-4.6(D), the court must dismiss the case with prejudice at the conclusion of the deferral period if the youth presents satisfactory evidence that he or she has successfully completed the alternative diversion program.

“Alternative diversion programs for first-time offenders” are defined in section 7303-4.6(H)(1) as programs for juveniles who have been identified by law enforcement personnel, the district attorney, or the court as having committed acts which are not serious enough to warrant adjudication through the juvenile court process, but which indicate a need for intervention to prevent further development toward juvenile delinquency. Organizations designated as youth services agencies administer this program, pursuant to contracts with the Office of Juvenile Affairs, Department of Juvenile Justice Services or the county in counties with Juvenile Bureaus (Canadian, Comanche, Oklahoma, and Tulsa counties).

The diversion section of the Juvenile Code specifically refers to teen court and “graduated sanctions programs” as diversion options (7303-4.6(B)(4)). Please refer to the Probation Supervision section for additional information concerning “graduated sanctions” options.

**Predisposition Investigation**

Probation officers of either the County Juvenile Bureau or the Department of Juvenile Justice Services develop the case for adjudication and disposition and are guided by statutorily defined requirements for treatment plans. Although juvenile counselors develop a treatment plan, the District Attorney retains authority for prosecuting the case and can introduce a different plan. In practice, however, this only occurs on the rare occasions when prosecutors and juvenile probation officer cannot resolve differences of opinion concerning the proposed treatment plan.

By statute, Oklahoma is required to have a court intake risk-assessment for children alleged or adjudicated to be delinquent and structured decision-making instruments utilizing risk-assessment, offense, needs-assessment, and other appropriate criteria for determining the imposition of appropriate specific sanctions for youth adjudicated delinquent or youth who have violated a condition of probation or parole.

**Victim Rights and Services**

Oklahoma’s Victim Bill of Rights (Title 10, Chapter 7A, section 215-33) specifically extends rights to victims of juvenile violence, including the right to be notified concerning an alleged juvenile offenders' identity and address and to be notified of hearings. Additional statute sections extend specific rights to victims of juvenile offenders, including the right to attend juvenile court hearings (Title 10, section 7303-4.2). A section also creates a program of juvenile crime victim restitution, administered by the Office of Juvenile Affairs through its Department of Juvenile Justice Services (Title 10, section...
The **Oklahoma Constitution** (Article II, section 34) reinforces these rights. Specifically, "[t]he Legislature, or the people by initiative or referendum, has the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings and if enacted by the Legislature, youthful offender proceedings."

By statutory definition, juveniles who commit delinquent acts are subject to the state Crime Victims Compensation Act, which is overseen by the Crime Victims Compensation Board (**Title 21, Part I, Chapter 2**). The **Oklahoma District Attorney’s Council** staffs and administers the victim compensation program and maintains a web site that provides information concerning compensation, victim assistance grants and victim rights generally. Additional information concerning victim rights and services is also available from the [Oklahoma Attorney General’s web site](https://www.okeeffe.org/).

**Probation Supervision**

The Department of Juvenile Justice Services, within the Office of Juvenile Affairs, provides probation services in 73 counties. Canadian, Comanche, Oklahoma, and Tulsa counties have Juvenile Bureaus that provide intake and probation services. The supervision of youth on probation or in custody is in accordance with treatment plans submitted to and approved by the courts of jurisdiction.

Under the Casework Excellence Initiative, OJA/DJJ is working with the four Juvenile Bureaus to develop a common format for structured decision making for juvenile probation through assessments beginning at the front end of the system.

Recently, the Office of Juvenile Affairs began implementing a statewide system of graduated sanctions. "Graduated sanctions" is defined by statute as: a calibrated system of sanctions designed to ensure that juvenile offenders face uniform, immediate, and consistent consequences that correspond to the seriousness of each offender's current offense, prior delinquent history, and compliance with prior interventions. OJA efforts have focused on community aide panels to address minor delinquency, volunteers to provide mentoring opportunities, and the [STARS program](https://www.okeeffe.org/stars). Where possible, the resources for graduated sanctions are extended to the four Juvenile Bureaus to provide a greater range of specialized probation services where they might not currently exist.

Juvenile probation offices are typically centralized in one local office in Oklahoma. However, some of the Juvenile Bureaus have developed satellite field offices in key community locations (e.g., the Tulsa County Juvenile Bureau).

**Juvenile Probation Officer Qualifications, Certification, and Training**

A single set of state standards governing all juvenile probation practice currently does not exist--the four Juvenile Bureaus and the Office of Juvenile Affairs, Department of Juvenile Justice Services, have different requirements for staff qualifications and training. As a result, county hiring requirements largely determine hiring requirements in the Bureau-operated offices while OJA/DJJ staff are subject to state requirements. Juvenile probation officers working for OJA/DJJ must have a baccalaureate degree and similar requirements exist in the Juvenile Bureaus.

Oklahoma does not certify its juvenile probation officers. However, the Office of Juvenile Affairs provides a two-week training program through its training center for new staff. At the agency level, OJA/DJJ is accredited by the American Correctional Association in both its field operations (probation) and residential facility operations.

**Juvenile Corrections Continuum**

The Office of Juvenile Affairs’ Community Services Division administers the state's community-based continuum of state custody placement facilities, including foster homes, specialized community homes, and staff secure group homes. These residential facilities are located throughout the state. Community-based options are provided through contracts for services with private providers. The programs of these facilities are varied, dependent on the risk levels of juveniles and their treatment
needs, and integrated with the state's program for community reintegration through regular grand
staffings.

The Office of Juvenile Affairs' Institutional Services Division operates the state’s custody institutional
facilities. For more information about Oklahoma's three secure juvenile institutions, visit the Office of
Juvenile Affairs' Juvenile Treatment Centers web page.

Commitment to State
Commitments to the Office of Juvenile Affairs, Department of Juvenile Justice Services (OJA/DJJ) are
indeterminate, but automatically expire at the juvenile's 18th birthday, unless the court authorizes the
Department to retain custody until the juvenile's 19th birthday under 7302-5.4. By statute, the
Department of Juvenile Justice Services must not place a youth under 10 years of age in an institution
maintained for delinquent children.

Under the Oklahoma Juvenile Code (section 7302-5.3), OJA/DJJ has the authority for determining
placement specifics. The range of placement options include placing youth who meet specific criteria in
a state training school or other institution or facility maintained by the state for delinquent youth.
Training school placement criteria include youth who: exhibit seriously violent, aggressive, or
assaultive behavior; commit a serious felony constituting violent, aggressive and assaultive behavior;
habitually commit delinquent acts if such acts would constitute felonies if committed by an adult;
commit multiple serious delinquent acts; or violate any condition of probation or parole, to the extent
that it is necessary for the protection of the public. OJA/DJJ may also place youth in a facility
maintained by the state for children, or in a foster home, group home, transitional living program or
community residential center. Ultimately, the Oklahoma Juvenile Code authorizes OJA/DJJ to place
youth in any licensed private facility deemed to be in the best interest of the child.

Blended Sentencing
Oklahoma's Youthful Offender Act has provided a blended sentencing option from the criminal and
juvenile court since 1998. Based upon age and offense criteria, youth transferred to criminal court may
file a motion for certification as a youthful offender. The matter is considered at the conclusion of the
preliminary hearing prior to the court's ruling on binding over for criminal trial. The act defines criteria
for the court to consider when making a determination. The process may also be initiated from a
juvenile petition. Once again, based upon statutorily defined age and offense criteria, District Attorneys
may file petitions alleging delinquency or an information charging under the Youthful Offender Act.
Finally, certain age and offense criteria mandate filing by the District Attorney under the Youthful
Offender Act.

Upon conviction of a crime as a youthful offender, the court may impose a sentence not to exceed the
amount possible for an adult criminal conviction or 10 years, whichever is less. The initial part of the
sentence may be served in options provided for the disposition of adjudicated children in the Oklahoma
Juvenile Code, including commitment to OJA/DJJ custody. A special review hearing is required prior to
the youth reaching 18 years of age where the court has several options available, including discharging
the case, modifying the juvenile disposition, or transferring the youth to the custody of the Department
of Corrections to serve the remainder of the Youthful Offender sentence. For more detail, please the
Oklahoma Juvenile Code, Section 7306 or click here for a summary.

Direct Placement
Oklahoma statute authorizes direct placements to state licensed private service provider agencies or
county operated residential placement facilities. The county pays for direct placements, and, where
Juvenile Bureaus exist, the Bureau is responsible for aftercare services, unless the court orders OJA
supervision services upon release.

Direct placements are subject to the same court review requirements as commitments to the Office of
Juvenile Affairs, Department of Juvenile Justice Services. However, the juvenile court has final
authority for the release decision and can order placements specifics in its commitment order to the
private or local residential program.
Both public and private commitments are subject to the same 6-month interval in court reviews and a 12-month permanency planning hearing under the statute.

**Release**
The Office of Juvenile Affairs (OJA) makes residential discharge decisions for youth in its custody based on its determination that there is a reasonable probability that residential care is no longer necessary, either for the rehabilitation and treatment of the youth, or for the protection of the public. The discharge must be deemed in the best interest of the youth and the public, and OJA must provide the court and the district attorney 15-day notice before discharging legal custody of any youth committed and confined in a secure facility.

**Aftercare/Re-entry**
The Department of Juvenile Justice Services, within the Office of Juvenile Affairs, administers all aftercare/parole/reintegration services for youth committed to their custody, including commitments to the Office of Juvenile Affairs, Department of Juvenile Justice Service from counties with Juvenile Bureaus. Where Juvenile Bureaus exist, the Bureau is responsible for aftercare services, unless the court orders OJA supervision services upon release.

With regard to aftercare programming, OJA has implemented a statewide tripartite reintegration program: 1) OJA/DJJ staff provide case management and case supervision services; 2) staff of the Oklahoma Military Department provide community service projects such as the [STARS program](#) and offender surveillance services; and 3) staff of the state's 41 youth services agencies provide community based supervision and treatment services through contracts with OJA/DJJ.

Oklahoma is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Oklahoma's involvement, click [here](#). By visiting the [State Activities & Resources page](#), users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

**State Laws**

**Legal Resources**
[Office of the Oklahoma Attorney General](#)

[Oklahoma Juvenile Code](#)

[Oklahoma Bar Association](#)

**Purpose Clause for Delinquency Proceedings**
It is the intent of the Legislature that Chapter 73 of this title shall be liberally construed, to the end that its purpose may be carried out. The purpose of the laws relating to juveniles alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency. This purpose should be pursued through means that are fair and just, that:

1. Recognize the unique characteristics and needs of juveniles;
2. Give juveniles access to opportunities for personal and social growth;
3. Maintain the integrity of substantive law prohibiting certain behavior and developing individual responsibility for lawful behavior;
4. Provide a system for the rehabilitation and reintegration of juvenile delinquents into society;
5. Preserve and strengthen family ties whenever possible, including improvement of home environment;
6. Remove a juvenile from the custody of parents if the welfare and safety of the juvenile
or the protection of the public would otherwise be endangered;

7. Secure for any juvenile removed from the custody of parents the necessary treatment, care, guidance and discipline to assist the juvenile in becoming a responsible and productive member of society; and

8. Provide procedures through which the provisions of the law are executed and enforced and which will assure the parties fair hearings at which their rights as citizens are recognized and protected.

Citation: Oklahoma Statutes Annotated Title 10. Children Chapter 73. Oklahoma Juvenile Code Article I. General Provisions. § 7301-1.2. Current through the end of the 2004 Second Regular Session.

Purpose Clause for Juvenile Corrections
A. It is the intent of the Legislature of this state to provide for the creation of all reasonable means and methods that can be established by a state for:

1. The prevention of delinquency;

2. The care and rehabilitation of delinquent children; and

3. The protection of the public.

It is further the intent of the Legislature that this state, through the Department of Juvenile Justice, establish, maintain and continuously refine and develop a balanced and comprehensive state program for children who are potentially delinquent or are delinquent.

B. Except as provided in subsection C of this section, whenever a child who has been adjudicated by the court as a delinquent child has been committed to the Department of Juvenile Justice, the Department shall provide for placement pursuant to any option authorized by paragraphs 1 through 7 of this subsection; provided, nothing in this subsection shall be construed to establish a priority in regard to the selection of an option or to mandate the exclusive use of one particular option:

1. Place the child in a state training school or other institution or facility maintained by the state for delinquent children if the child has:
   a. exhibited seriously violent, aggressive or assaultive behavior,
   b. committed a serious felony constituting violent, aggressive and assaultive behavior,
   c. habitually committed delinquent acts if such acts would constitute felonies if committed by an adult,
   d. committed multiple serious delinquent acts, or
   e. violated any condition of probation or parole, to the extent that it is necessary for the protection of the public. For purposes of placement, all deferred prosecutions for serious, habitual, violent, aggressive or assaultive crimes shall count toward placement decisions;

2. Place the child in a facility maintained by the state for children, or in a foster home, group home, transitional living program or community residential center;

3. Allow the child his liberty, under supervision, in an independent living program;

4. Allow the child his liberty, under supervision, either immediately or after a period in one of the facilities referred to in paragraphs 1 and 2 of this subsection;
5. Place the child in a state school for mentally retarded, if the child is eligible for admission thereto;

6. Place the child in any licensed private facility deemed by the Department of Juvenile Justice to be in the best interest of the child; or

7. Place the child as provided by Section 7303-8.4 of this title and the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, [FN1] if the delinquent child has been found by a court to be in need of substance abuse or mental health treatment.

C. The Department shall place priority on the placement of delinquent youth held in secure juvenile detention facilities.

D. Placement of a juvenile pursuant to this section or any other provision of law shall be the responsibility of the Department of Juvenile Justice and shall occur as soon as reasonably possible after adjudication and after the selected placement option becomes available. The court shall not have authority to require specific placement of a juvenile in a time frame which would require the removal of any other juvenile from such placement.

Citation: Oklahoma Statutes Annotated Title 10. Children Chapter 73. Oklahoma Juvenile Code Article II. Juvenile Justice Part 5. Supervision and Placement Duties. § 7302-5.3. Current through the end of the 2004 Second Regular Session.

Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 18

Juvenile Transfer Laws
For information on Oklahoma's juvenile transfer laws, click here.

Juvenile Justice Leadership

Office of Juvenile Affairs
The Office of Juvenile Affairs is the state advisory group charged with administering funds received through the federal Juvenile Justice Delinquency Prevention Act and monitoring compliance with the Act's mandates.

Board of Juvenile Affairs
The Board of Juvenile Affairs was created on February 1, 1995 as the governing body for the Office of Juvenile Affairs and to assist the Office in planning activities related to the goals, objectives, priorities, and policies of the Office. Seven members serve on the Board. The Governor appoints members with the Senate's advice and consent. The Board of Juvenile Affairs appoints the Executive Director of the Office of Juvenile Affairs who serves at the pleasure of the Board.

Resources/Contacts
Office of Juvenile Affairs
Oklahoma Bar Association
Oklahoma District Attorneys Council
Oklahoma State Courts Network

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Delinquency Services Summary

Decentralized State: Delinquency services are organized at both the state and local levels in Oregon. County juvenile departments in each of Oregon’s 36 counties administer secure detention, intake screening, and most probation supervision services. The Oregon Youth Authority, a state executive agency, administers some probation supervision services, commitment programs, and aftercare.

<table>
<thead>
<tr>
<th>Service Classification</th>
<th>Detention Local/Executive</th>
<th>Probation Supervision Combination/Executive</th>
<th>Juvenile Corrections State/Executive</th>
<th>Aftercare Supervision State/Executive</th>
</tr>
</thead>
</table>

Court(s) with Delinquency Jurisdiction

Circuit and county courts exercise jurisdiction over delinquency matters. Circuit courts, operating in 27 judicial districts, are general jurisdiction trial courts. County courts, county-funded limited jurisdiction courts outside of the state-funded court system, handle juvenile matters in four counties (Gilliam, Sherman, Wheeler, and Morrow). For more information, visit the Oregon Judicial Department web site.

Highlights

Juvenile Crime Prevention Programs are Effective

In 1999, the Oregon Progress Board, an independent state planning and oversight agency, reported that Oregon's juvenile arrest rate was still near the all-time high that had occurred in 1996. The Progress Board's 2003 Juvenile Crime Prevention Program Evaluation shows that Oregon's juvenile arrest rate has declined substantially, in part because of the success of Juvenile Crime Prevention (JCP) programs. Only four percent of non-offender youth participating in JCP programs through community providers committed criminal offenses in the 12 months following their participation. Juvenile offenders participating in JCP programs had a lower rate of re-offending than the statewide population of juvenile offenders. Their new offenses were also less serious and less frequent compared to their crimes prior to JCP program participation.

Detention

County juvenile departments operate 15 detention facilities in Oregon. County funds cover the costs of detention. Counties may form partnerships in order to fund and maintain detention services. When joint detention facilities are maintained, each county pays its share of the costs determined by agreement between the counties. Three counties use a small number of beds within state delinquency institutions administered by the Oregon Youth Authority to hold youth in detention.

Youth can be held in detention awaiting adjudication, judicial commitment, or placement or as a sanction for probation violations.

Youth can be held in detention preadjudication for up to 56 days or can waive their rights and be held for a longer period. Post-disposition, youth can be held for up to eight days in detention or for a longer period if they participate in a state authorized program in a combined facility (a detention center that provides both care and rehabilitation services). Currently, at least six counties in Oregon operate combined facilities. Deschutes County operates two combined facilities: A 30-day program, where youth attend school and treatment and receive community reentry services for up to 6 months and Deschutes County's Wellspring program. Youth stay from six months up to one year or more. A Master's-level social worker oversees treatment, spends time with youth and families, and advises the staff. All of the
county facilities can operate a combined detention/treatment facility, with state approval.

Counties can also maintain short-term detention facilities for youth awaiting placement. The facility may house up to five youth for a period not to exceed four continuous days pending further placement. These short-term detention facilities cannot be located with longer-term detention facilities.

The juvenile court may hold a youth 12 years of age or older for no more than 8 days before a detention hearing. If a program plan, conforming to standards established by the Oregon Criminal Justice Commission, is filed with and approved by the Commission, a youth may be held in detention for a maximum of 30 days (extended detention), in addition to time already spent in the facility. Shelter hearings and probable cause hearings are held within 36 hours of when a youth is detained, excluding weekends and holidays, as well as the decision whether to detain the youth pending adjudication.

Counties may use a screening tool to make detention decisions at both intake and preliminary hearings. Multnomah County uses the Risk Assessment Instrument (RAI), which uses a point system to assess youths’ risk of re-offending and/or failing to appear for a hearing and is also used for predisposition investigation.

**Delinquency Intake Screening**
County juvenile department intake staff receives delinquency referrals and screens them to determine whether to proceed formally or informally. In some jurisdictions, the District Attorney's Office is involved in this process.

Both the District Attorney’s Office and the court juvenile department can file complaints and make charging decisions in Oregon. Typically, the District Attorney makes charging decisions on felony matters, and the juvenile department makes charging decisions for lesser crimes. However, each county in Oregon has a different arrangement with their local District Attorney’s Office.

An example of an intake screening tool used in Oregon is the Risk Assessment Instrument (RAI) (used in Multnomah County). The RAI determines uses a point system to assess youths’ risk of re-offending and/or failing to appear for a hearing. The RAI is also used in determining detention decisions at both intake and preliminary hearings.

**Diversion**
Following a review of a police report and other relevant information, a county juvenile department may refer a youth to an authorized diversion program if the youth is eligible to enter into a formal accountability agreement. As per [ORS Chapter 419C.230](#), a formal accountability agreement is a voluntary contract between a youth and a juvenile department that may require the youth to participate in activities such as counseling, community service, drug or alcohol education or treatment, vocational training, or paying restitution. Accountability agreements must be completed within one year.

An authorized diversion program may include a youth court, mediation program, crime prevention or chemical substance abuse education program, or other program established for the purpose of providing consequences and reformation and preventing future delinquent acts.

**Predisposition Investigation**
County juvenile department counselors conduct an investigation of every youth brought before the court.

**Victim Rights and Services**
The court may order a youth within its jurisdiction to perform personal service for the victim as a condition of probation. Although all juvenile offenders may receive this type of order, serious offenders are less likely to receive probation. This option is arranged by the court and contingent upon the mutual agreement of the youth, the parents/guardian of the youth, and the victim. The court specifies the nature and length of the service as it deems appropriate.

Crime Victims United (CVU) was founded in 1982 to promote the rights and welfare of crime victims.
The balanced justice philosophy of CVU brought about a change within Oregon's criminal justice system that resulted in a recognition of and response to the needs of victims of crime. CVU's mission is "to promote a more balanced justice system through legislative action and public awareness." It works with both the criminal and juvenile justice systems.

The Oregon Department of Justice administers six statewide programs on behalf of crime victims through its Crime Victims' Assistance section. These include a Crime Victims' Compensation Program.

Victim-offender mediation is provided by 23 community dispute resolution centers in 19 Oregon counties that receive funding from the Oregon Dispute Resolution Commission (ODRC). Restorative justice, a principle and practice with beginnings in Deschutes County (Bend), Oregon, is a balanced consideration of community protection, offender accountability and competency development. Programs, such as Deschutes County’s Wellspring Program, address youth and parental accountability, assurances of public safety, consideration of victim's needs, maximizing community resources to improve family supervision skills and reentry supervision to safely return youth to their community, and the re-investment of resources for better, long term outcomes for youth through increased community responsibility.

**Probation Supervision**

Most juvenile offenders placed on probation are supervised by juvenile counselors or probation officers working in county juvenile probation departments. Many county juvenile departments use the terms juvenile counselors or probation officers interchangeably. As with detention facilities, counties may form partnerships in order to fund and maintain probation services.

The court may place a youth on probation for a period not to exceed 5 years or beyond the offender's 23rd birthday.

Probation officers can be co-located at a juvenile court or have offices at a separate facility depending on the county. Probation departments utilize substance abuse screening instruments and mental health assessments as needed. The [Oregon Juvenile Crime Prevention Risk Screen and Assessment (JCP)](http://www.oregon.gov/JJIS/Programs/Justice/Probation/Research/Screening/Pages/JCP.aspx) is widely used by probation departments throughout Oregon.

Less frequently, the court places a juvenile offender on probation and in the custody of the Oregon Youth Authority (OYA) because the youth requires extensive services, including out-of-home placement, in addition to supervision. In these cases, OYA works with the youth, family, and the county juvenile department to help address the problems underlying the youth's delinquent behavior. The Oregon Youth Authority uses the term OYA Parole/Probation Officer.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Professional certification of juvenile counselors is available through the Oregon Juvenile Department Directors’ Association. However, certification is not a requirement for employment. The Oregon Juvenile Corrections Training Academy (OJCTA) provides training. Academy Trainers and Instructors provide 12 hours of orientation for all new OYA employees and 40 hours in-service training for all county and state parole/probation officers. Other in-service training includes: 16 hours on Behavioral Management; 16 hours of Group Leader Training; 24 hours on alcohol and drug issues unique to juvenile offenders; 40 hours of parole and probation officer safety training; and 8 hours of annual update training.

The Program Office of the Oregon Youth Authority (OYA) provides technical and program support to field staff who supervise juveniles on probation or parole.

**Juvenile Corrections Continuum**

The Oregon Youth Authority’s graduated series of sanctions for juvenile offenders includes a multi-tiered system of facilities. These facility programs provide public safety, accountability, and reformation opportunities to juvenile offenders who are too dangerous to the public or to themselves to remain in the community.

- Seven youth correctional facilities provide a secure environment where the state's more violent...
juvenile offenders who pose the highest risk to public safety are served.

- Four transition programs provide a continuation of reformation services as well as vocational education and work skills to prepare youth for successful re-entry into the community.
- One youth accountability camp provides short-term, intensive programs for non-violent offenders, along with intensive aftercare services.

**Commitment to State**

The court, while maintaining jurisdiction of the juvenile offender, may place the juvenile in the legal custody of the Oregon Youth Authority (OYA) or (as authorized in subsection 3 of ORS 419C.478) the Department of Human Services (DHS) for care, placement, and supervision. Juvenile offenders in OYA custody are placed there by a court with jurisdiction over the state's juvenile laws or they were committed to the Oregon Department of Corrections by an adult (criminal) court.

The court may specify the type of care, supervision, or services to be provided by OYA or DHS, but the actual planning and provision of such care, supervision, security or services are the responsibility of the Oregon Youth Authority or DHS per ORS 419C.478(2).

Commitments to the Oregon Youth Authority are indeterminate, but must not exceed time periods specified under ORS 419C.501. The court must conduct a dispositional review within 18 months after the original placement and periodically thereafter. In addition, state law requires the court's review of cases where a youth is committed to OYA or DHS. OYA provides monthly reports to the court and with the Juvenile Justice Information System (JJIS) now operating, most courts can directly access case information concerning youth involved with OYA. Juvenile offenders from both the criminal and juvenile justice systems may remain in OYA's custody until age 25.

**Blended Sentencing**

Oregon does not have blended sentencing provisions.

**Direct Placement**

The court may commit youth to a private institution or agency. When the juvenile court orders a youth directly into a private institution or agency, the juvenile department supervises the case, oversees the progress of the program, and provides aftercare supervision. Private agencies can release a youth at any time, and the juvenile department would then bring the juvenile back into court to decide further placement and service needs.

**Release**

The Oregon Youth Authority (OYA) has paroling authority and can authorize that a juvenile offender be paroled from a youth correctional facility. The court can also terminate a youth's commitment to OYA.

**Aftercare/Re-entry**

The Oregon Youth Authority (OYA) manages aftercare, referred to as "parole," for youth committed to its custody who are returning to the community from a youth correctional facility. OYA Parole/Probation officers are assigned when a youth is committed to OYA. The Parole/Probation Officer coordinates case management services, including re-entry services outlined in the transition plan for paroling youth. Agencies and individuals (e.g., treatment providers) under contract with OYA often provide these re-entry services.

The transition programs provide a bridge from OYA secure facilities to a community placement. Transition programs provide youth the opportunity to continue treatment, attend school, and build vocational skills. Youth work on community service projects, supervised work crews and town jobs to instill a work ethic, accountability, and responsibility through payment of restitution to both victims and the community. Currently, four transition programs are in operation, totaling 125 beds.

One youth accountability camp provides short-term, intensive programs for non-violent offenders, along with intensive aftercare services.
Oregon is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Oregon's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

State Laws

Legal Resources
Oregon State Juvenile Code
Oregon State Bar

Purpose Clause for Delinquency Proceedings

(1) The Legislative Assembly declares that in delinquency cases, the purposes of the Oregon juvenile justice system from apprehension forward are to protect the public and reduce juvenile delinquency and to provide fair and impartial procedures for the initiation, adjudication and disposition of allegations of delinquent conduct. The system is founded on the principles of personal responsibility, accountability and reformation within the context of public safety and restitution to the victims and to the community. The system shall provide a continuum of services that emphasize prevention of further criminal activity by the use of early and certain sanctions, reformation and rehabilitation programs and swift and decisive intervention in delinquent behavior. The system shall be open and accountable to the people of Oregon and their elected representatives.

(2)

(a) Programs, policies and services shall be regularly and independently audited as to their effectiveness in providing public safety and preventing a youth’s return to criminal behavior. The Secretary of State shall select and oversee the auditors. Audits performed under this subsection must include program audits and performance audits, as defined in ORS 297.070. Programs, policies and services that were established before, on or after June 30, 1995, are subject to audit under this subsection.

(b) The programs, policies and services of county juvenile departments shall be audited pursuant to this subsection.

(c) ORS 297.405 to 297.555 do not apply to an audit conducted pursuant to this subsection.

(3) To facilitate an audit under subsection (2) of this section:

(a) The Secretary of State may subpoena witnesses, require the production of books and papers and the rendering of reports in such manner and form as the Secretary of State requires and may do all things necessary to secure a full and thorough investigation.

(b) The custodian of information that the Secretary of State deems necessary to conduct the audit shall provide the Secretary of State or the auditor selected by the Secretary of State access to the information notwithstanding the fact that the information may be made confidential or access to the information restricted by ORS 419A.255 or another law. Information obtained by the Secretary of State or the auditor pursuant to this paragraph and made confidential by ORS 419A.255 or another law may be used by the Secretary of State, the officers and employees of the Secretary of State or the auditor solely for the purpose of performing the audit required by subsection (2) of this section and may not be used or disclosed for any other purpose.

Citation: Oregon Revised Statutes Title 34. Human Services; Juvenile Code; Corrections Chapter 419C. Juvenile Code: Delinquency Generally. 419C.001. Current through end of the 2003 Reg. Sess.

Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified  
Upper Age: 17  
Extended Age of Delinquency Jurisdiction: 24  

**Juvenile Transfer Laws**
For information on Oregon's juvenile transfer laws, [click here](#).

**Juvenile Justice Leadership**

**Juvenile Crime Prevention Advisory Committee**
Oregon has used juvenile crime prevention (JCP) grants to prevent high-risk juveniles from committing or repeating crimes since 1999. The Juvenile Crime Prevention Advisory Committee (JCPAC) coordinate these funds and prevention services. JCPAC works with tribal governments to develop juvenile crime prevention plans and approves these plans; recommends juvenile justice and juvenile crime prevention policy to the Governor and the Legislature; coordinates planning and implementation of other federal grants focused on high risk youth; and oversees and approves funding and policy recommendations of the Juvenile Justice Advisory Committee.

**Oregon Commission on Children and Families**
Created by legislation in 1993, the Oregon Commission on Children and Families is responsible for statewide planning, standards setting, and policy development for services to youth and families provided by the local commissions.

**Oregon Juvenile Department Directors' Association (OJDDA)**
OJDDA provides leadership and direction for Oregon's juvenile justice system and represents the interests of juvenile departments from each Oregon county.

**Oregon Criminal Justice Commission (OCJC)**
OCJC serves as an impartial forum for public safety policy development and coordination in Oregon. The agency does policy development and planning for the state's adult and juvenile justice systems. Commission staff provides support for programs in juvenile crime prevention, including administration of state funded Juvenile Crime Prevention (JCP) grants and Formula, Challenge and Title V funds received through the federal Juvenile Justice and Delinquency Prevention Act, and monitor compliance with the Act's mandates.

**Resources/Contacts**

- [Juvenile Crime Prevention Advisory Committee](#)
- [Oregon Commission on Children and Families](#)
- [Oregon Criminal Justice Association](#)
- [Oregon Criminal Justice Commission (OCJC)](#)
- [Oregon Juvenile Department Director's Association](#)
- [Oregon Judicial Department](#)
- [Oregon State Bar](#)
- [Oregon Youth Authority](#)

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The National Center for Juvenile Justice strives to make each State Profile as accurate as possible. Please bring any errors, updates, or additions to the attention of the State Profiles project manager. Persons listed as state contacts are not responsible for information contained in these profiles.
NCJJ State Profiles: Pennsylvania

Delinquency Services Summary
Decentralized State: Counties operate detention facilities. Juvenile intake, probation supervision, and aftercare services are organized at the county level under the administrative authority of the juvenile court judge. Juvenile probation officers serve as the primary point of contact throughout case processing beginning with intake and terminating with case closing. The Department of Public Welfare's Office of Children, Youth, and Families administers non-secure youth forestry camps and secure youth development centers.

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Court(s) with Delinquency Jurisdiction
Courts of Common Pleas exercise jurisdiction over delinquency cases. Courts of Common Pleas are general jurisdiction trial courts. For more information, visit the Unified Judicial System web site.

Highlights
Pennsylvania Chosen for the MacArthur Foundation’s Models for Change Project
Pennsylvania was the first state chosen to participate in the MacArthur Foundation’s Models for Change project, an initiative that focuses on bringing about system-wide change that will serve as a model for successful juvenile justice reform efforts in other states. Reform efforts in Pennsylvania focus on coordinating the mental health and juvenile justice systems; the system of aftercare services and supports; and disproportionate minority contact with the juvenile justice system. For more information on the initiative in Pennsylvania, visit the Juvenile Law Center’s Models for Change web site and read Keystones for Reform, which details the development of stable funding streams for local youth services, the growing funding and use of evidence-based practices, the use of the MAYSI-2 screening detained youth for mental health problems, and the expansion of alternatives to detention and incarceration.

New Juvenile Court Rules
The Juvenile Court Procedural Rules Committee of the Pennsylvania Supreme Court recently released revised Rules of Juvenile Court Procedure governing delinquency cases, most of which became effective October 1, 2005. These new rules establish uniform practice and procedure for courts of common pleas that hear matters under the Juvenile Act. Two main revisions to the rules are the introduction of the term "written allegation" (the document completed by a law enforcement officer or other person that alleges that a juvenile has committed a delinquent act and that initiates juvenile delinquency proceedings), and changes in the types of cases that juvenile court masters may hear (this rule became effective April 1, 2006). “The New Rules” are described in the October 2005 edition of Pennsylvania Progress.

Graduated Sanctions Demonstration Site
The Lackawanna County (Scranton) Juvenile Court is participating in a national graduated sanctions project that the Office of Juvenile Justice and Delinquency Prevention awarded to the Juvenile Sanctions Division of the National Council of Juvenile and Family Court Judges. This juvenile court assembled a large multi-agency and cross-disciplinary team to identify and address gaps in service for delinquent offenders and convened 90 service providers to share their findings and expectations. The court stated as its priority the establishment of a continuum of services to meet the full range of
offender needs. The judges en banc engage in graduated sanctions training to better shape this effort. The court’s professional team is revising the risk and needs assessment formats to better inform judicial decision-making. For more information, contact Judge Chester Harhut, President Judge, at (570) 963-6306 or harhut@lackawannacounty.org.

**Detention**

Primarily, counties operate juvenile detention facilities. Pennsylvania's 24 juvenile detention facilities have a combined 763-bed capacity. Most of these facilities are county-owned. The state reimburses counties for 50% of their detention expenditures.

Alternatives to secure detention vary according to local needs and resources and may include: unconditional release to parents; home detention / electronic monitoring / supervision programs; day/evening reporting centers; shelter care, foster care, or other licensed facilities; and alternative sanctioning programs for probation violators.

Pennsylvania law (42 Pa.C.S.§6325) states that juveniles may not be admitted to secure detention prior to an adjudication of delinquency unless detention is required to: protect persons or property; protect the juvenile; or ensure the juvenile’s attendance at hearings. Detention may also be court-ordered due to 'extraordinary and exceptional circumstances' (37 Pa. Code §200.9). Juveniles may be detained pre-adjudication, pre-disposition, and while awaiting placement. The Juvenile Act does not preclude placing delinquent youth in secure detention facilities as a sanction for violating probation.

A detention hearing must be held within 72 hours of admission, and a hearing on the merits or a mandatory release must be within 10 days. The revised Rules of Juvenile Court Procedure (see **Highlights** section) now require that a petition be filed within 24 hours after the detention hearing is held. The change in the timing of the filing of the petition—from within 24 hours after a juvenile is admitted to detention to within 24 hours after the detention hearing—was made so that an informal adjustment of the juvenile’s case or other informal court action would not be precluded.

The **Juvenile Detention Centers Association of Pennsylvania** (JDCAP) developed performance-based **juvenile detention program standards** to govern the provision of services to youth held in detention centers. JDCAP has implemented the MAYSI-2, a mental health screening inventory, as part of the standard intake procedure at secure detention facilities across the state. Most detention centers are participating in the Mental Health Assessment Project and are administering the MAYSI-2 screening instrument to all new admissions. For more information, see the **Assessing Detained Youth in Pennsylvania** issue of **Pennsylvania Progress**.

**Delinquency Intake Screening**

Most referrals to juvenile court intake come from law enforcement agencies. Other sources of referrals include district justices, juvenile probation officers, local Children and Youth agencies, schools, parents, and victims. In most counties, delinquency intake screening is a probation department function, conducted by juvenile probation officers as part of their regular duties or by specialized intake units. The district attorney of any county may require initial receipt and approval of written allegations before a delinquency proceeding begins. Typically, law enforcement will submit a written allegation to the court, and an intake probation officer reviews the allegation, conducts an intake conference, and makes a determination as to how to proceed with the case. The juvenile probation officer must provide the attorney for the Commonwealth with notice of the decision resulting from the intake conference.

In a growing number of jurisdictions, the district attorney’s office participates in the intake decision-making process, particularly where allegations of serious crime are involved. The district attorney's office has the authority to file a petition charging a youth with an offense. The Juvenile Court Judges’ Commission promulgates **standards** for juvenile court intake procedures.

**Diversion**

Across the state, police, juvenile probation officers, or prosecutors divert less serious juvenile offenders from the formal judicial process to diversion programs. Diversion programs attempt to hold juvenile offenders accountable by requiring them to perform community service and/or address victim concerns.
Probation departments, police departments, and prosecutor offices administer diversion programs. Diversion options include community service and restitution programs, victim-offender mediation and victim awareness programs, community-based dispute resolution programs (for example, youth aid panels), offense-specific education programs (such as programs for shoplifters, vandals, and substance abusers), and competency development programs (such as tutoring and mentoring programs). For more information, see the Neighborhood-based Responses to Minor Delinquency issue of Pennsylvania Progress.

**Predisposition Investigation**
The predisposition investigation, or the social study, is conducted by an investigative probation officer. The Juvenile Court Judges' Commission's Standards Governing the Development of the Social Study recommend that information be gathered on the significance of the offense; the juvenile’s behavior at home, at school, and in the community; the juvenile's physical, intellectual, emotional, and social development; family, school and community attitudes; psychological, psychiatric, and medical evaluations; and the juvenile's employment or opportunity for employment. A standardized assessment or risk/needs tool is not required to be used statewide.

The probation officer evaluates this information and makes a recommendation for a disposition consistent with the goals of balanced and restorative justice (community protection, offender accountability, and the development of competencies). A preliminary supervision plan with any special conditions is also to be developed during this investigation and included with the social study report. The social study is then provided to the attorney for the youth, the prosecutor, and the juvenile court judge in sufficient time prior to the dispositional hearing to allow for review and verification. After disposition, the probation department forwards the social study report to the persons, agencies, and/or institutions to which the juvenile is ordered.

**Victim Rights and Services**
The statutory rights of victims in Pennsylvania (the Victims’ Bill of Rights) reside in Pennsylvania Statutes Title 18, Chapter 2 (18 P.S. § 11.201). In October 2000, Act 86 amended the Bill of Rights for victims of crime to include victims of juvenile offenders. The rights of victims of juvenile offenders include: the right to receive information about services available to them; the right to be notified of significant actions and proceedings within the juvenile justice system, including information about whether the juvenile was detained or released following arrest, whether a delinquency petition has been filed, and notification of the offender’s pre-adjudication escape and subsequent apprehension from detention or shelter; the right, in personal injury or burglary cases, to submit prior comment to the juvenile probation office on the reduction or dropping of a charge or changing of a plea in a delinquency proceeding or diversion of any case; the right to submit written or oral victim impact statements prior to disposition; the right to be notified of the final disposition of the case; the right, upon request of the victim of a personal injury crime, to be notified of an offender’s pending release, escape and subsequent apprehension, or transfer from a residential placement, shelter facility, or detention center; and the right to be restored, to the extent possible, to their pre-crime economic status through the provision of restitution.

In addition, the revised Rules of Juvenile Court Procedure (see Highlight) give victims the opportunity to offer prior comment to the disposition of a juvenile’s case if informal adjustment or an alternative resolution of the case is being considered. If a victim is aggrieved by the decision to pursue informal adjustment of the case, the prosecutor may file a motion for review by the court.

Under Pennsylvania’s Crime Victims Act, law enforcement, district attorneys’ offices, and juvenile probation departments are responsible for ensuring the provision of services to victims. In victim/witness programs, victim/witness coordinators or advocates provide such services as court accompaniment, assistance with victim impact statements, disposition notification, restitution and victim's compensation claim forms, property return, and resource and referral services. Guidelines for the provision of services to victims are found in the Pennsylvania Commission on Crime and Delinquency’s (PCCD) Victims of Juvenile Offenders Standards and Procedures Manual. Compliance with the standards is mandatory in order to receive funding through the Victims of Juvenile Offenders (VOJO) grant program, which is administered by PCCD's Office of Victims’ Services.
The Office of Victims' Services also provides statewide education and outreach programs, provides support for the Victims' Services Advisory Committee and its numerous subcommittees, and administers the [Victims Compensation Assistance Program](#). The Office of Victims' Services also produces an annual [Victim Service Program Referral Handbook](#).

**Probation Supervision**

Probation officers in court-administered probation departments across Pennsylvania's 67 counties supervise youth assigned to probation. In the more rural counties, probation officers are likely to supervise both adult and juvenile offenders. A supervision plan, outlining the activities the offender must complete while on formal probation, is to reflect the state-mandated balanced and restorative justice (BARJ) goals of community protection, offender accountability, and victim restoration (Pennsylvania’s Juvenile Act was amended in 1995 to codify BARJ goals). Across the state, the Rules/Conditions of Probation ordered by the court generally serve as the supervision plan for juvenile probationers. A standardized assessment or risk/needs tool is not required to be used statewide to determine levels of supervision. Caseloads vary by the type of supervision required. Caseload sizes typically vary from a low of 7 to a high of 100 cases depending on the county and the type of services needed.

The Juvenile Court Judges' Commission (JCJC) receives state funding for specialized probation positions that include community-based, school-based, intensive probation, aftercare, and drug and alcohol probation. Standards established by JCJC dictate the conditions and implementation of these specialized services. JCJC developed standards in 23 areas of juvenile court processing that set a benchmark for statewide juvenile justice practice, including the completion of the social study (predisposition investigation), juvenile court intake procedures, inter-county transfer of delinquency cases, home passes to delinquent children in placement, use of alternatives to secure detention, and others.

**Juvenile Probation Officer Qualifications, Certification, and Training**

The minimum academic employment requirement for a juvenile probation officer is a bachelor's degree with at least 18 credits in the social sciences. The Juvenile Court Judges' Commission (JCJC) provides training and education programs for probation officers through its [Center for Juvenile Justice Training and Research](#) (CJJTR) located at Shippensburg University. JCJC underwrites tuition for probation officers who complete a two-year master's program through the Center.

Pennsylvania does not certify its juvenile probation officers. The Juvenile Court Judges' Commission mandates 40 hours of continuing training annually. A 40-hour non-mandatory fundamental orientation is offered. Probation departments in the 67 counties in Pennsylvania participate in the training and have adopted the probation practice standards.

**Juvenile Corrections Continuum**

Pennsylvania's Youth Development Center/Youth Forestry Camp (YDC/YFC) system provides social services and residential programming for the rehabilitation of delinquent youth. The Bureau of Juvenile Justice Services (BJJS) within the Office of Children, Youth and Families (OCYF) of the Department of Public Welfare administers and manages all nine state-owned youth development centers, youth forestry camps, and secure treatment units. Seven of the facilities are publicly operated, and two are privately contracted. A list of the facilities can be found here. The YDC/YFC system embraces the principles of balanced and restorative justice that is consistent with the practice of juvenile courts and probation departments across the state.

The YDC/YFC system includes secure treatment units for habitual and violent juvenile offenders and open residential programs for less serious offenders with an overall capacity of 649 beds (396 secure and 253 non-secure, including a 20-bed community re-entry program and a 20-bed facility for females). Specialized programs serve sex offenders, substance abusers, emotionally disturbed offenders, developmentally delayed offenders, and dually-diagnosed offenders.

The Bureau of Juvenile Justice Services has mandated the implementation of the [Master Case Planning System](#) (MCPS) at all YDC/YFC locations. Fundamental to the Master Case Planning System is individual treatment, a critical intervention component and essential to developing offender competencies. With
input from the youth and his/her parent or guardian, agency staff, court representatives, and school representatives, an intervention plan for the youth is created that specifies treatment and competency-based goals and services.

**Commitment to State**

Pennsylvania’s Juvenile Act authorizes juvenile courts to commit adjudicated juveniles to institutions, youth development centers, camps, or other facilities operated under the direction or supervision of the court or other public authority and approved by the Department of Public Welfare, or, for juveniles 12 and older, to the Department of Public Welfare for placement in a DPW-operated facility. Probation officers supervise juvenile offenders while in placement. For the most part, commitments are indeterminate; however, the court initially orders a minimum commitment that is periodically reviewed. The period of commitment is consistent with public protection and the rehabilitative needs of the youth. The law also prohibits confinement of juveniles for more than four years or the maximum period for which an adult convicted of the same crime could be imprisoned.

The Bureau of Juvenile Justice Services’ State Court Liaison Unit of the Office of Children, Youth, and Families directs the admissions of court-committed youth to facilities operated by the Department of Public Welfare (both publicly operated and privately contracted). Charged with utilizing all public and private resources, the State Court Liaison Unit recommends to the court what programs and/or facilities will best meet the needs of the youth being placed. Care and consideration are given to the victim of the crime, to the community where the juvenile offender resides, and to the juvenile’s individual circumstances. A standardized assessment or risk/needs tool is not required to be used statewide when making placement decisions.

State Court Liaison Unit specialists maintain a working knowledge of the treatment modalities utilized by all Department of Public Welfare certified programs for delinquent youth. In addition, the specialists must be knowledgeable of the Pennsylvania Crimes Codes and the intent of the law. The specialists also testify at juvenile court hearings, addressing issues related to a youth’s progress and to services and programs offered by private and public providers.

**Blended Sentencing**

Pennsylvania does not have blended sentencing provisions.

**Direct Placement**

The court can directly place a juvenile offender in private facilities or programs without committing the youth to the Department of Public Welfare. Probation officers supervise juveniles in such placements and provide aftercare supervision. Juvenile courts make decisions to release youth in these placements.

Act 148 of 1976 mandated state reimbursement to counties for services provided to dependent and delinquent children and their families. Act 148 provides financial incentives to counties to expand the range of community-based services rather than rely on state institutions. This provision encourages local planning and coordination of services and assists county commissioners/human services administrators in managing the number of out-of-home placements.

Act 148 has stimulated the growth and development of the private children and youth social service system in Pennsylvania. Many of these private agencies received startup funding through the federal Juvenile Justice and Delinquency Prevention Act Formula Grants Program that enabled agencies to provide new and innovative programs until "per diem" contracts with referring counties could be established. The Department of Public Welfare is mandated to inspect and approve or license these private agencies. These providers are a significant component of the state's formal juvenile justice system. There are over 500 separate programs for delinquent youth in Pennsylvania, including secure placement programs, group homes, day treatment programs, alternative schools, wilderness programs, shelter and foster care programs, and specialized mental health, drug and alcohol, and sex offender treatment programs.

**Release**

Juvenile courts make decisions to release youth committed to the Department of Public Welfare or
other public or private placements. There is no paroling authority in Pennsylvania for juveniles. A standardized assessment or risk/needs tool is not required to be used statewide when making release decisions.

Aftercare/Re-entry
County probation departments provide aftercare services for youth who are returning to the community from a state commitment or a private placement. Some counties provide intensive aftercare for youth requiring a higher level of supervision while other counties contract with private providers for ancillary aftercare services. The Juvenile Court Judges' Commission (JCJC) promulgates advisory standards for aftercare services in Pennsylvania; however, probation departments that receive funding from JCJC for ‘aftercare officer’ positions must comply with these standards.

Aftercare is one of the targeted areas of improvement in the MacArthur Foundation’s Models for Change project in Pennsylvania (see the Highlight for more information). Five counties are involved in the aftercare initiative: Allegheny, Cambria, Lycoming, Philadelphia, and York. For more information on the aftercare initiative, visit the aftercare page of the Models for Change in Pennsylvania project website.

State Laws

Legal Resources
Pennsylvania Juvenile Delinquency Benchbook

Rules of Juvenile Court Procedure

Pennsylvania Bar Association

Purpose Clause for Delinquency Proceedings
a) Short title.--This chapter shall be known and may be cited as the "Juvenile Act."

(b) Purposes.--This chapter shall be interpreted and construed as to effectuate the following purposes:

(1) To preserve the unity of the family whenever possible or to provide another alternative permanent family when the unity of the family cannot be maintained.

(1.1) To provide for the care, protection, safety and wholesome mental and physical development of children coming within the provisions of this chapter.

(2) Consistent with the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care and rehabilitation which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community.

(3) To achieve the foregoing purposes in a family environment whenever possible, separating the child from parents only when necessary for his welfare, safety or health or in the interests of public safety.

(4) To provide means through which the provisions of this chapter are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.


Purpose Clauses for Juvenile Corrections
The purpose of the youth development centers is to promote and safeguard the social well-being and general welfare of minors of this Commonwealth by providing social services and facilities for the
rehabilitation of delinquent minors who require care, guidance and control.


It is hereby declared to be the legislative intent to promote the welfare of this Commonwealth by making available facilities for the rehabilitation, reeducation treatment and training of male youth.


**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: 10
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
For information on Pennsylvania's juvenile transfer laws, [click here](#).

**Juvenile Justice Leadership**

**Center for Juvenile Justice Training and Research**
In conjunction with Shippensburg University, the Juvenile Court Judges' Commission (JCJC) established a Center for Juvenile Justice Training and Research (CJJTR) in 1982. CJJTR provides higher education opportunities and professional development primarily for juvenile probation officers. Its Graduate Education Program provides a two-year master's program for which tuition is underwritten by JCJC. The Center also provides annual professional development.

**Governor’s Cabinet on Children and Families**
In September 2003, an executive order by the Governor created the Cabinet on Children and Families. The Cabinet’s purpose is to recommend to the Governor ways to improve the delivery of services to children and families by making the services more responsive, efficient, and effective. The Cabinet’s 11 members include the secretaries of Public Welfare, Education, Health, and Labor and Industry; the Secretary of the Budget; the Insurance Commissioner; the directors of the Office of Health Care Reform and the Governor’s Office of Policy; the Governor’s Chief of Staff; and the chairpersons of the Juvenile Court Judges’ Commission and the Pennsylvania Commission on Crime and Delinquency.

**Juvenile Court Judges' Commission**
The Juvenile Court Judges' Commission (JCJC) is an agency within the Governor's Executive Offices that provides leadership to improve the quality of services rendered through the juvenile courts in Pennsylvania. Established by the legislature in 1959, the Commission is comprised of nine judges and supported by an Executive Director and several full-time staff.

The Commission (1) advises juvenile courts concerning delinquent youth; (2) establishes standards governing administrative practices and judicial procedures employed by juvenile courts; (3) establishes personnel practices and employment standards for juvenile probation officers; (4) collects, compiles, and publishes juvenile court statistics annually; and (5) administers a grant-in-aid program for improvement of county juvenile probation services. JCJC also serves as a liaison between juvenile courts and the legislature to ensure passage of favorable legislation.

**Juvenile Justice and Delinquency Prevention Committee**
PCCD's Juvenile Justice and Delinquency Prevention Committee (JJDPC) operates as the State Advisory Group (SAG) guiding the expenditure of federal and State funds. To direct and unify the Commonwealth's juvenile justice system in adopting policies and practices consistent with the new purpose clause, JJDPC adopted the following mission statement - "juvenile justice: community protection, victim restoration, and youth redemption" as well as guiding principles to define best practices and shape policy decisions within the system. By statute, PCCD is required to prepare (and
update every two years) a comprehensive juvenile justice plan based on an analysis of the Commonwealth's needs and problems, including delinquency prevention. JJDP has been charged with developing this plan. The 2006 Plan Update is available here. For more information, see "Juvenile justice research," "A new mission: Guiding Pennsylvania's juvenile justice system into the 21st century," and "Pennsylvania's Juvenile Advisory Committee: Shaping the future of juvenile justice," Pennsylvania Progress at www.pccd.state.pa.us, then select Publications.

Juvenile Law Center
Founded in 1975 as a non-profit legal service, the Juvenile Law Center (JLC) is one of the oldest children's rights organizations in the United States. JLC works on behalf of children who have come within the purview of public agencies. These include abused or neglected children placed in foster homes, delinquent youth sent to residential treatment facilities or adult prisons, or children in placement with specialized services needs. Although JLC primarily serves the children of Pennsylvania, the Center is asked to lend their expertise to national child advocacy efforts.

Pennsylvania Alliance for Children and Families
The Pennsylvania Alliance for Children and Families (PACF) is an educational advocacy organization for agencies that serve children and families across Pennsylvania. PACF advocates for resources and policies that strengthen family life; educates policymakers about services for families; and engages in activities that help member agencies provide needed and quality services to local families.

Pennsylvania Association of Probation, Parole and Corrections
The Pennsylvania Association of Probation, Parole and Corrections (PAPPC) is a professional association open to all juvenile and adult criminal justice practitioners in the State. Its objectives include: advancing methods and standards in the field of juvenile and adult probation, parole and institutional care; promoting appropriate legislation; and cooperating as much as possible with progressive treatment and prevention strategies.

Pennsylvania Commission on Crime and Delinquency
The Pennsylvania Commission on Crime and Delinquency (PCCD) was created in 1978 as the agency responsible for statewide criminal and juvenile justice system planning, coordination, and policy analysis. In this capacity, PCCD functions as the central source of planning, statistical analysis, and program development for the improvement of the Commonwealth's criminal and juvenile justice systems and provides data analysis, research, and legislative recommendations to the Governor's Office and the General Assembly. Refer to for additional information concerning PCCD.

Pennsylvania Council of Chief Juvenile Probation Officers
The Council began over 30 years ago as a membership organization of chiefs, deputy chiefs or assistant chiefs, and supervisors of juvenile probation departments. Juvenile probation officers can be associate members. The Council takes an active role in sponsoring legislation on juvenile justice-related topics, recommends training topics for the Center for Juvenile Justice Training and Research, and works closely with the Juvenile Court Judges' Commission. The Council is organizing a national network of Chief Associations.

Pennsylvania Partnerships for Children
This advocacy organization works to promote the well-being of Pennsylvania's children. Focusing on early care and education; child health; and family supports, Pennsylvania Partnerships for Children (PPC) develops policy proposals that are based on and supported by statistical and research findings.

Resources/Contacts
Pennsylvania Electronic Juvenile Justice Databook: provides access to a broad range of county level data tables that describe the status of youth across the Commonwealth of Pennsylvania.

Female Services Subcommittee of Pennsylvania's Juvenile Justice and Delinquency Prevention Committee: provides an overview of the subcommittee, the subcommittee's mission, a bibliography, and links to related web sites.
Delinquency Services Summary

Centralized State: The state operates most delinquency services for youth in Rhode Island. The Family Court of Rhode Island’s 10 Intake Units perform delinquency intake screening and conduct predisposition investigations. The Department of Children, Youth and Families’ Division of Juvenile Correctional Services is responsible for secure detention, probation supervision, the state’s juvenile corrections continuum, and aftercare.

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Court(s) with Delinquency Jurisdiction

The statewide Family Court of Rhode Island exercises jurisdiction over delinquency proceedings. The Family Court is a limited jurisdiction trial court. For more information, visit the Rhode Island Judiciary web site.

Highlights

Juvenile Re-Entry Court Program
In October 2003, the Family Court, working with the Department of Children, Youth and Families and other state agencies, began a juvenile re-entry court program. This two-year pilot program allows young offenders with good behavior to be released early from the Rhode Island Training School. It includes frequent reviews and intense supervision of the juveniles, who sign agreements promising to participate in education, job training, or substance abuse programs, with their probation conditioned on fulfilling their promises.

Detention
The Department of Children, Youth and Families, Division of Juvenile Correctional Services, administers secure juvenile detention. Rhode Island does not have a facility strictly dedicated to holding juveniles in secure detention. Instead, youth are held at the Rhode Island Training School.

Rhode Island does not currently use a detention screening instrument and has not established statutory guidelines regarding who can be detained.

Youth can be held in detention pre-adjudication, pre-disposition, and while awaiting placement. In addition, youth can be sentenced to secure detention and serve sanctions for probation violations in detention.

Youth can be held in temporary detention for five days in Providence and Bristol counties and seven days in Kent, Newport, and Washington counties. A detention order pending adjudication must not exceed 30 days.

Delinquency Intake Screening
Family Court Intake Departments receive delinquency referrals from law enforcement and screen them for legal sufficiency. The Intake Department also decides whether to handle cases formally or informally. The Department Supervisor reviews this decision.
**Diversion**

Prior to a hearing on a petition alleging a first delinquent or status offense, the family court must ensure that the Family Court Intake Department has made a referral to the appropriate local youth diversion program. The program must submit a report to the court at least one week prior to the adjudication hearing. The report must identify problems in the family, services provided, progress, outcomes, and recommendations for future intervention. The report must become a part of the record and be used by the family court in disposing of the petition.

Statute established a community-based diversion program providing outreach and advocacy services to youth between the ages of 9 and 17, who may be the subject of a family court petition or at risk for committing wayward or disobedient acts including truancy, running away, and violating school rules. Referrals to the diversion program are for a maximum of 90 days and may include counseling, family mediation, crisis intervention, and follow-up and aftercare services as needed.

In 1998, Rhode Island established a Statewide Juvenile Hearing Board Coordinator position, appointed by the Chief Judge of the Rhode Island Family Court. The coordinator provides education, training, data collection and analysis, and other supports to the juvenile hearing boards and teen courts found in most Rhode Island cities and towns. Originally a pilot program, the Hearing Board Coordinator position has proven to be a successful and necessary function within the Family Court.

The Intake Department may decide to continue the intake process and attempt informal adjustment.

**Predisposition Investigation**

Family Court Intake Departments develop the case for disposition. There is no protocol (standard form or other tool) for this investigation.

**Victim Rights and Services**

Victims of sexual offenses involving sexual penetration may petition the court to require the juvenile delinquent to submit to a blood test for the presence of a sexually transmitted disease.

If the family court places an adjudicated youth on probation, the court may require the youth to compensate the victim for losses and pay restitution. The attorney general or law enforcement must notify victims of the upcoming hearing and afford them the opportunity to be heard.

Victims may also request the name and address of the juvenile to bring a civil action against the juvenile and/or his or her parents for damages sustained as a result of the crime. For more information, visit the [Rhode Island Department of Attorney General's Victims Services Program](https://www.riattorneygeneral.gov) web page. In addition, a [Victims’ Services Unit](https://www.riattorneygeneral.gov/victims-services) assists victims of crimes in the exercise of their rights. The State Court Administrator administers the Victims’ Services Unit through the Administrative Office of State Courts.

The [Office of the Rhode Island General Treasurer](https://www.riattorneygeneral.gov) administers the crime victims compensation program.

**Probation Supervision**

The Department of Children, Youth and Families (DCYF), Division of Juvenile Correctional Services, Juvenile Probation and Parole Field Services, is responsible for the probation supervision of delinquent offenders. Probation officers currently supervise a small number of adults placed on probation by the family court. Rhode Island's probation philosophy is two-fold: the protection of the community and the rehabilitation of youth.

Probation officers work out of 10 regional offices. Some offices are in courthouses, some in DCYF’s main building, and one unit is at a police station. Although most probation officers work during weekdays, one unit works on the weekends. Probation officers have the ability to flex hours to accommodate working families. There is no standard caseload size.

Probation officers recommend the terms of probation supervision for the family court judge's approval. Rhode Island uses a statewide risk assessment instrument to assist in determining supervision guidelines. Probation officers are not required to develop an individualized supervision plan.
In 1999, the Division of Juvenile Correctional Services partnered with the RI Department of Corrections (DOC) and the Providence Police Department to create the Safe Streets Providence Program. Staffed jointly by DCYF Juvenile Probation Counselors and DOC Adult Probation Counselors and supported by Providence Police, this intensive probation supervision program targets the highest risk probationers in the City of Providence between the ages of 16-24.

Rhode Island does not presently evaluate the interim or long-term effectiveness of the supervision of juvenile offenders.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Juvenile Probation and Parole Counselors must have bachelor's degrees in social work, sociology, psychology, or criminal justice and related experience. Rhode Island certifies probation officers, and professional certification is a requirement for employment. The Department of Children, Youth and Families trains probation officers in the state. Probation officers must attend approximately 80 hours of mandatory pre-service training and 20 hours per year of mandatory continuing training.

**Juvenile Corrections Continuum**

The Department of Children, Youth and Families, Division of Juvenile Correctional Services administers the daily operations of the state's only public institution for delinquent offenders: the Rhode Island Training School.

**Commitment to State**

At disposition, the youth is committed to the care, custody, and control of the superintendent of the Rhode Island Training School. Commitments are determinate or indeterminate. The Department of Children, Youth and Families, Division of Juvenile Correctional Services, generally makes placement decisions. However, since there is only one public institution for delinquent offenders, an order of commitment is in effect an order that the juvenile be held there.

**Blended Sentencing**

If a juvenile meets specified age/offense requirements, the family court may impose a sentence for a period in excess of the youth's 21st birthday to an adult correctional institution, with the period of the youth's minority to be served in the juvenile training school. This sentence must not exceed the maximum sentence required by statute for an adult conviction of the offense.

This provision is more of a blended corrections procedure in that the juvenile serves his or her time of minority in a juvenile facility and is transferred (upon reaching the age of majority) to an adult facility to serve the remainder of the term.

For more information concerning Rhode Island's blended sentencing provisions, click here.

**Direct Placement**

To be added during the next update.

**Release**

While the Department of Children, Youth and Families, Division of Juvenile Correctional Services, can recommend release, by statute, the Family Court must give final approval, after a hearing with due notice to the parties. Release approval is based on the best interests of the child and the safety of the public.

**Aftercare/Re-entry**

The Department of Children, Youth and Families, Division of Juvenile Correctional Services, Probation and Parole Field Services provides aftercare (called parole) services in nine satellite offices. There are no distinctions for youths returning from state placements vs. local placements or private placements vs. public placements.

Project HOPE, funded through a five-year grant from the federal Substance Abuse and Mental Health Services Administration, has allowed the state to build on its successful Child and Adolescent Service System Program (CASSP) to develop a more effective system of transitioning youth from the Rhode
Island Training School for Youth to their home communities with the services and resources they need. The US Department of Justice's Office of Juvenile Justice and Delinquency Prevention recently indicated to the Department of Children, Youth and Families that Project HOPE is to be identified as a promising program for transitioning youth from correctional facilities. Please also see the Highlight about Rhode Island's re-entry court.

Rhode Island is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Rhode Island's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

State Laws

Legal Resources
Rhode Island State Bar Association

Purpose Clause for Delinquency Proceedings
The purpose of this chapter is:

(1) To secure for each child under its jurisdiction care, guidance, and control, preferably in his or her own home, that serves the child's welfare and the best interests of the state;

(2) To conserve and strengthen the child's family ties wherever possible, removing him or her from the custody of parents only when his or her welfare or the safety and protection of the public cannot be adequately safeguarded without that removal; and

(3) When a child is removed from his or her own family, to secure for him or her custody, care, and discipline as nearly as possible equivalent to that which should have been given by his or her parents.


Purpose Clause for Juvenile Corrections
The state finds and declares:

(1) That parents have the primary responsibility for meeting the needs of their children and the state has an obligation to help them discharge this responsibility or to assume this responsibility when parents are unable to do so;

(2) That the state has a basic obligation to promote, safeguard and protect the social well-being and development of the children of the state through a comprehensive program providing for:

   (i) Social services and facilities for children who require guidance, care, control, protection, treatment, or rehabilitation;

   (ii) A permanent home and safe environment for children; services to children and their families to prevent the unnecessary removal of children from their homes; foster care and services to children with special needs who must be removed from their families to meet their particular needs;

   (iii) The strengthening of the family unit and making the home safe for children by enhancing the parental capacity for good child care;

   (iv) The setting of standards for social services and facilities for children;

   (v) The preventing and controlling of juvenile delinquency; and
(vi) The promoting and developing of specialized comprehensive mental health services for the care and treatment of children;

(3) That the upgrading and maintenance of services, resources, and programs pertaining to children deserves priority consideration as a means of preventing ineffective responses to their social well-being and development;

(4) That the establishment of a department of state government to provide for social well-being and development of children is the most effective way to insure that the state meets its basic obligation to children;

(5) That the state department for children and their families be designated as the single authority to establish and provide a diversified and comprehensive program of services for the social well-being and development of children and their families; and

(6) In furtherance of its purpose, the department of children, youth, and families will cooperate with the family court, other public and private agencies and the federal government in the development of comprehensive programs to prevent problems in children and their families. It shall take the initiative in all matters concerning children and their families and stimulate community planning in the coordination and development of a broad public policy of services to children and their families. It shall establish professional standards of services, develop and provide in-service training programs pertinent thereto, and stimulate research to improve the quality of service programs for children and their families. It shall coordinate its services with other services in the state and local community.


Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

Juvenile Transfer Laws
For information on Rhode Island's juvenile transfer laws, click here.

Juvenile Justice Leadership

Rhode Island Justice Commission
The Rhode Island Justice Commission is the state advisory group charged with administering funds received through the federal Juvenile Justice Delinquency Prevention Act and monitoring compliance with the Act's mandates.

Resources/Contacts
Administrative Office of State Courts' Victims' Services Unit
Rhode Island Department of Attorney General: Juvenile Prosecution Unit
Rhode Island Department of Attorney General's Victims Services Unit
Rhode Island Judiciary
Rhode Island Justice Commission
Rhode Island State Bar Association
Rhode Island's Department of Children, Youth and Families

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NCJJ State Profiles: South Carolina

Delinquency Services Summary
Centralized State: A single state executive department, the Department of Juvenile Justice (DJJ), administers most services to delinquents in South Carolina. DJJ's Community Services Division administers prevention, some detention, intake, evaluation, probation, aftercare, and community-based support services through local field offices in 43 counties. Three of these offices provide services in adjacent, less populated counties, covering all 46 counties. DJJ's Rehabilitative Services Division operates South Carolina's juvenile corrections continuum.

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Court(s) with Delinquency Jurisdiction
Family Courts exercise jurisdiction over delinquency proceedings. Family Courts are limited jurisdiction trial courts. For more information, visit the Supreme Court of South Carolina's Family Courts web page.

Highlights

Juvenile Justice Performance Measures
The South Carolina Department of Juvenile Justice (DJJ) was selected to participate in "The Performance Measures for the Juvenile Justice System: A National Demonstration Project," as one of only four national demonstration sites in the country. South Carolina has the distinction of being the only statewide jurisdiction selected for the project. The project involved DJJ developing and testing a "juvenile justice system report card" with the intent of building core sets of juvenile performance measures for potential use nationwide. This led to the release of the first "Juvenile Justice Report Card" in 2004. The agency recently released its "2007 Juvenile Justice Report Card".

Performance-based Standards (PbS)
DJJ has been recognized as a national leader in implementing Performance-based Standards (PbS). PbS sets national standards for the safety, security, order, health and mental health, education, and preparation for community reintegration of custodial juveniles. It also provides the tools to collect data, analyze results, determine a course of action for improvement and measure its effectiveness with subsequent data collections.

The Department has developed a system of performance standards for seven of its facilities.

Girls Transition Home
For the first time in agency history, DJJ opened a transition home for girls within the Broad River Road Complex in Columbia, SC. It is designed to be a secure, short-term living environment for girls who are within six months of their release from a long-term DJJ facility. It has a focused living environment aimed at teaching various life skills that will assist the girls reintegrate back to their communities.

"Partnering with a Purpose"
A partnership between the Department of Juvenile Justice (DJJ) and Clemson University has resulted in several initiatives, including a youth development center, day treatment centers, and teen afterschool centers. The W.W. Long Youth Development Center (YDC) opened in March 2004 in Aiken County. The module-based YDC serves 15 female and 30 male juvenile offenders per 12-week cycle. DJJ refers...
low-risk, non-violent juveniles, aged 12-18, to the program. Educational and recreational modules include basic literacy and mathematics skills; environmental science; technology; aerospace; zoology; and marine science.

Several counties around the state are being considered as sites for day treatment centers. The Aiken County Day Treatment Program, which represents a partnership between Clemson, DJJ, and the Aiken School District, is scheduled to open in June 2006, and will serve up to 40 juvenile offenders.

DJJ’s Division of Community Services in 2007 released a report, entitled “A Plan for Improving Services: Goals and Recommendations from four public Regional Charettes and Forums with youth across the state," as a result of recommendations made by more than 1000 citizens who participated in four state-wide regional charrettes (forums.) The charrettes were facilitated by Clemson University’s Institute for Economic & Community Development.

**Juvenile Employment and Enrichment Program**

The mission of the Juveniles Experience Excellence Program (JEEP is to help youth in the juvenile justice system, or at-risk youth, with special emotional and/or behavioral needs improve their overall functioning at home, at school, and in the community. The program serves youth between the ages of 14 and 18 years old in 18 sites across the State. Many of the program participants are on probation, parole, or under contract with DJJ. Life and social skills necessary to make good decisions, conflict resolution, effective communication, and teamwork are core components of the program.

**Detention**

Responsibility for detention varies in South Carolina. The Department of Juvenile Justice operates the South Carolina Juvenile Detention Center, a secure detention center in Columbia. Executive agencies in Richland and Charleston counties currently operate their own juvenile detention facilities, and there are several holdover facilities. Alternatives to detention include electronic monitoring, house arrest, and shelter placement. The county or municipality sending the youth to DJJ’s detention facility pays a flat fee of $50 per day. The state pays for the remaining costs. Additional operational costs come from fines levied by municipal/magistrate courts on traffic offenders.

Juveniles can be held in detention awaiting adjudication and disposition. Youth cannot be held while waiting placement in a facility. Youth cannot be sentenced to secure detention, and sanctions for probation violations cannot be served in detention.

Statute 20-7-7210 establishes criteria for who can be held in a secure juvenile detention facility, including juveniles charged with violent crimes or who possess a deadly weapon. State law requires an initial detention hearing within 48 hours then periodic reviews 10 days later and 30 days after the 10-day hearing. 20-7-7215 states that "a juvenile must not be detained in secure confinement in excess of ninety days except in exceptional circumstances as determined by the court."

A facility social worker or psychologist must screen youth within 24 hours to determine whether the juvenile is emotionally disturbed, has a mental illness, or needs services.

**Delinquency Intake Screening**

South Carolina statute permits a broad range of people to file complaints regarding juvenile offenses, including a parent, law enforcement officer, and a representative from the school. The Department of Juvenile Justice (DJJ) intake worker receives referrals and screens them for legal sufficiency. The intake worker makes recommendations on handling the case to the solicitor, the attorney who prosecutes delinquency cases in family court. Risk and needs assessments guide DJJ’s recommendation at this and other key decision points in the juvenile justice system. The intake worker also meets with the juvenile and his or her family and obtains information about the juvenile from other agencies, including the school. In some cases, an interagency staffing may be held. The intake worker follows the juvenile from intake into the courtroom for adjudication and disposition.

The solicitor ensures that the juvenile was properly charged and makes the final decision about whether to handle cases formally or informally.
**Diversion**
The solicitor, the attorney who prosecutes delinquency cases in family court, decides whether to divert juvenile offenders. Diversion efforts target youth with low risk assessment scores, particularly those who are first-time offenders. Most judicial circuits provide juvenile arbitration, the largest diversion program. Run through solicitors' offices and using trained volunteers as arbitrators, this program enables a non-court settlement of cases. Its target population is first-time, non-violent criminal offenders. Behavioral contracts and law-related education are other diversion options. The Department of Juvenile Justice’s (DJJ) role in diverting cases is outlined in 20-7-6840.

The Teen After-School Center (TASC) program has expanded from its 3 original sites to a total of 24 sites around the state. DJJ has implemented these programs through partnerships with the Legislative Black Caucus, the AME church, the Children’s Law Office, Clemson University, the State Department of Education and local youth organizations. TASC provides tutoring, mentoring and skill development for teenagers during afterschool hours.

The CHOICES program teaches young people to make positive decisions in their lives to help them avoid repeating criminal behaviors. It relies upon the tenets of the restorative justice model. CHOICES is now available in eight counties, and it is DJJ’s goal to implement the curriculum statewide.

**Predisposition Investigation**
The Department of Juvenile Justice (DJJ) intake worker performs the predisposition investigation. Both DJJ and the solicitor make disposition recommendations. The family court judge may move directly from adjudication into disposition and place the juvenile on probation or order a predispositional evaluation. The evaluation can be performed in the community or in residential evaluation centers. The court must order such an evaluation before commitment if an indeterminate commitment is being considered, unless an evaluation was previously completed:

- **Community evaluation:** Juveniles undergoing an evaluation in the community remain at home for the 30 - 90 day evaluation period. The juvenile meets with the DJJ psychologist at the county office and takes a series of tests. Then, the psychologist gathers background information about the juvenile from the guardian and asks the juvenile a series of questions. The judge refers to a report compiled from this process for the disposition hearing.

- **Residential evaluation centers:** The Department of Juvenile Justice's Community Services Division operates South Carolina's three regional predisposition evaluation facilities. Juveniles can be sent to a DJJ evaluation center for up to 45 (usually 35) days for a complete educational, psychological, and medical assessment. They receive physicals, meet with the psychologist, take a series of tests, and attend school. Teachers, the social worker, the psychologist, and residential staff each write a report on the juvenile. The judge refers to a summary and compilation of these reports for the disposition hearing.

**Victim Rights and Services**
Article 1, Section 24 of the State Constitution establishes a Bill of Rights for crime victims in South Carolina. It defines some rights for victims of juvenile offenders, including the right to be treated with fairness and respect and to be protected from intimidation or harm. Acts 141 and 343 outline the rights that law enforcement, the prosecuting agency, the Family Court, the Department of Juvenile Justice, the Juvenile Parole Board, and other agencies must provide to victims of juvenile crime. The South Carolina State Office of Victim Assistance (SOVA) provides a summary of victims' rights. SOVA also administers the crime victim compensation fund. The South Carolina Victim Assistance Network is a statewide victim advocacy organization.

**Probation Supervision**
The Department of Juvenile Justice's (DJJ) Community Services Division administers probation supervision services through 43 local field offices, representing 46 counties. DJJ community specialists (juvenile probation officers) supervise juveniles.

An Intensive Supervision Officer (ISO), similar to a traditional juvenile parole officer, is assigned to
each of these juveniles but with the additional time and resources to dedicate to those needing special attention. The ISO's are located in all DJJ county offices across the state. Each has a maximum caseload of 20 juveniles.

DJJ policy (220.02) requires the development of an individualized plan for services within 30 calendar days of the juvenile's probation disposition, with review at 6 months, and reformulation at 12 months. The policy includes a protocol form for this plan.

Juveniles on probation can receive a wide range of services, including alternative placement, intensive in-home therapy, youth advocacy/mentoring, after school programs, and referral to local mental health and substance abuse programs. The availability and diversity of these programs varies from county to county. DJJ operates five group homes, which offer services in lieu of commitment or revocation for juveniles on probation or parole. These programs provide therapeutic group home services in community based settings.

**Juvenile Probation Officer Qualifications, Certification, and Training**
Community specialists (juvenile probation officers) must have college degrees related to social science or its equivalent. Although community specialists are not professionally certified by an independent agency in South Carolina, they must receive 62 hours of basic training within the first three months of their hire date and an additional 68 hours of in-service training within the first year. In addition, they must complete 40 hours of training each following year. The Department of Juvenile Justice's Staff Development and Training Office trains community specialists.

**Juvenile Corrections Continuum**
The Department of Juvenile Justice's (DJJ) Rehabilitative Services Division operates South Carolina's three secure custodial care facilities within the Broad River Road Complex (BRRC) located in Columbia, South Carolina. BRRC provides juveniles committed by the family courts with around-the-clock custodial care and individualized treatment and rehabilitation.

DJJ closed the girls' facility in Greenwood, South Carolina. This female population moved to a completely separate facility within the Broad River Road Complex (where the other three long-term commitment facilities are located) in Columbia.

**Community Corrections**
DJJ operates 5 Deinstitutionalization Residential Programs, group homes that serve as alternatives to placement in an institution after a juvenile is committed. Juveniles in these programs are generally on probation or parole. These programs provide therapeutic group home services in community-based settings.

In addition, placement options for committed youth include eight privately-operated, community-based programs and the W.W. Long Youth Development Center in Aiken County, established as a result of a partnership between DJJ and Clemson University. For more information about W.W. Long, see the Highlight above.

**Commitment to State**
South Carolina's basic disposition model is both indeterminate and determinate. When a juvenile is committed to the custody of the Department of Juvenile Justice (DJJ), commitment must be for an indeterminate disposition not extending beyond the juvenile's 21st birthday or for a determinate disposition of 90 days or less. Juveniles committed for violent offenses, if not sooner released, are transferred to serve the remainder of their indeterminate disposition in an adult corrections facility. Juveniles committed for all other offenses, if not sooner released, are transferred to an adult facility at age 19.

The court commits delinquent youth to DJJ's custody. DJJ places the youth in a "suitable corrective environment" determined by DJJ's classification staff, who uses a DJJ-developed risk/needs assessment.

The same community specialist that supervised the juvenile while in the community continues to be assigned to the juvenile. However, social workers and classification case managers perform most case
management services for juveniles in residential placement.

**Blended Sentencing**
South Carolina does not have any blended sentencing provisions.

**Direct Placement**
The court has placement options other than commitment to a Department of Juvenile Justice facility. Generally, the juvenile would be given a disposition of probation and either ordered or referred to placement in a local/private facility. Once placed, the juvenile's immediate supervision needs would be met by the receiving entity. However, the juvenile would remain on a Department of Juvenile Justice probation caseload, and oversight of the case would continue for the duration of placement. After release, the court may place the juvenile back on probation for supervision. The procedure for making release decisions varies. In some cases, a court order may require successful completion, after which the juvenile may be released.

**Release**
If a juvenile receives an indeterminate commitment, he or she will be held for an indefinite period of time, up to age 21. Upon commitment, a juvenile will be given a time range or "guideline," determined by the state Board of Juvenile Parole (for all felonies and select misdemeanors) or DJJ’s own release authority (for most misdemeanors and all status offenses). This range is based on the severity of the juvenile's offense and his history of previous offenses. These guidelines can run anywhere from 1-3 months up to 36-54 months. The Board and DJJ use these guidelines -- along with an evaluation of the juvenile's behavior and progress -- to determine the length of incarceration.

Juveniles may be incarcerated beyond their guideline (up to their 21st birthday). They may also be paroled prior to their minimum guideline for exceptional behavior and progress.

Juveniles may be granted conditional or unconditional releases. A conditional release might involve requiring the juvenile to complete a local aftercare program or program at a wilderness camp or group home. A conditional release also involves a period of parole supervision. DJJ county officers supervise juveniles on parole, much as they supervise juveniles on probation.

**Aftercare/Re-entry**
Department of Juvenile Justice community specialists provide aftercare services in addition to probation supervision. Usually, the same individual who managed a juvenile’s case prior to commitment will supervise the juvenile on aftercare. Many community specialists have mixed caseloads that include juveniles on both probation and aftercare status.

The Intensive Supervision Initiative (ISI) is based on the nationally recognized Intensize Aftercare Program (IAP) Model which promotes basic tenets of improved family functioning, community safety and the reduction of recidivism. ISI utilizes intensive supervision officers (similar to a traditional juvenile parole officer) in the community who work with juveniles coming out of DJJ’s long-term commitment facilities back into their home communities.

The Department of Juvenile Justice received funding to implement the BRIDGE program to provide intensive services that juveniles need to help them remain drug free and crime free upon their return to the community. These services include weekly drug screenings, life skills and social skills training, individual counseling, family counseling, substance abuse counseling, and mentors for each juvenile.

**State Laws**

**Legal Resources**
[South Carolina Children's Code](https://www.scelaw.com/sccode/chapter10020), Code of Laws, Title 20 Domestic Relations Juvenile Justice Code (20-7-6600).

[South Carolina Bar](https://www.scbar.org)
Purpose Clause for Delinquency Proceedings

(A) A children's policy is hereby established for this State.

(B) This policy shall be interpreted in conjunction with all relevant laws and regulations and shall apply to all children who have need of services including, but not limited to, those mentally, socially, emotionally, physically, developmentally, culturally, educationally or economically disadvantaged or handicapped, those dependent, neglected, abused or exploited and those who by their circumstance or action violate the laws of this State and are found to be in need of treatment or rehabilitation.

(C) It shall be the policy of this State to concentrate on the prevention of children's problems as the most important strategy which can be planned and implemented on behalf of children and their families. The State shall encourage community involvement in the provision of children's services including, as an integral part, local government, public and private voluntary groups, public and private nonprofit groups and private-for-profit groups in order to encourage and provide innovative strategies for children's services. To maximize resources in providing services to children in need, all agencies providing services to children shall develop methods to coordinate their services and resources. For children with multiple needs, the furtherance of this policy requires all children's services agencies to recognize that their jurisdiction in meeting these children's needs is not mutually exclusive.

(D) When children or their families request help, state and local government resources shall be utilized to compliment community efforts to help meet the needs of children by aiding in the prevention and resolution of their problems. The State shall direct its efforts first to strengthen and encourage family life as the most appropriate environment for the care and nurturing of children. To this end, the State shall assist and encourage families to utilize all available resources. For children in need of services, care and guidance the State shall secure those services as are needed to serve the emotional, mental and physical welfare of children and the best interests of the community, preferably in their homes or the least restrictive environment possible. When children must be placed in care away from their homes, the State shall insure that they are protected against any harmful effects resulting from the temporary or permanent inability of parents to provide care and protection for their children. It is the policy of this State to reunite the child with his family in a timely manner, whether or not the child has been placed in the care of the State voluntarily. When children must be permanently removed from their homes, they shall be placed in adoptive homes so that they may become members of a family by legal adoption or, absent that possibility, other permanent settings.

(E) The children's policy provided for in this article shall be implemented through the cooperative efforts of state, county and municipal legislative, judicial and executive branches, as well as other public and private resources. Where resources are limited, services shall be targeted to those children in greatest need.

(F) In order to carry out this policy each agency, department, institution, committee, and commission which is concerned or responsible for children shall submit as a part of its annual budget request a listing of programs and services for children, the priority order of these programs and services in relation to other services, if any, that are provided by the agency, department, institution, committee, or commission, and a summary of the expenses incurred for the administration of its children's services and programs. In addition, each agency, department, institution, committee, and commission which must submit pursuant to law an annual report to the General Assembly shall include as part of the report a comprehensive statement of how its children's services and programs contributed to the implementation of this policy. Copies of all these budget requests and annual reports must be provided to the Joint Legislative Committee on Children and the Governor's Office by the agency, department, institution, committee, or commission.


Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 16
Extended Age of Delinquency Jurisdiction: 20
Juvenile Transfer Laws
For information on South Carolina's juvenile transfer laws, click here.

Juvenile Justice Leadership

Governor's Juvenile Justice Advisory Council
The Advisory Council consists of state and local officials as well as private citizens. The Council's responsibilities include recommending ways to improve juvenile justice services in South Carolina and providing technical assistance.

S.C. Department of Public Safety, Office of Justice Programs
The S.C. Department of Public Safety, Office of Justice Programs administers JJDP Act funds and other juvenile justice grants.

Resources/Contacts
Department of Juvenile Justice
Department of Public Safety's Juvenile Justice Grant Programs
South Carolina Correctional Association
South Carolina Judicial Department
South Carolina Probation Association
South Carolina State Office of Victim Assistance
South Carolina Victim Assistance Network
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Delinquency Services Summary

Combination State: With the exception of secure detention, the state operates most delinquency services in South Dakota. However, responsibility is divided between the state court and state executive branches. Counties administer secure detention. The Unified Judicial System's Court Services Department provides predisposition investigation and probation supervision services through seven judicial districts. The Department of Corrections administers the state's juvenile corrections continuum.

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Court(s) with Delinquency Jurisdiction
Circuit Courts exercise jurisdiction over delinquency proceedings. Circuit Courts are general jurisdiction trial courts. For more information, visit the South Dakota Unified Judicial System's structure web page.

Highlights

South Dakota Complies with Federal JJDP Act
In Summer 2003, South Dakota enacted legislation that put it in compliance with the federal Juvenile Justice and Delinquency Prevention Act, making it eligible to receive more than half a million dollars in federal grants. Specifically, South Dakota was not in compliance with the requirement of sight and sound separation between juvenile and adult offenders. Because of this new legislation, state officials are trying to find alternatives to placing youth in jails where they may come into contact with adult offenders. As of September 2003, the state established five juvenile holdover sites and was considering electronic monitoring.

In addition, the South Dakota Unified Judicial System has recently started developing a centralized intake system for juvenile detention services. This system will use centralized sites for intake, a detention risk screen instrument, and a web-based menu of available services. It will collect data on the utilization of all detention services. The goal of the centralized intake project is to minimize the time it takes to access services, link a juvenile to the most appropriate service, and collect data so that limited financial resources will be targeted to produce the greatest effect. The project should be operational by the end of the current fiscal year. South Dakota Voices for Children is partnering with the South Dakota Unified Judicial System on this project.

Detention
County executive agencies administer South Dakota's seven secure detention facilities. In addition to pre-adjudication and pre-disposition holding and holding for placement, youth can be sentenced to secure detention as a disposition and for violating probation in South Dakota.

A youth may be detained if he or she meets certain criteria, including: (1) being a fugitive from another jurisdiction; (2) being charged with certain offenses; (3) being already held in detention or on conditional release in connection with another delinquency proceeding; and (4) having a demonstrable recent record of willful failures to appear for juvenile court proceedings, violent conduct, or adjudications for serious property offenses.

For information on alternatives to detention, detention reform, and detention screening, please read
Delinquency Intake Screening
Local prosecutors (county officials called state's attorneys) receive delinquency referrals from law enforcement, screen them for legal sufficiency, decide whether to handle cases formally or informally, and file the petition. Once a case is designated as formal, the court may also refer the case for formal adjustment.

Diversion
By statute, a state's attorney must conduct a preliminary investigation to determine whether further action should be taken after receiving a delinquency referral. Then, the state's attorney has the option to decide to refer the matter to a court-approved juvenile diversion program for any informal action outside the court system. Informal adjustment may last no longer than three months.

Predisposition Investigation
Court Services Officers, within the Unified Judicial System's Court Services Department, prepare a predisposition report using a standard format. Court Services Officers may give recommendations and prepare social case histories when court-ordered.

Victim Rights and Services
South Dakota extends rights to victims of juvenile offenders. Victims of juvenile offenders may request that the prosecuting attorney give them the names and addresses of their offenders and the youth's parents, guardian, or custodian. Victims have the right to attend all hearings involving their offenders. Victims may also request that a juvenile be tested for blood-borne pathogen infection, if the court finds probable cause that the juvenile committed specified offenses. Fifteen days before conditionally releasing a juvenile to an aftercare supervision program or discharging a juvenile from the Department of Corrections, the Secretary of Corrections must send notice of this intent to the committing court and to the prosecuting state's attorney. The state's attorney must then notify any victim of a crime of violence who was involved in the adjudication of the juvenile of the intended discharge of the youth.

In South Dakota, the Department of Social Services administers the crime victim compensation program.

Probation Supervision
Court Services Officers, within the Unified Judicial System's Court Services Department, provide probation supervision through seven judicial circuits. Caseloads are comprised of both juvenile and adult cases. Juvenile probation officers are stationed in a central location but spend a lot of time in the school/community. In the area of specialized probation, South Dakota has intensive juvenile probation, which is funded by the state. Court Services Officers carrying juvenile intensive probation caseloads supervise a maximum of 10 probationers per office.

The court sets the terms and conditions of probation. Juvenile probation officers are required to develop an individualized Supervision Plan in addition to the Conditions of Probation as set forth by the court. There is a set protocol for developing this plan. Court Services Officers use the Youth Level of Service Inventory to determine levels of juvenile probation supervision.

During the last three years, South Dakota has seen definite movement of reform toward the Best Practices of Probation. The philosophical approach that directs the practice of juvenile probation in South Dakota includes victim reparation, social work, and a balanced approach. For more information, visit the Unified Judicial System's Court Services Department's web page on probation.

The state is developing a plan to evaluate the interim or long-term effectiveness of the supervision of juvenile offenders.

Juvenile Probation Officer Qualifications, Certification, and Training
Court Services Officers (CSOs) must have bachelor degrees. South Dakota certifies its CSOs. The Court Services Department trains CSOs in a mandatory annual professional development program. CSOs must receive 16 to 20 hours of continuing education each year. The Deputy State Court Administrator
is the training monitor.

**Juvenile Corrections Continuum**
The Department of Corrections (DOC) administers juvenile institutions. DOC operates one boot camp for males, two group care programs for males, two licensed group care programs for females, and salaried foster care homes for males and females. The State Training School was closed in December of 2001.

**Commitment to State**
If the youth is to be placed out of the home, the juvenile is committed to the Department of Corrections (DOC). Commitments to DOC are mainly determinate; indeterminate on a very limited basis. Juvenile Corrections Agents, working in 17 offices across the state, interview juveniles to make placement recommendations while DOC makes placement decisions. DOC can place a juvenile in a juvenile correctional facility, group home, group care center, or residential treatment center. Other than short-term detention as part of a condition of probation, the Court Services Officers do not provide case management to youth in placement. There is monthly contact while the juvenile is in placement. When a juvenile is committed to DOC, DOC supervises that juvenile.

**Blended Sentencing**
The secretary of corrections may place a youth under age 18 who has been sentenced as an adult felon to a term of imprisonment in the penitentiary in a Department of Corrections juvenile facility. This section does not affect the youth's status as an adult offender and inmate of the penitentiary.

**Direct Placement**
The court can place a juvenile directly in a local or private placement only for chemical dependency placements and into short-term detention facilities. Direct placements to detention centers may not last longer than 90 days. The court may place the juvenile at the Human Services Center for examination and treatment. A Court Services Officer supervises the juvenile while he or she is in direct placement.

**Release**
The Secretary of Corrections may order the release of a juvenile from the Department of Corrections (DOC) as a reward for good conduct upon satisfactory evidence of reformation. Also, the court may order a youth's release from DOC after a hearing to determine if release will promote the youth's best interests. The Secretary of Corrections has the right to appear at the hearing and resist the application. The juvenile court may order the Secretary of Corrections to appear and show cause why the court should not order the youth's release from the DOC.

Within 30 days after a juvenile is committed to the DOC and every 90 days thereafter while the juvenile remains in a correctional placement, the DOC must file a written report with the court that committed the youth that contains: the results of any assessments of the youth concerning the youth's emotional, mental, educational, psychological, psychiatric, medical, physical, or health status and needs; information regarding the placement of the youth within particular programs administered by DOC; and progress of the youth in programs administered by DOC. DOC uses the Youth Level of Service Inventory, but release decisions may or may not be based on the risk level.

**Aftercare/Re-entry**
Juvenile Corrections Agents (JCA), from the Department of Corrections (DOC), provide aftercare services. JCAs maintain case management supervision and begin aftercare planning once a youth is placed in a DOC facility. The Department of Human Services operates one transitional living program for young men who cannot return home.

South Dakota is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about South Dakota's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

**State Laws**
Legal Resources
South Dakota Codified Laws, Title 26, Minors
South Dakota State Bar Association

Purpose Clause for Delinquency Proceedings
Provisions of this chapter and chapters 26-8A, 26-8B and 26-8C shall be liberally construed in favor of the child, the child's parents and the state for the purposes of protecting the child from abuse or neglect by the child's parents, guardian or custodian and for the purposes of affording guidance, control and rehabilitation of any child in need of supervision or any delinquent child.


It is the purpose of this chapter, in conjunction with chapter 26-7A, to establish an effective state and local system for delinquent children.


Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: 10
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

Juvenile Transfer Laws
For information on South Dakota's juvenile transfer laws, click here.

Juvenile Justice Leadership

Council of Juvenile Services
In 2003, the South Dakota Legislature established a 20-member Council of Juvenile Services to serve as the State Advisory Group. The Council allocates and disburses federal funding and insures compliance with the core requirements of the JJDP Act of 1974.

Resources/Contacts
Council of Juvenile Services
Department of Social Services, Crime Victims' Compensation
South Dakota Corrections Association
South Dakota Department of Corrections (SAG)
South Dakota State Bar Association
South Dakota Unified Judicial System
South Dakota Voices for Children

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The National Center for Juvenile Justice strives to make each State Profile as accurate as possible. Please bring any errors, updates, or additions to the attention of the State Profiles project manager. Persons listed as state contacts are not responsible for information contained in these profiles.

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Delinquency Services Summary

*Combination State:* Delinquency services are organized at both the state and local level in Tennessee. County commissions/boards, juvenile courts, or private contractors operate detention facilities. The Tennessee Department of Children's Services (DCS) administers state probation services in 91 counties, all state juvenile corrections, and aftercare services in all 95 counties. Juvenile courts in Davidson (Nashville), Hamilton (Chattanooga), Knox (Knoxville), and Shelby (Memphis) counties administer their own juvenile probation departments.

### Service Classification

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### Court(s) with Delinquency Jurisdiction

Eighty-one general sessions courts and 17 “Private Act” juvenile courts (courts established by legislation in certain cities and counties) exercise jurisdiction over delinquency proceedings. Both types of courts are limited jurisdiction trial courts. Only Sullivan County and Washington County have both Private Act courts and general sessions courts. Sullivan County has the City of Bristol Juvenile Court (a Private Act court) and two general sessions courts. The City of Bristol court hears all of the juvenile matters for that city while the two other courts hear juvenile matters for the rest of the county. Washington County has a Private Act juvenile court in Johnson City and two general sessions courts, operating the same way as in Sullivan County. For more information, refer to page 13 of the 2004 *Tennessee Council of Juvenile and Family Court Judges Annual Juvenile Court Statistical Report*.

### Highlights

**Detention Assessment Tool Developed**

In 2005, Public Chapter No. 304 required the Tennessee Commission on Children and Youth to develop a detention screening tool. Membership groups, including the Tennessee Council of Juvenile and Family Court Judges and Tennessee Bar Association, and key system stakeholders will contribute to this effort. For more information, download the [Detention Assessment Tool report](#).

**Rural Appalachia Project**

In 2003, the National Institute of Mental Health awarded a grant to the University of Tennessee Children's Mental Health Services Research Center for a 5-year study on providing behavioral health services to delinquent youth in eight rural East Tennessee counties. The Rural Appalachia Project is a community development model for reducing the social and economic costs of juvenile delinquency in rural areas.

The project will provide treatment for 720 adolescents and teens between 9 and 17 years old with emotional and behavioral problems. Half of the youth selected from each county will receive an evidence-based practice called multisystemic therapy (MST). The other half will receive the usual care for youth referred to juvenile court from community mental health centers, private practitioners, and state child welfare and juvenile justice systems. Each youth will be assigned a therapist who will be available on a 24-hour, seven-days-a-week basis and work with other people in the community. The counties involved are Claiborne, Cocke, Jefferson, McMinn, Monroe, Morgan, Rhea, and Scott. For more information, read the [press release](#).
Graduated Sanctions Demonstration Site
The Davidson (Nashville) and Williamson (Franklin) County Juvenile Courts are participating in a national graduated sanctions project that the Office of Juvenile Justice and Delinquency Prevention awarded to the Juvenile Sanctions Division of the National Council of Juvenile and Family Court Judges. Davidson County adopted the "one family, one judge" case processing and supervision model and enhanced its alternatives to secure detention. Williamson County improved its risk and needs assessment capability, trained staff in structured decision-making and interviewing skills, and upgraded its Management Information System and integrated it with the graduated sanctions effort.

For more information, contact Michael O’Neil, Davidson County Referee, at (615) 862-8000 or Michael.ONeil@jjs.nashville.org, or Betsy Adgent, Director of Juvenile Services, Williamson County Juvenile Court at (615) 790-5812 or badgent@bellsouth.net.

Detention
Tennessee has 26 juvenile detention facilities administered by county commissions/boards, juvenile courts, or private contractors. Approximately half of these facilities are classified as temporary holding facilities. The rest are classified as secure detention facilities. Alternatives to detention include home supervision, electronic home monitoring, evening report centers, and day report centers.

The intake officer performs a detention screening to determine if there is probable cause (legal sufficiency) that the youth committed the alleged offense and is subject to detention in accordance with statute. Please see the Highlight about the development of a detention screening tool. State statute (37-1-114) outlines specific criteria for holding a juvenile in detention, including if the juvenile escaped from a commitment and if the juvenile is charged with certain offenses.

When a juvenile is detained, a petition must be filed within 2 days; a detention hearing held within 3 days; and an adjudicatory hearing held within 72 hours. Youth alleged to be status offenders must not be detained for more than 24 hours, excluding non-judicial days, without detention hearings and a judicial determination that there is probable cause to believe the youth has violated a valid court order. Status offenders cannot be detained for more than 72 hours, exclusive of non-judicial days, prior to an adjudicatory hearing.

The Juvenile Court has the jurisdiction to hold youth in detention prior to adjudication and disposition. Youth committed to state custody can be held in detention awaiting placement; however, this usually only applies to youth going to secure facilities. Youth can be sentenced to secure detention as part of a disposition and for violating probation.

Delinquency Intake Screening
Any person with knowledge of the alleged facts may make delinquency complaints. County Youth Services Officers/Probation Officers and intake staff employed by local juvenile courts receive delinquency referrals and decide whether to handle cases formally or informally.

In more urban counties, the District Attorney may play a part. For example, paralegals working for the District Attorney screen cases in Davidson County (Nashville) as well as some other counties. Sometimes, judges decide how to handle cases and review decisions.

Diversion
According to statute (37-1-110), County Youth Services Officers/Probation Officers may divert cases through informal adjustment. To divert a case, it must be within the court's jurisdiction, in the public and youth's best interest, and with the youth and his or her parents, guardian, or other custodian's voluntary consent. Informal adjustment cannot extend beyond three months unless extended by the court.

Types of diversion programs offered in Tennessee include alternative school (i.e., Carroll Academy), Street Law, first offenders, conflict resolution classes, alcohol safety education classes, YMCA work-study, and mentoring.

Predisposition Investigation
Youth Services Officers (YSOs), employed by local juvenile courts, generally conduct predisposition investigations, depending on the type of charge and size of the court. District attorneys and government-contracted community service agencies also perform predisposition investigations. In Davidson County (Nashville), Department of Children's Services Juvenile Probation Case Workers develop cases for disposition.

Victim Rights and Services
Tennessee enacted the Victim's Bill of Rights (40-38-101), which applies to victims of juvenile offenders. Victims have the right to be notified of any hearings, to be present at any hearings, and to have input regarding plea bargains or dismissal of charges. Tennessee also has a constitutional amendment (Article I, Section 35) that protects the rights of victims of crime.

The District Attorneys General Conference is the agency charged with providing services to victims; however, some courts may provide victim services. Each individual district attorney determines the victim services provided in his or her county/district.

The Tennessee Treasury Department administers the criminal injuries compensation program.

Probation Supervision
The Probation Division of the Tennessee Department of Children's Services (DCS) administers state probation services in 91 counties through Juvenile Probation Case Managers. Juvenile courts administer their own juvenile probation departments in the remaining four counties: Davidson (Nashville), Hamilton (Chattanooga), Knox (Knoxville), and Shelby (Memphis). Every county's juvenile court employs county juvenile probation officers, referred to as Youth Services Officers (YSO) or Probation Officers. Each county with a population of more than 20,000 may have a full-time Youth Services Officer while counties with a population of 20,000 or less may have a part-time Youth Services Officer.

State probation is considered more serious and restrictive than county probation. Juveniles are usually placed on county probation first and then on state probation if delinquency continues. Some private companies also supervise delinquent offenders, mostly through state contracts or grants.

DCS does not have a risk assessment to determine levels of probation supervision. Each youth on probation receives an individual program plan in addition to the Rules of Probation.

DCS Juvenile Probation Case Managers supervise juveniles on state probation, in state custody, and on aftercare. If the juvenile is placed locally, Juvenile Probation Case Managers continue to supervise the juvenile. It also depends on the size of the jurisdiction and whether it has enough county juvenile probation officers. Juvenile Probation Case Managers only supervise juveniles. At this time, Juvenile Probation Case Managers do not have a cap on their caseloads. The goal is a maximum of 25 cases.

The Department of Children's Services has offices throughout the state that house probation staff and also has staff in county offices. Case managers travel to make home and school visits and to see clients. Case managers are allowed to work flexible schedules in order to complete their job duties. Tennessee offers specialized probation services through grants. Community Intervention Services (CIS) programs provide community-based intervention, treatment, and intensive probation services to delinquent youth in 52 counties. These youth could have been committed to state custody or have been released from custody. CIS provides counseling, training, education, substance abuse education and counseling, and recreation services.

Juvenile Probation Officer Qualifications, Certification, and Training
County juvenile probation officers, referred to as Youth Services Officers or Probation Officers, must have 60 semester hours or 90 quarter hours in criminal justice or social services courses. This education requirement is not mandated by law, but is a regulation of the Tennessee Commission on Children and Youth who distributes a state supplement to each court if they follow these guidelines.

Youth Services Officers/Probation Officers are not professionally certified. However, the Tennessee Council of Juvenile and Family Court Judges and the Tennessee Juvenile Court Services Association train probation officers. According to policies of the Tennessee Commission on Children and Youth,
courts must meet minimum training requirements to receive a state supplement. An officer must receive 40 hours of training in the first year and 20 hours of training annually thereafter or 15 hours if the county has more than one officer on staff and one is a supervisor. The supervisor has to receive 20 hours of training a year.

The Department of Children's Services sets the pre-service and in-service education and training requirements for state Juvenile Probation Case Managers. Case managers must have a bachelor's degree from an accredited college or university. Each case manager must complete 300 hours of pre-service training during the first year of employment and 40 hours of in-service training each following year.

Juvenile Corrections Continuum
The Department of Children's Services (DCS) administers juvenile corrections in Tennessee. DCS' Division of Juvenile Justice operates 4 secure youth development centers and 12 staff-secure group homes. An additional secure facility for girls will open soon in Davidson County.

Commitment to State
The assigned probation officer/case manager prepares a pre-commitment report that includes educational status, family background, employment history, physical examination and report, and a psychological report if possible. The court orders indeterminate commitments of adjudicated youth, but has the option of ordering determinate commitments if the juvenile meets certain offense, age, and previous adjudication criteria. When the court commits an adjudicated delinquent, custody transfers to the Department of Children's Services (DCS).

The court can make placement recommendations, but DCS has the ultimate authority. The Populations Management Unit, a unit in the Department of Children's Services, coordinates the placement of delinquent youth.

The court's review requirements depend on the juvenile's status. Courts and foster care review boards periodically review cases of juveniles in State custody. Courts hold permanency planning hearings within one year of placement. DCS reviews the treatment, rehabilitation, and progress of a DCS-committed juvenile quarterly. A treatment team composed of institutional or program staff and the home county case manager completes the quarterly reviews.

DCS assesses each juvenile in its custody. Case managers collect a thorough social history through interviews. They use the Community Risk Assessment to determine the juvenile's level of risk to the community if allowed to remain at home or placed in a community-based residential treatment program. The University of Tennessee's Shortform Assessment for Children determines the need for mental health services. Case managers use the Family Functioning Assessment to identify family issues that may impact a juvenile's ability to remain in the home or to return home.

Blended Sentencing
Tennessee does not have blended sentencing provisions.

Direct Placement
The court can place a juvenile in a local public or local private facility from two weeks to one year, depending on offense and treatment needs. County Probation Officers/Youth Services Officers supervise juveniles in local public and local private placements.

Release
The Department of Children's Services (DCS) may review the status of a juvenile adjudicated delinquent who is 19 and in DCS' legal custody to determine if he or she should remain in DCS' care to complete high school or other educational training or to receive other services.

Tennessee does not have a parole board. Indeterminate commitments are based on recommendations made by the superintendents of the Youth Development Centers where juveniles reside, with approval by the Commissioner of Children's Services and the committing judge. Determinate sentence releases are authorized after the completion of the sentence with incentive time calculated at approximately 30
percent.

**Aftercare/Re-entry**
The Probation Division of the Department of Children's Services (DCS) administers aftercare services to youth released from state custody in all 95 counties in Tennessee. DCS Juvenile Probation Case Managers supervise juveniles on state probation while they are in state custody and on aftercare. While juveniles are in a Youth Development Center, the home county case manager (probation officer) maintains contact with the juvenile and works with the family to facilitate return to the home. If the plan does not include returning home, the case manager works on the alternate plan while the juvenile is in the facility.

DCS contracts with two mental health centers for intensive aftercare services. There is a program in Knox County and one in Madison County (Jackson, TN). Efforts are underway to expand intensive aftercare programs to other areas of the state.

Tennessee is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Tennessee's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

**State Laws**

**Legal Resources**
Tennessee Code Annotated Title 37 Juveniles

Tennessee Bar Association

**Purpose Clause for Delinquency Proceedings**
(a) This part shall be construed to effectuate the following public purposes:

(1) Provide for the care, protection, and wholesome moral, mental and physical development of children coming within its provisions;

(2) Consistent with the protection of the public interest, remove from children committing delinquent acts the taint of criminality and the consequences of criminal behavior and substitute therefore a program of treatment, training and rehabilitation;

(3) Achieve the foregoing purposes in a family environment whenever possible, separating the child from such child's parents only when necessary for such child's welfare or in the interest of public safety;

(4) Provide a simple judicial procedure through which this part is executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced;

(5) Provide simple interstate procedures which permit resort to cooperative measures among the juvenile courts of the several states when required to effectuate the purposes of this part; and

(6) Generally deinstitutionalize children who have not been found to be delinquent.

(b) It is the intention of the general assembly in the passage of this part to promulgate laws relative to children which are to be uniform in application throughout the state.

(c) Each of the juvenile courts in all the counties and municipalities of the state as described in § 37-1-102 have all of the jurisdiction, authority, rights, powers and duties prescribed by the provisions of this part, and any additional jurisdiction, authority, rights, powers or duties conferred by special or private act upon any of the juvenile courts in the state are not intended to be invalidated or repealed.
Purpose Clause for Juvenile Corrections

Through the department of children’s services, the state of Tennessee government, in cooperation with juvenile courts, local communities, schools and families will strive to provide timely, appropriate and cost-effective services for children in state custody and at risk of entering state custody so that these children can reach their full potential as productive, competent and healthy adults. The department is created to provide services to those children who are unruly, delinquent, dependent and neglected, and their respective families, as well as for children who are at imminent risk and in need of services to prevent entry into state custody, who are in state custody pending family reunification or other permanent placement, or as otherwise may be required for such children and their families pursuant to state law. The focus of the services shall be to preserve the relationship between the child and the family by providing, whenever possible, services in the community where the child lives and by providing the services in a setting which is the least restrictive and, yet, the most beneficial.

For the children it serves, the department shall strive to:

(1) Protect children from abuse, mistreatment or neglect;

(2) Provide prevention, early intervention, rehabilitative and educational services;

(3) Pursue appropriate and effective behavioral and mental health treatment; and

(4) Ensure that health care needs, both preventive and practical, are met.

The department will work to preserve the safety and protect the standards in Tennessee communities through efforts to combat delinquency and other social ills concerning young people. The department shall work to continuously improve the management and coordination of services for the children and families of Tennessee identified in this section by ensuring thorough evaluations and assessments, appropriate and effective service delivery, timely permanency planning and supportive supervision and monitoring of the progress of children discharged from state custody.

Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 18; may be extended until the juvenile pays all restitution.

Juvenile Transfer Laws
For information on Tennessee's juvenile transfer laws, click here.

Juvenile Justice Leadership

Tennessee Commission on Children and Youth
The Tennessee State Legislature created the Commission on Children and Youth to advocate for improving the quality of life for the state's children and families. TCCY is an independent agency that implements the provisions of the Juvenile Justice and Delinquency Prevention Act in Tennessee.

Tennessee Council of Juvenile and Family Court Judges
Statute created this membership organization of all the juvenile court judges in the state. It educates and provides training to 112 judges, 37 referees, and over 350 staff with juvenile court jurisdiction to enable them to better administer justice for Tennessee’s children, youth, and families referred to the courts. TCJFCJ develops and maintains a Core Curriculum to be used as orientation and training for all
new court staff. It also collects statistical information on cases handled by juvenile courts that are disposed and reported to the TCJFCJ that is used for analysis and published.

**Tennessee Voices for Children.**
Tennessee Voices for Children is a statewide not-for-profit organization of parents, professionals, business leaders and state representatives committed to improving and expanding services related to the emotional & behavioral well-being of children.

**Resources/Contacts**
- Tennessee Bar Association
- Tennessee Commission on Children and Youth
- Tennessee Council of Juvenile and Family Court Judges
- Tennessee Department of Children’s Services
- Tennessee District Attorneys General Conference
- Tennessee Juvenile Court Services Association
- Tennessee Supreme Court’s Administrative Office of the Courts
- Tennessee Voices for Children

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Delinquency Services Summary

Decentralized State: Delinquency services are organized at both the state and local level in Texas. Depending on the county, the juvenile probation department or the prosecuting attorney is responsible for delinquency intake screening. Juvenile probation departments administered by local courts perform predisposition investigations and are responsible for probation supervision. The Texas Youth Commission is responsible for the commitment, release, and aftercare of juvenile offenders.

By statute, every county has a local juvenile board that oversees juvenile justice system operations in that county. Juvenile boards are comprised of all district court judges and county court judges. Juvenile boards act as governing bodies of juvenile probation departments; monitor programs, institutional services, and residential placement facilities; set policies and approve annual budgets prior to submission to the county executive; designate the courts that will be the juvenile courts as well as the judges who will be juvenile court judges; and select and hire Chief Juvenile Probation Officers. See Chapter 152 of the Texas Human Resources Code Annotated.

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Court(s) with Delinquency Jurisdiction

By statute, the juvenile board of each county decides which court (district courts, criminal district courts, constitutional county courts, or county courts at law) will function as the juvenile court in the county. District courts are courts of general jurisdiction; constitutional county courts have concurrent jurisdiction with district courts; and county courts at law may have concurrent jurisdiction with district courts or their jurisdiction may vary according to the statute that created them. For more information, visit the Texas Judiciary web site. See this profile's Delinquency Services Summary for an explanation of juvenile boards.

Highlights

TYC Treatment Program Praised in New Book
A book published in 2005, Last Chance in Texas: The Redemption of Criminal Youth, by John Hubner, describes the Capital and Serious Violent Offender Treatment Program at the Giddings State School, one of Texas’ juvenile correctional institutions. The author spent 9 months following the daily activities and treatment sessions offered to juveniles enrolled in this program, considered one of the most aggressive, progressive, and successful rehabilitation programs for violent young offenders in the country. One study (in 2004) found that only 10% of the program’s graduates had been rearrested for a violent crime after three years on parole.

Progressive Sanctions Guidelines
In Texas, juvenile dispositions include consideration of the Progressive Sanctions Guidelines (Texas Family Code Annotated, §§ 59.001-59.015), which consist of seven levels of offenses, ranging from CINS (Conduct Indicating a Need for Supervision) to first-degree felony juvenile offenders, and sanctions, ranging from counseling to determinate sentences to the Texas Youth Commission. The Progressive Sanctions Guidelines are recommended, but not mandatory.

Detention
Nearly every county uses secure pre-adjudication detention, which is administered by county juvenile probation departments acting under the authority of the juvenile board or a private vendor acting under a contract with the county's juvenile board. Currently, 58 secure pre-adjudication facilities are registered with the Texas Juvenile Probation Commission (TJPC). Juvenile boards fund detention with money from state aid and other sources, such as probation fees and financial assistance from TJPC. TJPC's web site has a search page that generates a list of secure holdover, pre-adjudication, and post-adjudication facilities in each county. Some counties also use alternatives to secure detention, such as shelters, holdovers, home detention, and electronic monitoring.

Juveniles can be held in detention pre-adjudication, pre-disposition, and while awaiting placement or commitment/transport to the Texas Youth Commission. They cannot be sentenced to secure detention or serve sanctions for probation violations in detention. However, juveniles may be held in detention pending adjudication for probation violations. Texas law states that juveniles may be detained if:

- they are likely to abscond or be removed from jurisdiction of the court
- the parent/guardian is not providing suitable supervision or there is no parent/guardian available to take custody
- they are a danger to themselves or others
- they have previously been adjudicated delinquent or been convicted of a penal offense and are likely to re-commit an offense if released
- they allegedly engaged in delinquent conduct and allegedly used, possessed, or exhibited a firearm in the commission of the offense.

No statewide risk/needs assessment instruments are used to screen youth for detention. Some counties may use assessments, but this may vary from county to county. By statute, once a juvenile is detained, a judge must make a finding of probable cause within 48 hours, and a detention hearing must be held within 2 working days. Detention hearings must be held every 10 working days thereafter.

Currently, juveniles referred to secure detention may agree to take the Massachusetts Youth Screening Instrument – 2nd Version (MAYSI-2). The Texas Juvenile Probation Commission uses the results of these evaluations to determine the number of juveniles coming into the juvenile probation system with mental health needs. All juvenile probation departments in Texas are required to offer these evaluations using MAYSI-2.

**Delinquency Intake Screening**

Although law enforcement makes the majority of delinquency referrals, schools, parents, the general public, social agencies, juvenile courts, and the Texas Youth Commission may also make referrals. Delinquency cases are referred to the office or official designated by the local county's juvenile board to receive referrals.

Intake functions for certain offenses depend on the county's intake referral plan. The Texas Family Code outlines a statutory default intake referral plan in which the prosecuting attorney's office receives referrals for all felonies and misdemeanors involving violence to a person or possession of a prohibited weapon. The prosecutor reviews the case and makes case handling decisions. A county's juvenile board, however, has the option of creating an alternative intake referral plan based on the county's needs and available resources. Many counties with alternative intake referral plans allow juvenile probation departments to make intake decisions for all misdemeanor offenses and send all felony offenses to the prosecuting attorney. When using alternative intake plans, all referrals regarding capital murder or murder offenses must go directly to the prosecutor. In most counties in Texas, the juvenile probation department serves as the intake unit for juvenile delinquency referrals.

The intake unit screens cases for probable cause, determines the charges, and determines whether the case will be handled formally or informally. If the case is not initially diverted to informal disposition, the intake unit forwards the case to the prosecutor. While the intake unit makes the initial decision of probable cause and the offenses to be charged, the prosecutor is not bound by those decisions. The prosecutor may refuse prosecution, send the case back to the juvenile probation department for
informal disposition, or formally charge a juvenile with a crime by filing a petition.

**Diversion**

Informal methods of case handling include supervisory caution and deferred prosecution. In supervisory caution cases, the probation department counsels first-time, minor offenders and refers them and their families to any necessary social services. In deferred prosecution cases (Texas Family Code Section 53.03), juveniles enter into a six-month period of voluntary probation. If a juvenile violates the terms of probation, the case may proceed to formal juvenile court adjudication. Prosecutors can decide to defer prosecution for any juvenile. Probation departments cannot defer prosecution of a case that is required to be forwarded to the prosecutor, but may defer a juvenile who has previously been adjudicated for conduct that constitutes a felony only if the prosecutor consents in writing. Juvenile probation departments and juvenile courts administer deferred prosecution programs. The type and availability of deferred prosecution programs vary from county to county.

Juvenile boards may issue non-mandatory guidelines for informal disposition. Diversion options include restitution, community service, and counseling or education programs. Law enforcement agencies, juvenile probation departments, municipal courts, or justices of the peace administer most programs.

The Services to At-Risk Youth (STAR) program provides short-term services to pre-adjudicated and deferred prosecution cases for very young delinquents (ages 7 to 9) as well as youth ages 10 to 16 who commit misdemeanor or certain felony offenses and have not been adjudicated delinquent. STAR provides services such as outreach, crisis intervention, counseling, skills training for youth and parents, and emergency residential services.

**Predisposition Investigation**

Generally, the prosecuting attorney develops the case for adjudication, with limited assistance and input from the juvenile probation department. The juvenile probation department is responsible for assessing the juvenile's needs, consulting the progressive sanction guidelines (Texas Family Code Annotated, §§ 59.001-59.015), and developing the case for disposition. The prosecuting attorney may make an independent recommendation or agree with the recommendations proposed by the juvenile probation department.

Dispositions in all counties include consideration of the Progressive Sanction Guidelines (see the Highlight for more information). The Massachusetts Youth Screening Instrument (MAYS) is also used during the predisposition investigation phase for all formal (face-to-face) referrals. Results of the MAYS are not admissible against the youth at any hearing; rather, they are to guide the juvenile probation department on mental health needs.

**Victim Rights and Services**

The statutory rights of victims of juvenile offenders reside in Texas' Family Code, Chapter 57 and include the right to be informed of relevant court proceedings, if requested; to make victim impact statements at the disposition hearing; to be notified of the release, escape, or transfer of the offender, if requested; and to have a separate waiting area during court proceedings. In addition, a county’s juvenile board may designate a person to serve as a victim assistance coordinator, whose job is to ensure that victims receive written notice of their rights, an application for compensation, and information explaining the use of victim impact statements.

The Office of the Attorney General, Crime Victim Services Division administers the crime victims’ compensation program and other victim-related grants and contracts, including victim assistance discretionary grants, victim coordinator and liaison grants, and contracts with other victim services programs as authorized by the Texas Legislature. The crime victims’ compensation program provides funds for the emotional, physical, and financial losses that resulted from the crime. The Crime Victim Services Division also implements the Crime Victim Notification Program in which victims are notified of offender status and court events through the Statewide Automated Victim Notification Service (SAVNS). This service is not yet available in all of Texas’ counties.

The Texas Youth Commission’s Victim Services program provides notification and referral services to
victims of juvenile offenders committed to TYC. It also provides victim sensitivity training for staff and the Resocialization treatment program for offenders, which includes a victim empathy component. In addition, crime victims provide victim impact panel presentations at TYC facilities. TYC also has a toll-free number that victims can use to obtain information about offender status or about state and local resources for victims.

**Probation Supervision**

Juvenile probation services are organized at the local level by county-funded probation departments and are administered by juvenile boards. Each county has a local juvenile board, comprised of all district and county court judges, which designates the court that serves as the juvenile court in that county and also oversees the county's juvenile justice system operations. Most state funding for juvenile justice services in Texas is funneled through the Texas Juvenile Probation Commission. The state provides about 30% of the funding for juvenile probation, and almost 70% of funding is from county revenues provided by local Commissioners’ Courts, which work with the county juvenile board to set the local juvenile probation department's budget.

The juvenile court determines the terms and duration of probation. There are 168 probation departments that provide services to all 254 counties in Texas. Many rural counties do not support their own probation departments and depend on services from other counties in their judicial district. Juvenile probation departments in Texas use a balanced approach when providing probation services to youth. Each probation department establishes its own mission statement. In a few counties, juvenile probation officers may have both juveniles and adults on their caseloads.

Most juvenile probation officers are stationed in central offices; however, in larger and/or multi-county departments, there are regional offices in addition to the central office. Some juvenile probation officers work non-traditional hours, but this varies from department to department.

The majority of juvenile probation departments provide specialized probation programs (intensive, aftercare) in addition to basic supervision functions. The Texas Juvenile Probation Commission provides general funding for specialized programs. One program, the Serious Offender Supervision Program (SOS) in Harris County, provides intensive supervision of juveniles at high risk for future commitment through school/work requirements, counseling, and frequent contact between probationers and a team of juvenile probation officers in the community (daily face-to-face contact for the first two weeks and five contacts per week thereafter).

The Texas Juvenile Probation Commission (TJPC) is legislatively mandated to promulgate standards for juvenile probation departments that receive funds from TJPC for specialized programs. All juvenile probation departments in Texas are currently receiving funds from TJPC. The departments agree to comply with the standards through the funding contracts. Financial sanctions for non-compliance are an option; however, it is not currently used. There is no standard that sets caseload size.

Texas does not mandate the use of risk/needs assessments to determine levels of probation supervision; however, the juvenile probation standards promulgated by the Texas Juvenile Probation Commission suggest the use of the Strategies in Juvenile Supervision worksheet and the written case plan to determine levels of supervision. In addition, the standards mandate one face-to-face contact per month unless otherwise noted in the juvenile's case plan. The individualized case plan is created for each juvenile by using Case Management Standards that address services to be offered and provided. These standards require the case plan to be developed within 60 days after disposition for juveniles on levels 3 to 5 of the Progressive Sanction Guidelines, and are recommended to be reviewed at least every six months. The standards also require that an exit plan be developed for youth prior to being discharged from probation.

Currently, juveniles referred to juvenile probation departments may agree to take the Massachusetts Youth Screening Instrument – 2nd Version (MAYSI-2). The Texas Juvenile Probation Commission uses the results of these evaluations to determine the number of juveniles coming into the juvenile probation system with mental health needs. All juvenile probation departments in Texas are required to offer these evaluations using MAYSI-2. For more information, read Mental Health and Juvenile Justice in
Since September 2001, the Texas Legislature has appropriated funds each year for the Special Needs Diversionary Program (SNDP), a program targeting juvenile offenders with mental health needs. Specialized juvenile probation officers work with licensed mental health professionals to provide community-based intensive case management services to juvenile offenders. The goals of the program are to prevent the removal of the juvenile from his or her home and to prevent the juvenile’s further involvement with the juvenile justice system. The report Mental Health and Juvenile Justice in Texas describes program characteristics and outcomes.

TJPC conducts studies to ascertain how well the juvenile justice system prevents recidivism. General agency revenues fund these studies.

Juvenile Probation Officer Qualifications, Certification, and Training
A juvenile probation officer must have a bachelor's degree and one year of graduate study (defined as at least 18 post-graduate credit hours in a behavioral science field) or one year of experience in casework, counseling, or community/group work in a social service, community, corrections, or juvenile agency.

Although it is not a condition of initial employment, juvenile probation officers are required to be professionally certified in Texas in order to perform certain duties (as specified in Title 37 of the Texas Administrative Code §341.29). There are no other benefits of certification other than a salary adjustment authorized by the state legislature; in 2002, only certified officers were eligible for salary supplements. In order to be certified, a person must receive 40 hours of training, which includes training in 10 mandatory topics. People who are required to register as a sex offender in Texas or any other state or who have been convicted of a criminal offense are not permitted to apply for certification. Once the local juvenile probation department hires a person, he or she receives 40 hours of training, criminal and sex offender history checks are performed, an application is reviewed, and certification is approved or rejected. Re-certification is required 24 months from the date of certification. The Texas Juvenile Probation Commission’s (TJPC) Training and Certification Division may provide the certification training.

Certified officers must receive 40 hours of training every year after certification. The Texas Juvenile Probation Commission provides training, but officers may also receive approved training from other sources. A portion of TJPC’s budget is allocated for training. Training participants are charged a small fee for training under certain circumstances, which is used by TJPC to recover costs associated with providing training and travel.

The Texas Probation Training Academy at the Criminal Justice Center at Sam Houston State University also provides training opportunities for juvenile probation personnel. With funding provided by the Criminal Justice Division of the Governor’s Office, the Academy provides training in four areas: basic training, special issues seminars, trainer development workshops, and management seminars.

Juvenile Corrections Continuum
The Texas Youth Commission (TYC) administers state schools for juveniles who are adjudicated delinquent and committed for secure care, custody, and control. TYC operates an Orientation and Assessment Unit, 10 state training schools, 1 residential treatment center for seriously emotionally disturbed youth, 1 boot camp, 1 correctional academy, and 1 female offender unit. A list of TYC facilities is available online.

Community Corrections
TYC also operates nine community-based residential programs, or halfway houses, which are typically used as a transitional assignment following completion of a placement in a secure setting, providing specialized services for independent living skills, substance abuse treatment, and female offenders. Finally, TYC contracts with private providers for residential programs throughout the state, such as group homes, vocational training programs, residential treatment centers, foster care, and nonresidential day treatment services that provide a variety of placement and treatment options.
Commitment to State
Dispositions in Texas can be indeterminate or determinate. Juveniles may be committed to the Texas Youth Commission in one of two ways. Most juvenile offenders are committed to TYC for an indeterminate sentence, where TYC administrative policy dictates length of stay and offenders can remain under TYC's jurisdiction. On the other hand, more serious offenders generally receive a determinate sentence.

Once a juvenile is committed to TYC, the agency determines where the juvenile will be placed. After commitment, the youth goes to the centralized Orientation and Assessment Unit, where he or she will stay for between 45 and 60 days while various assessments, such as educational, psychological, and medical, are conducted. Special needs (chemical dependency, sex offender, serious violent offender, emotionally disturbed, mental retardation) are also determined at this phase. The Centralized Placement Unit uses this information to determine the placement that best meets the youth's needs. Local procedure establishes this process.

Most juveniles are placed in 1 of 13 "high restriction" programs, or fenced facilities, while others are placed into medium restriction halfway houses or medium restriction private contract facilities. TYC juvenile correctional officers supervise juveniles in commitment.

All youth committed to the Texas Youth Commission must participate in a comprehensive rehabilitation program developed by the agency called Resocialization. The three foundational components of the program are Academic/Workforce Development, Behavior and Correctional Therapy, otherwise known as the ABCs of Resocialization. The program is structured to assist youth in developing an understanding of the developmental and social antecedents that contributed to their criminal behavior and to enhance personal accountability for their crimes and for changing their lives. The program equips youth with the social, emotional, academic, and vocational skills needed to live productive, law-abiding lives.

The Resocialization program is phase-progressive and competency-based, which means that youths move gradually from high restriction confinement to aftercare or parole based on the completion of both the minimum length of stay and demonstrated mastery of objectives in each foundational component. The requirement for acceptable performance before release consideration is an important motivator for youths to cooperate with treatment and education goals and refrain from aggressive or otherwise delinquent behaviors while they are in TYC institutions.

Blended Sentencing
More serious offenders generally receive a determinate sentence, which allows for confinement up to 40 years - first at TYC, followed by an optional prison transfer. In the latter case, a juvenile may serve the entire sentence in TYC or begin the sentence in the juvenile justice system and then be transferred to the Texas Department of Criminal Justice (TDCJ) Institutions or Pardons and Parole Divisions to complete the sentence. TDCJ's Youthful Offender Program serves those juvenile offenders transferred from juvenile facilities to adult prisons, as well as juveniles certified to be prosecuted as an adult. For more information on Texas' blended sentencing provisions, click here.

Direct Placement
Juvenile court judges can place juveniles into secure or non-secure, public or private residential facilities without committing them to the Texas Youth Commission. There are no length of stay requirements in such cases. Facility staff provides direct supervision of the juvenile. The juvenile probation officer assigned is generally required to provide follow-up visits with the juvenile. If a juvenile is placed in a facility in another jurisdiction (such as in a different county), the home probation department may request courtesy supervision by juvenile probation officers in the department of the county where the facility is located.

Release
The release process differs according to the severity of the classifying offense. Once the youth meet release criteria, facility staff members develop a release plan that identifies risk factors and addresses public safety and positive reintegration. Depending on offense severity, a release packet of information
may also be developed. The supervising program administrator must review and approve this packet and make a release recommendation. A local committee must conduct an exit interview with the juvenile to determine whether the release criteria are met. The committee also reviews and approves the release packet, and recommends release. After this, the superintendent of the institution reviews and approves the release. The superintendent is the final release authority except for youth who are violent offenders or those with determinate sentences for whom the Texas Youth Commission's Central Office is the release authority.

Local procedures determine the above release procedures. Risk/needs assessments are not mandated for use when making release decisions. State law mandates that a risk assessment be completed prior to the release of a youth who is required by law to register as a sex offender upon release; this risk assessment is used to determine the extent to which the public is notified of the youth's presence in the community. It is not used to determine whether the youth is ready for release.

The juvenile court is notified of the release of a juvenile offender, but it does not have to approve the release unless an offender with a determinate sentence is being transferred to an adult prison or is recommended for parole but has not completed the minimum time in confinement. Legislation enacted in 2005 allows the Texas Youth Commission to release offenders with determinate sentences on parole without approval of the juvenile court if no more than 9 months remain on the offender’s sentence.

**Aftercare/Re-entry**

Youth placed in local post-adjudication facilities receive aftercare supervision from the local juvenile probation department. The Texas Youth Commission (TYC) operates a parole system for supervising youth released from its residential programs. The supervision of juveniles on parole is conducted through local TYC district offices. All youth are initially subject to intensive supervision, which is provided by parole officers who are either employed by or under contract with TYC.

In Cameron County, the [Gulf Coast Trades Center](#), a private, nonprofit organization, and TYC are piloting an innovative re-entry program for youth entering the county on parole. The local Workforce Development Board will fund 20 hours of paid work experience and 20 hours of educational activities including GED preparation, employability skills training, and preparation for the Tests of Academic Skills Proficiency (TASP).

The Texas Youth Commission works to develop partnerships with local Workforce Development Boards (WDB) around the state to coordinate Memorandums of Understanding (MOU), which address the provision of re-entry services to TYC youth on parole. Re-entry services include GED preparation, employability skills training, vocational training, and assistance with obtaining employment. Current MOU partnerships include Alamo, Cameron County, Lower Rio Grande Valley, and Capital Area Workforce Development Boards.

The Texas legislature has funded an initiative to provide wraparound or mental health services to mentally ill juvenile offenders upon their release to parole. This initiative, which aims to help the juveniles' transition into the community and to prevent re-incarceration, provides access and funds for services for certain youth through mental health/mental retardation centers in the youth's community.

**State Laws**

**Legal Resources**
The Juvenile Justice Code is found in Chapters 51-60 of Title 3 of the [Texas Family Code](#)

[State Bar of Texas](#)

**Purpose Clause for Delinquency Proceedings**
This title shall be construed to effectuate the following public purposes:

(1) to provide for the protection of the public and public safety;
(2) consistent with the protection of the public and public safety:

   (A) to promote the concept of punishment for criminal acts;

   (B) to remove, where appropriate, the taint of criminality from children committing certain unlawful acts; and

   (C) to provide treatment, training, and rehabilitation that emphasizes the accountability and responsibility of both the parent and the child for the child's conduct;

(3) to provide for the care, the protection, and the wholesome moral, mental, and physical development of children coming within its provisions;

(4) to protect the welfare of the community and to control the commission of unlawful acts by children;

(5) to achieve the foregoing purposes in a family environment whenever possible, separating the child from the child's parents only when necessary for the child's welfare or in the interest of public safety and when a child is removed from the child's family, to give the child the care that should be provided by parents; and

(6) to provide a simple judicial procedure through which the provisions of this title are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.


**Purpose Clause for Juvenile Corrections**
The purpose of this chapter is to provide for administration of the state's correctional facilities for children, to provide a program of constructive training aimed at rehabilitation and reestablishment in society of children adjudged delinquent by the courts of this state and committed to the Texas Youth Commission, and to provide active parole supervision for children until officially discharged from custody of the Texas Youth Commission.


**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: 10
Upper Age: 16
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
For information on Texas' juvenile transfer laws, [click here](#).

**Juvenile Justice Leadership**

- **Juvenile Justice Association of Texas**
The Juvenile Justice Association of Texas is a juvenile justice advocacy organization that provides training, legislative activities, and the promotion of research and evaluation to improve juvenile justice services.

- **Office of the Governor, Criminal Justice Division**
The Governor's Criminal Justice Division serves as Texas' State Advisory Group and guides the expenditure of State and federal funds for juvenile justice.
Texas Corrections Association
The Texas Corrections Association is a membership organization for corrections professionals including juvenile and adult parole and probation, detention center, and state jails and private institution employees. The Texas Corrections Association publishes the *Journal of Corrections*.

Texas Juvenile Probation Commission
The Texas Juvenile Probation Commission performs a number of important and diverse functions for the standardization and improvement of Texas' juvenile probation services. TJPC provides training and certification of probation officers, technical assistance, monitoring, and some funding for juvenile probation departments. It also sets and monitors standards for juvenile probation, secure detention, and correctional facilities.

Texas Probation Association
The Texas Probation Association is a professional organization dedicated to the interests of probation and community corrections practitioners. The organization's duties include developing and promoting standards for professional probation practitioners, promoting legislation, and providing training for probation and corrections professionals.

Standing legislative committees: House Juvenile Justice and Family Issues Committee; Senate Criminal Justice Committee

Resources/Contacts
Office of the Governor, Criminal Justice Division (SAG)
Juvenile Justice Association of Texas
State Bar of Texas
Texas Corrections Association
Texas Judiciary Online
Texas Juvenile Detention Association
Texas Juvenile Probation Commission
Texas Probation Association
Texas Youth Commission

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Delinquency Services Summary

**Combination State:** The state operates most delinquency services for youth in Utah; however, responsibility is divided between the executive and judicial branches. The State Juvenile Court Administrator employs juvenile probation officers to provide intake, investigation, and community supervision services in the State’s judicial districts. The Department of Human Services, Division of Juvenile Justice Services administers the state's secure detention centers, secure confinement residential centers, contracts for residential and non-residential community-based services, and aftercare supervision.

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**Court(s) with Delinquency Jurisdiction**

Juvenile Courts exercise jurisdiction over delinquency proceedings in each of Utah’s eight judicial districts. Juvenile Courts are limited or special jurisdiction trial courts on the same level with the general jurisdiction trial court in the state (i.e., District Courts). For more information, visit the [Know Your Courts](#) section of the Utah State Courts web site.

**Highlights**

**Utah's Case Management Model**

The State Juvenile Court and the Department of Human Services, Division of Juvenile Justice Services (JJS) developed a statewide Utah Juvenile Justice Case Management Model based on Functional Family Probation Resource Services (FFP/RS). FFP/RS is a subset of case management skills based upon Functional Family Therapy—one of several "Blueprints for Violence Prevention" model programs. The State Juvenile Court and JJS implemented a Protective and Risk Assessments (PRA) tool with research support designed into the updated information system that the two agencies share (explained in the next highlight).

**New Juvenile Information System: Court and Agencies Record Exchange (CARE)**

Utah launched a new statewide web-based juvenile justice information system in November 2005. The system is shared by the Juvenile Court (probation) and the Division of Juvenile Justice Services. The new system automates functions previously performed by hand and adds functionality for increasing duties of the juvenile court, especially in the area of child welfare. CARE also supports Utah’s Case Management Model (described above) by integrating the model’s Protective and Risk Assessment instrument.

**Race and Juvenile Sentencing in Utah**

Utah has established juvenile sentencing guidelines that are helping inform discussions concerning the influence of race in juvenile dispositions. The Utah Commission on Criminal and Juvenile Justice published [Race and Juvenile Sentencing in Utah](#), a 2003 study on the application of juvenile sentencing guidelines. Results indicated that minority youth with similar offenses and delinquent backgrounds are more likely to receive severe dispositions than their white counterparts. A state court implementation commission, the [Utah Commission on Racial and Ethnic Fairness in the Criminal and Juvenile Justice System](#), supports advancing juvenile sentencing guideline research to further isolate the influence of race from other offender characteristics (see the Commission’s [2004 Implementation Report](#)).
**Detention**
The Department of Human Services, Division of Juvenile Justice Services (JJS) administers the state’s detention centers. JJS currently operates 11 secure detention facilities and a range of alternatives to detention, including home detention programs and a highly structured work camp. An evaluation of two Utah detention alternatives is available on the Utah Commission on Criminal and Juvenile Justice web site. Counties are not required to contribute directly to the operating costs of secure detention services, as the state allocates detention funding directly to JJS.

In addition, JJS has established a network of 12 non-secure “receiving centers” across the state as an option for law enforcement when youth do not meet detention guidelines, but require the attention of the justice or social services systems (e.g., a parent or guardian is not available).

The primary purpose for secure detention in Utah is to hold youth prior to adjudication and disposition. Predisposition holds may be indefinite, although holds over 48 hours require a hearing before a juvenile court judge. Youth can also be sentenced to secure detention for up to 30 days on an “Order to Detention as a Sentence” or an "Order to Detention for Contempt" (78A-6-117). Youth who violate probation can receive up to 30 days on either a detention sentence or contempt order.

Juvenile probation officers are required to contact youth on a weekly basis while they are in detention, regardless of their status. Admissions to secure detention in Utah are based upon statute guidelines (78A-6-113) and administrative regulations, but currently are not managed with a detention risk assessment tool.

**Delinquency Intake Screening**
Under state statutes, the juvenile court may receive delinquency referrals from any person. However, law enforcement sends the majority of referrals, followed by school districts. The local prosecutor in the county where the offense took place is responsible for delinquency intake. While prosecutors control the process, local arrangements for managing delinquency intake vary across the state. For example, in the three most populous counties (Salt Lake, Weber, and Davis), the prosecutor screens referrals for felony offenses and drafts and files felony petitions. In rural counties, the juvenile probation officer generally screens all of the referrals, prepares the petitions, and files them with the court. In these counties, the prosecutor only handles the most serious or sensational cases. Where juvenile probation officers are making most of the intake decisions and drafting petitions, they frequently consult the local prosecutor for advice on a case-by-case basis. Regardless of local arrangements for delinquency intake, prosecutors retain the final decision-making authority for filing petitions.

**Diversion**
Juvenile probation officers can divert cases from court through a "non-judicial adjustment." In this process, a petition is never drafted, and the juvenile probation officer handles the case without a court appearance. Statewide probation standards limit the types of cases eligible for the non-judicial process to first or second referrals to the court for minor offenses, generally class B misdemeanors or lesser offenses. Further, the resources available to support diversion with intervention or treatment services vary by community. Non-judicial adjustments are limited to 90 days without court authorization. Thereafter, the court can extend the period for a maximum additional 90 days (78-3a-502(2)(c)).

Youth courts are another diversion option for schools and law enforcement. Currently, over 40 youth courts exist across the state. Each is sponsored by a local government, school, or law enforcement entity. The Utah Youth Court Diversion Act defines the jurisdiction and powers of youth courts, and the Utah Youth Court Project web site provides more information.

**Predisposition Investigation**
Juvenile probation officers employed by the State Juvenile Court and working in district offices conduct predisposition studies. Utah utilizes a Protective and Risk Assessment (PRA) instrument to evaluate risk and protective factors of all youth referred to the Juvenile Court. The tool was adapted from one used in Washington State and currently helps juvenile probation officers identify risk factors and develop service recommendations. The State Court is in the process of validating the risk to re-offend tool with empirical research on case outcomes.
Juvenile Sentencing Guidelines
When developing disposition recommendations, juvenile probation officers are required by statute to consider sentencing guidelines developed by the Utah Sentencing Commission. The requirement was implemented in 1997 and focuses on early intervention, consistent application of sanctions, and intensive supervision. The guidelines are premised on the belief that earlier, more intensive intervention will deter youth from delinquent behavior and keep them from penetrating further into the system. The goals of the guidelines are greater community protection, more equitable application of sanctions, and greater predictability of resource needs for agencies that care for delinquent youth. Juvenile probation officers must consider sentencing guidelines in developing predisposition recommendations and justify any departures from the guidelines with aggravating and mitigating factors. Juvenile court judges are not bound by guidelines for actual case disposition. The Juvenile Sentencing Guidelines Manual is available on the Utah Commission on Criminal and Juvenile Justice web site.

Victim Rights and Services
Utah’s Victim Bill of Rights (Utah Code Ann. 77-38-1 through 77-38-4) specifically extends rights to the victims of juvenile violence, including a right to receive hearing notices, the right to attend and be heard at important court hearings, the right to a speedy trial and disposition of the case, and the right to object to the expungement of a petition.

The Utah State Court provides a victim coordinator in each location to help guide victims through the process. The Utah State Court Victim Services web page provides information for victims of juvenile crime, including contact information for juvenile court victim coordinators, and guides for familiarizing victims with juvenile court procedures and terminology and victim rights in juvenile court proceedings.

The Utah Commission on Criminal and Juvenile Justice, Office of Crime Victim Reparations administers the state’s victim compensation program. The Office also administers and monitors a network of victim services across the state.

The Utah Youth Parole Authority initiated a victim program in 1996 for victims to personally appear at YPA administrative hearings, communicate with the YPA through written correspondence, be informed of hearing outcomes, and request a no contact order as a condition of parole. Additional information is available on the Youth Parole Authority web site.

Probation Supervision
Juvenile probation officers are employed by the State Juvenile Court and work in district offices to provide probation supervision for caseloads exclusively comprised of juvenile offenders.

A written "correctional plan" is developed for each youth disposed to juvenile probation. A full protective and risk assessment guides the plan, which outlines expectations of the minor and parents to successfully complete probation. Every correctional plan must address the balanced and restorative justice principles of community protection, offender accountability, and competency development. Both the youth and his or her parents must sign the correctional plan. In addition to the goals of the correctional plan, the juvenile court judge will often add specific conditions for probation (e.g., fines and restitution). Although the development of correctional plans is based upon a case assessment process, scores on the instrument are not tied to offender supervision levels on juvenile probation.

Youth placed on probation must have in-court reviews at least every six months, and the court may retain jurisdiction of the case until the offender's 21st birthday. Beyond age 21, the court retains authority only to collect previously ordered fines and restitution.

With regard to specialized probation supervision, Utah has two levels of probation by statute: state supervision probation and regular probation. The legislature created state supervision probation as an intensive level of community supervision and included a budget to fund the creation of new positions to reduce caseloads and purchase special intervention services (e.g., cognitive behavioral programs). Caseload sizes range from 10 for intensive state supervision cases to 25 for regular probation.
Across the state, juvenile probation officers have considerable contact with schools, with several of the probation districts having offices in schools.

The State Juvenile Court has a statewide Juvenile Probation Policy and Procedure Manual. A committee updates the manual as needed.

At the state level, a number of agencies, including the State Juvenile Court and the Division of Juvenile Justice Services, have created a research consortium with the University of Utah to evaluate juvenile justice programs, including juvenile probation. A product of this collaboration is a 2001 evaluation of infusing additional probation staff resources, thereby reducing caseloads and increasing supervision or contact levels for intermediate supervision level cases.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Juvenile probation officers are required to have a minimum of a bachelor's degree for employment. Each officer is required to attend a one-week Basic Orientation and Certification Academy within the first four months of employment. The Judicial Education Institute of the State Court administers the Academy at its training center in Salt Lake City. The Judicial Education Institute also offers continuing training programs for juvenile probation officers. The costs of training are considered in the State Juvenile Court budget.

Ongoing training is mandatory for juvenile probation officers. Each year, officers must attend mandatory classes and a series of elective classes to meet this requirement.

**Juvenile Corrections Continuum**

The Department of Human Services, Division of Juvenile Justice Services administers the state's secure confinement centers and contracts for residential and non-residential community-based services. These programs include community alternatives, day/night reporting centers, receiving centers, observation and assessment programs, multi-use facilities, a work camp, secure facilities, and case management/parole. The JJS web site provides information on the full range of community based treatment and secure care resources operated by JJS (under "Programs and Services").

**Commitment to State**

When committing a youth to the Division of Juvenile Justice Services (JJS), the juvenile court designates either secure confinement or a range of non-secure options. With regard to commitments for non-secure options, the court may designate the type of option (e.g., community-based residential), and JJS must consider the court's expectations when developing a service plan. However, commitments are indeterminate, and JJS has the authority to determine the specifics of a service plan. Commitments for non-secure options transfer at this level are for legal custody to the agency, but the court retains jurisdiction and may review the case as frequently as every three months and maintains the authority to terminate these commitments.

Commitments for JJS secure confinement are also indeterminate in length, and the court loses jurisdiction of the case and can only exert authority if new charges are filed in all but the most unusual circumstances. Therefore, the JJS and the Youth Parole Authority (YPA) are responsible for all further handling of the case after a commitment is made, including decisions for length of commitment, which are guided through a process of administrative hearings and the application of a placement matrix described in the Release section below. Youth are assigned JJS case managers for supervision while in placement and parole officers to assist with community reentry.

JJS has implemented the Protective and Risk Assessment (PRA) to structure placement and treatment decisions for youth. The tool is integrated into the state's juvenile justice case management information system, and JJS case managers are required to periodically update it as a youth moves through JJS programs toward parole.

Regardless of commitment option, the maximum age that either the court, JJS, or the Youth Parole Authority has jurisdiction is through the individual's 20th year. At age 21, each agency's jurisdiction ends, except for the court's authority to collect fines and restitution.
Serious Youth Offenders

In 1995, Utah enacted Serious Youth Offender legislation, designed to move some youth beyond the juvenile justice system. The law was intended to provide more severe sanctions for the most serious juvenile offenders and to remove them from costly juvenile programs that appeared to be having little impact. Utah's Criminal and Juvenile Justice Consortium has examined the impact of the law and published *The Impact of the Serious Youth Offender Law (2001)* and *Serious Youth Offender Update (2002)*.

Blended Sentencing

Utah does not have blended sentencing provisions.

Direct Placement

Very few private placements are made in Utah. The courts do not have private placement budgets, and the high per diem costs of most private facilities prevent parents from affording these options. Most private provider options are through contracts for services with the Division of Juvenile Justice Services (JJS). Therefore, virtually all placements to residential facilities involve transferring custody to JJS, the public agency charged with the treatment and secure confinement of delinquent youth.

In the rare event of a direct placement, a juvenile probation officer supervises the youth while in placement through a probation order. Release is generally determined by completion of the program as determined by the juvenile court during a placement review. The agency working with the minor prior to and during the placement is responsible for aftercare—juvenile probation if the youth has a probation order.

Release

The Youth Parole Authority (YPA) establishes the terms of secure confinement and has sole authority to release youth from Division of Juvenile Justice Services custody to parole. YPA is comprised of 10 part-time citizen members appointed by the Governor to 4-year terms. Release decisions are highly structured in Utah through a series of YPA administrative hearings and procedures that are outlined on the [YPA web site](#). For example, at the initial hearing, the YPA applies a placement guideline matrix to determine the number of months a youth will spend in secure care. Subsequent review hearings are held every six months to consider progress and adjust the treatment plan. Youth must meet individual guideline requirements and must succeed in a trial placement before being granted parole.

Aftercare/Re-entry

The Division of Juvenile Justice Services (JJS) is also responsible for the aftercare supervision of juveniles released from secure juvenile institutions by the Youth Parole Authority (YPA). Aftercare is called conditional release or parole in Utah. Youth are granted a "conditional release" in Utah by meeting the length of stay guidelines of YPA and the JJS treatment plan. All youth in JJS custody have a case manager to help the youth work on their treatment plan and prepare for re-entry, and a parole officer who will provide community supervision.

A JJS parole officer can return a youth to secure placement for violating the conditions of release.

Utah is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Utah's involvement, click [here](#). By visiting the [State Activities & Resources page](#), users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

State Laws

Legal Resources

The core of the statutes governing court proceedings in delinquency proceedings is contained in *Title 78A, Judiciary and Judicial Administration, Chapter 6 Juvenile Court Act of 1996*. The [*Utah Rules of Juvenile Procedure*](#) support statutes requirements with additional structure for delinquency and dependency cases.
Purpose Clause for Delinquency Proceedings
(1) There is established for the state a juvenile court.

(2) The juvenile court is a court of record. It shall have a seal, and its judges, clerks, and referees have the power to administer oaths and affirmations.

(3) The juvenile court is of equal status with the district courts of the state.

(4) The juvenile court is established as a forum for the resolution of all matters properly brought before it, consistent with applicable constitutional and statutory requirements of due process.

(5) The purpose of the court under this chapter is to:

   (a) promote public safety and individual accountability by the imposition of appropriate sanctions on persons who have committed acts in violation of law;

   (b) order appropriate measures to promote guidance and control, preferably in the minor's own home, as an aid in the prevention of future unlawful conduct and the development of responsible citizenship;

   (c) where appropriate, order rehabilitation, reeducation, and treatment for persons who have committed acts bringing them within the court's jurisdiction;

   (d) adjudicate matters that relate to minors who are beyond parental or adult control and to establish appropriate authority over these minors by means of placement and control orders;

   (e) adjudicate matters that relate to abused, neglected, and dependent minors and to provide care and protection for these minors by placement, protection, and custody orders;

   (f) remove a minor from parental custody only where the minor's safety or welfare, or the public safety, may not otherwise be adequately safeguarded; and

   (g) consistent with the ends of justice, strive to act in the best interests of the minor's in all cases and attempt to preserve and strengthen family ties where possible.


Delinquency Jurisdiction (as of the end of the 2007 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20; may be extended until the juvenile pays all restitution.

Juvenile Transfer Laws
For information on Utah's juvenile transfer laws, click here.

Juvenile Justice Leadership

Utah Board of Juvenile Justice
The Governor established the Utah Board of Juvenile Justice under the Juvenile Justice and Delinquency Prevention Act to guide the expenditure of State and federal funds for juvenile justice. The State Advisory Group's activities include initiatives for legal representation of minority youth and gender specific programs.
Utah Board of Juvenile Court Judges
The Utah State Court has a standing board of juvenile court judges to advance juvenile justice issues in the state. A list of board members is available on the web site of the Utah State Court by selecting Boards and Committees.

Utah Commission on Criminal and Juvenile Justice
Established in the Utah Governor’s Office, the Commission on Criminal and Juvenile Justice (CCJJ) guides the statewide strategy for both the criminal and juvenile justice system. The CCJJ web site is a central location for juvenile justice crime statistics and research and information concerning funding, victims, and sentencing practices. The web site also provides information concerning the activities of the Utah Board of Juvenile Justice and Utah’s Criminal and Juvenile Justice Consortium (also described in the Juvenile Justice Leadership section).

Utah Criminal and Juvenile Justice Consortium
The Criminal and Juvenile Justice Consortium is a network of university professors and juvenile justice administrators established to provide a greater range and depth of research activities specific to Utah’s criminal and juvenile justice systems.

Voices for Utah Children
Established in 1999, Voices for Utah Children is a non-profit advocacy agency for children in the state. The agency monitors legislation that impacts the welfare of children, produces Utah’s Kids Count compilation of child well-being indicators, and publishes a newsletter series.

Resources/Contacts
Department of Human Services, Juvenile Justice Services
Utah Board of Juvenile Court Judges
Utah Board of Juvenile Justice
Utah Commission on Criminal and Juvenile Justice
Utah Criminal and Juvenile Justice Consortium
Utah State Bar
Utah State Courts
Voices for Utah Children
Youth Parole Authority

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Delinquency Services Summary
Centralized State: The Family Services Division, Department for Children and Families, administers most services to delinquents in Vermont, encompassing diversion, most detention, probation supervision, commitment, and aftercare.

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Court(s) with Delinquency Jurisdiction
Family Courts exercise jurisdiction over delinquency proceedings. Family Courts are limited jurisdiction trial courts. For more information, visit the Vermont Judiciary web site.

Highlights
Department Reorganization
The Department for Children and Families was created in 2004 by a merger of the Office of Child Support, the Office of Economic Opportunity, the Department of Prevention, Assistance, Transition, and Health Access, and the Department of Social and Rehabilitation Services (the former administrator of juvenile delinquency services).

Secure Detention Study
In 2003, Vermont began studying the use of secure detention and alternatives to secure detention for juveniles. The goal of this project was to identify factors that affect length of stay in Vermont’s locked juvenile detention facility. The final report for this project concluded that of the variables shown to significantly affect length of stay, variation by sex and district are perhaps the two most in need of investigation.

New Victims' Rights Legislation
Effective March 1, 2004, Public Act 73 became law. This piece of legislation added some new rights for victims of delinquent acts. Any victim of any delinquent act has the right to file a victim impact statement. Victims of certain delinquent acts have more rights, including the right to be present at the disposition hearing to present a victim impact statement; to be notified by the prosecutor's office as to whether delinquency has been found and disposition has occurred; and to be notified, upon request, of the juvenile's release.

Detention
The Department for Children and Families administers Vermont's only secure detention program, the Short-Term Program at the Woodside Juvenile Rehabilitation Center, a secure facility. Statewide, there are 30 beds available for short-term detention and corrections combined.

In Vermont, juveniles can be held pre-adjudication, predisposition, and while awaiting placement. Youth can be sentenced to secure detention and sanctions for probation violations can be served in detention.

Detention hearings must be held within 48 hours or up to 72 hours if the court grants an extension.

Vermont does not use a risk assessment instrument at screening for detention. The guidelines for who
can be detained are, by statute: determining to the satisfaction of the court that the continued
detention of the juvenile would be to his best interests and welfare or that public safety and protection
reasonably require such detention.

For information on detention reform, please see the highlight above.

**Delinquency Intake Screening**

Any person with knowledge of the facts alleged, such as law enforcement officers, may file delinquency
complaints. The State's Attorney receives delinquency referrals and screens them for legal sufficiency.
The local police decide for the State's Attorney whether to handle cases formally or informally. No one
reviews this decision. The State's Attorney develops the case for adjudication by performing such tasks
as interviewing witnesses and taking victim impact statements. By statute, the state's attorney having
jurisdiction prepares and files the petition.

**Diversion**

By statute, the State Attorney General must develop a juvenile court diversion project. The state's
attorney develops the criteria for deciding what types of offenses and offenders will be eligible for
diversion and retains final discretion over the referral of each case for diversion.

Diversion programs are operated by nonprofit organizations in each county. Options include community
service, restitution, and counseling.

The Windsor County youth court diversion program diverts juveniles between 13 and 18 years old.
Referrals to the youth court come from the court diversion's own recommendation or upon the
recommendation of the state's attorney. Court diversion must review the disposition of the youth court.

**Predisposition Investigation**

The case worker/social worker from the Department for Children and Families develops the case for
disposition (i.e., identifying necessary services and recommending an appropriate disposition). The
Department for Children and Families' disposition report serves as the protocol for investigations;
however, it may vary from county to county.

**Victim Rights and Services**

Under the Juvenile Code, victims of juvenile offenders are entitled to the following rights: the right to
submit a victim impact statement at disposition and the right to learn the offender's name under certain
circumstances. As a condition of probation, the juvenile court may require that the juvenile make
restitution or reparation to the victim. See also the Highlight above for new laws.

Victims of Youthful Offenders have the following statutory rights (added in 1997) under the Vermont
Juvenile Code: to be notified about and present at court proceedings; to express views concerning the
offense and the youthful offender; to request notification of the youthful offender's release; to be
notified by the prosecutor about the final disposition of the case; and to be notified by the prosecutor of
the victim's rights under this section.

For more information on victim rights and services, please visit the Vermont Center for Crime Victim
Services web site and the Department of Corrections' Crime Victim Services web page.

In Vermont, crime victims compensation is administered by the Vermont Center for Crime Victim
Services.

**Probation Supervision**

The juvenile probation officer (often a social worker) from the local Department for Children and
Families' office is responsible for the probation supervision of delinquent offenders. Social workers
supervise delinquents on probation with contracted assistance from the state Street Checkers Program.

The Street Checkers program is funded through the Juvenile Accountability Block Grant (JABG). While
there currently is federal funding for specialized probation through JABG, this is likely to be ending
soon. Street Checkers provide direct supervision to youth on probation who live in the community. The
program provides a web of supervision and support to improve the success of home and community placement. Street Checkers work in conjunction with social workers, school personnel, parents, and police to hold youth on probation accountable for their whereabouts and activities and to support good decision-making and problem solving.

In Vermont, the balanced and restorative justice philosophical approach directs the practice of juvenile probation. Probation caseloads vary by district. In some districts, the caseload is comprised solely of juvenile offenders; in others, both juvenile and adult offenders.

Currently, Vermont has not yet mandated a risk/needs assessment instrument for determining levels of supervision, but such an assessment is in development. In Vermont, probation officers are required to develop a “case plan,” which is an individualized supervision plan in addition to the conditions of probation set forth by the court. The probation officer recommends the terms and length of probation that the court must then approve.

**Juvenile Probation Officer Qualifications, Certification, and Training**
Probation officers are not professionally certified in Vermont, but they must attend a mandatory fundamental orientation of 55 hours within the first 6 months of employment and 75 additional hours within 2 years. There is a mandatory continuing training requirement of 30 hours a year. The Department of Children and Families’ Human Resources Department trains probation officers.

**Juvenile Corrections Continuum**
The Department of Children and Families administers the daily operations of Vermont's only delinquency facility, the Woodside Juvenile Rehabilitation Center, a secure facility.

**Commitment to State**
Commitments to the Family Services Division, Department of Children and Families (DCF) are indeterminate. When the court commits an adjudicated delinquent, custody is transferred to DCF. DCF determines the type and location of placement for those in custody. However, since there is only one public institution for delinquent offenders, an order of commitment is in effect an order that the juvenile be held there.

By statute, immediately after a finding of delinquency, the commissioner of DCF must make a written disposition report to the juvenile court. The required disposition report must include as appropriate: (1) an assessment of the juvenile's medical, psychological, social, educational and vocational needs; (2) a description of the resources in the juvenile's home, school and community; (3) a statement of the goals and objectives of treatment; (4) a recommendation as to disposition of the case including the case plan, and if possible, the length of time the juvenile may benefit from the plan; and (5) a recommendation from the parties. In preparing this report, the assistance of local school officials, state and community agencies and mental health centers may be obtained.

In Vermont, juvenile probation officers continue to supervise juveniles in the Woodside Juvenile Rehabilitation Center.

**Blended Sentencing (called Youthful Offender Proceedings)**
Under exclusion and direct file transfer provisions, a defendant in a criminal proceeding who is at least age 10 but not 16 at the time of the commission of any certain offenses, including assault and robbery with a dangerous weapon or causing bodily injury, aggravated assault, and murder, may file a motion requesting treatment as a youthful offender. The criminal court may transfer the proceeding to family court for youthful offender adjudication. If the defendant has previously been adjudicated a delinquent youth or has previously been convicted of a crime; the defendant enters a plea of guilty or nolo contendre to the offense charged; the defendant is amenable to treatment or rehabilitation as a youthful offender; and public safety will be secured by treating the defendant as a youthful offender.

If either of the above two events takes place, the criminal court imposes a sentence. That sentence is then suspended and replaced with a juvenile disposition. If the youthful offender violates the terms of the disposition order, the court may impose the criminal sentence, ceasing jurisdiction of the family
If the family court retains jurisdiction, it must review the youthful offender's case before the youthful offender reaches the age of 18 to determine if the court's jurisdiction over the youthful offender should continue. If the court finds that it is in the best interest of the youthful offender to continue the case, it may continue the court's jurisdiction up to the age of 19. If the court finds that it is not in the best interest, it may discharge the youthful offender and dismiss the criminal case.

For a summary of Vermont's blended sentencing provisions, click here.

Direct Placement
The court cannot place a juvenile directly in a local/state, public/private placement without committing the juvenile to the state delinquency institution.

Release
Vermont does not have a juvenile paroling authority. To terminate the custody determination before the youth reaches the age of majority (age 18), the Family Services Division, Department of Children and Families, files a motion to discharge custody with the court. The court makes the release decision.

Vermont does not use a structured decision-making instrument to make release decisions.

Aftercare/Re-entry
The Family Services Division, Department of Children and Families, provides supervision after release from commitment until the age of 18. The same probation officer assigned to the case at commitment may provide supervision, although that is not always the case. Either DCF or its contractors are responsible for the youth until he or she reaches 18.

Vermont is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Vermont's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

State Laws

Legal Resources
Vermont Statutes, Title 33 (Human Services), Chapter 55 (Judicial Proceedings)

Vermont Bar

Purpose Clause for Delinquency Proceedings
(a) The purposes of this chapter are:

(1) to provide for the care, protection and wholesome moral, mental and physical development of children coming within the provisions of this chapter;

(2) to remove from children committing delinquent acts the taint of criminality and the consequences of criminal behavior and to provide a program of treatment, training, and rehabilitation consistent with the protection of the public interest;

(3) to achieve the foregoing purposes, whenever possible, in a family environment, separating the child from his parents only when necessary for his welfare or in the interests of public safety; and

(4) to assure that the safety and permanency of children is the paramount concern in the administration and conduct of proceedings under this chapter;

(5) to provide judicial proceedings through which the provisions of this chapter are executed and enforced and in which the parties are assured a fair hearing and their
This chapter shall be construed to effectuate these purposes.

(b) The provisions of this chapter shall be construed as superseding the provisions of the criminal law of this state to the extent the same are inconsistent herewith.


**Purpose Clause for Juvenile Corrections**
The department of social and rehabilitation services, in cooperation with the department of corrections, shall have the purpose and responsibility to administer a comprehensive program, developed by the commission on juvenile justice established pursuant to section 3085c of Title 3, for youthful offenders and children who commit delinquent acts, including utilization of probation services, a range of community-based treatment, training and rehabilitation programs and secure detention and treatment programs when necessary in the interests of public safety, designed with the objective of preparing those children to live in their communities as productive and mature adults.


**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: 10
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
For information on Vermont's juvenile transfer laws, [click here](#).

**Juvenile Justice Leadership**

**Agency for Human Services**
The Agency for Human Services serves as the state advisory group charged with administering funds received through the federal Juvenile Justice Delinquency Prevention Act and monitoring compliance with the mandates of the Act.

**Commission on Juvenile Justice**
In 2002, the Vermont Legislature approved the creation of the Commission on Juvenile Justice, a joint venture between the Department of Social and Rehabilitation Services and the Department of Corrections. This Commission will develop a comprehensive system of juvenile justice, including utilization of probation services, a range of community-based treatment, training and rehabilitation programs, and secure detention and treatment programs in the interests of public safety, designed with the objective of preparing young offenders to live in their communities as productive and mature adults. For more information, refer to [Title 3, Chapter 53, 3085c](#).

**Resources/Contacts**

**Agency for Human Services**
**Family Services Division, Department of Children and Families**
**Vermont Bar**
**Vermont Center for Crime Victim Services**
**Vermont Judiciary**

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**Delinquency Services Summary**

*Combination State:* Delinquency services are organized at both the state and local level in Virginia. Local juvenile courts in some urban and suburban jurisdictions administer probation services and, at times, secure detention. The Department of Juvenile Justice (DJJ) operates 32 Court Service Units (CSUs) and supports the three locally operated CSUs. All CSUs provide intake, predisposition investigation, probation supervision, and aftercare services. DJJ administers the state's juvenile corrections continuum.

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**Court(s) with Delinquency Jurisdiction**

District Courts sitting as "Juvenile and Domestic Relations Courts" exercise jurisdiction over delinquency proceedings. Juvenile and Domestic Relations District Courts are limited jurisdiction trial courts. For more information, visit the [Virginia Judicial System web site](http://www.judiciary.virginia.gov).

**Highlights**

DJJ is in the process of implementing a new behavioral management program in the juvenile correctional centers and the Reception and Diagnostic Center (RDC). The REACH program is designed to teach the residents that they are responsible for their own actions and decision making. Responsibility is taught by providing opportunities for the juveniles to gain the necessary knowledge, skills, and abilities to make positive and appropriate decisions to support their behavioral change towards rehabilitation. Incorporating the principles of good citizenship, teamwork, a sense of community, concern for others, attention to detail, physical fitness, self-improvement, and value identification and clarification, allows the residents to become empowered. Using a Phase and Reinforcement System, the juveniles will be permitted to demonstrate acquired skills and be rewarded for their efforts. The program has been implemented at RDC and is in the process of being implemented in the other six juvenile correctional centers.

Virginia DJJ has taken on a leadership role in Virginia's efforts to change the use of secure detention for juveniles in the Commonwealth. The goal is to minimize the number of non-violent offenders who need to be detained. DJJ wants to ensure that the community is protected from juveniles who are a threat to public safety while, at the same time, finding non-secure alternatives to detention for those for whom this approach is appropriate. It is hoped that this long-range effort will result in positive outcomes for Virginia's children while meeting critical public safety goals. In these efforts, Virginia joins a growing number of states and localities across the country that have linked to the Juvenile Detention Alternative Initiative (JDAI) that is spearheaded and supported by the Annie E. Casey Foundation.

**Detention**

Virginia has 24 secure detention facilities. Local CSUs, operated by DJJ, and local juvenile courts in some urban and suburban jurisdictions use secure detention, while single jurisdictions or multiple jurisdictions (commissions) operate these facilities. The facilities are partially funded by DJJ for both the construction and operation of secure detention facilities while single jurisdictions or commissions provide the remainder of the operating budget.
Intake officers decide whether to initially detain juveniles. According to statute, CSU personnel must make recommendations to the court at detention hearings using a uniform risk assessment instrument.

Youth may held in detention pending adjudication, disposition, or placement. Detention may also be used as a short-term sanction for probation and parole violations or other technical violations.

Juveniles must appear before a judge on the next day on which the court sits, not to exceed 72 hours, after he has been taken into custody unless it is a weekend or holiday. At that time, the judges determine whether the juvenile should be released from or remain in the secure detention facility.

Pre-dispositional Detention
Virginia Code § 16.1-248.1 provides the statutory criteria for placing a juvenile in a local detention facility when that juvenile has been taken into custody. The decision whether or not to detain a juvenile in a local detention facility prior to trial will be made by the judge, intake officer, or magistrate. For a juvenile to be detained, there must be clear and convincing evidence that the release of the juvenile constitutes a clear and substantial threat to the person or property of others or to the juvenile's own life or health, or there is clear and convincing evidence that the juvenile has threatened to abscond.

Post-dispositional Detention
Post-dispositional detention is a disposition under Virginia Code § 16.1-284.1 that allows the court to place a juvenile in a local detention facility for up to either 30 days or six months. For a juvenile to be placed in a post-d detention program, the juvenile must be fourteen years of age or older. Only those juveniles found delinquent for an offense that would be a Class 1 or Class 2 misdemeanor or a nonviolent juvenile felony are eligible. A juvenile who has been released from the custody of DJJ within the previous eighteen months is not eligible for placement in a post-dispositional detention program. If a juvenile is placed in post-dispositional detention for over 30 days, then subsection B and C of Virginia Code § 16.1-284.1 requires “separate services for their rehabilitation.” These services come in many forms. Some detention homes choose to coordinate services in the community for post-d juveniles, while others prefer to provide services in the facility.

The Virginia DJJ participates in the Annie E. Casey Foundation's Juvenile Detention Alternative Initiative. The goal is to ensure that the community is protected from juveniles who are a threat to public safety while, at the same time, finding non-secure alternatives to detention for those for whom this is more appropriate.

Delinquency Intake Screening
By statute, any citizen can file a complaint against a juvenile. This includes law enforcement, schools, parents and other community members. The DJJ operates 32 CSUs and supports the operation of three locally operated CSUs. Intake officers assigned to CSUs receive delinquency referrals from law enforcement and the community and screen them for legal sufficiency. A complaint may also be filed directly by the Commonwealth Attorney. Intake officers decide whether to handle cases formally or informally. CSU Supervisors review this decision. Intake officers prepare and process petitions.

Diversion
Intake officers, working for CSUs, may decide to divert cases through informal resolution. Informal diversion is probation supervision without formal court action, examples include a referral to services, and/or through brief, informal supervision. Juveniles are eligible for diversion if they are not alleged to have committed a violent juvenile felony or have not previously been proceeded against informally or adjudicated for an offense which would be a felony if committed by an adult. With informal diversion, the intake officer's powers are commensurate with those that would be used by the judge. The intake officer must develop a plan for the juvenile, which may include restitution and the performance of community service. The juvenile and his parents must agree to the diversion plan. Informal supervision is limited to 90 days (6 VAC 35-150-335).

Domestic Relations Intake
By statute, any citizen can file a domestic relations complaint for non-support, family abuse,
adjudication of custody (permanent and temporary), abuse and neglect, termination of parental rights, visitation rights, paternity, or emancipation. Intake services for these complaints are handled by the CSUs. Services such as treatment referral, supervision, and counseling are also provided in adult cases of domestic violence by some CSUs.

**Predisposition Investigation**
Pre-dispositional investigation services are also provided by CSUs. If ordered, probation officers complete pre-dispositional reports and offer pretrial services either voluntarily or by court order. Probation Officers develop the case for disposition. While regulations require that certain information be contained in social histories, there is no standard format for these investigations.

**Victim Rights and Services**
Virginia extends rights to victims of juvenile offenders by statute. Statutes give victims of juvenile crimes the right to submit victim impact statements; be eligible for restitution; be notified of the review hearing and actual release for a serious offender; be notified of the time and place and be present in the courtroom during proceedings; and request that the court order the juvenile to submit to testing for HIV infection. See [http://leg1.state.va.us/000/src.htm](http://leg1.state.va.us/000/src.htm).

According to a 2001 Opinion of the State Attorney General, a proposed computerized system of victim notification may not be implemented in cases involving juvenile offenders.

In Virginia, the [Virginia Workers’ Compensation Commission](http://www.vaworkerscomp.com/) administers the crime victim compensation program.

**Probation Supervision**
The state is divided into judicial districts and the CSUs are associated with each judicial district. Juvenile probation officers assigned to CSUs are responsible for the probation supervision of delinquent offenders. Although juvenile probation officers may recommend the length and conditions of probation, the juvenile court judge has final authority.

Juvenile probation strives to achieve a "balanced approach," which focuses on the principles of community protection (public safety), accountability, and competency development. The Department’s mission statement is:

“To protect the public through a balanced approach of accountability and comprehensive services that prevent and reduce delinquency through partnerships with families, schools, communities, law enforcement, and others, while providing opportunities for delinquent youth to become responsible and productive citizens."

Juvenile Probation Officers have office locations, but also meet with juveniles in their homes, schools, and communities. Intensive probation services are available. The size of the unit and community resources impacts the number and type of services available.

Virginia has a mandatory risk assessment instrument to classify juveniles according to their risk for continued offending. Probation officers are required to develop individualized supervision plans, in addition to the conditions for probation set forth by the court. Supervisions plans are reviewed every 90 days. There is no uniform format for developing probation supervision plans.

The Virginia DJJ provides the statewide standards or regulations that govern juvenile justice practice, as well as policy and procedures. The State Board of the Virginia Department of Juvenile Justice has oversight over the standards and DJJ develops procedures. According to Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts, caseload size should be based on the frequency and intensity of contacts indicated by an assessment of the juvenile’s risk of reoffending, case complexity, and other factors.

**Juvenile Probation Officer Qualifications, Certification, and Training**
Juvenile probation officers are preferred to have bachelor degrees in a social science and experience working with at-risk juveniles. Virginia does not certify its probation officers; however, CSUs are
certified every three years. The Department's Training Unit provides a 40-hour Basic Skills course for all new probation officers. All full-time employees who provide direct services to juveniles and their families must receive 40 hours of training annually.

**Juvenile Corrections Continuum**
DJJ operates a reception and diagnostic center and six juvenile correctional centers. Other facilities for the custody and rehabilitation of delinquent minors are also used by the department. Additionally, DJJ operates three halfway houses. For more information about these facilities, visit Department of Juvenile Justice web page.

**Commitment to State**
To be eligible for commitment, a juvenile must be eleven years of age or older and adjudicated delinquent or convicted of a felony offense, a Class 1 misdemeanor and a prior felony, or four Class 1 misdemeanors. The court may commit the juvenile for a determinate or an indeterminate period of time. (See Virginia Code § 16.1-278.8.) In most cases, commitments to DJJ are indeterminate, not to exceed a continuous 36 months or to last beyond age 20. However, the 36-month limit does not apply when a juvenile is committed for murder or manslaughter. In cases where a juvenile 14 or older has been convicted of a felony and is on parole for a crime which would warrant a sentence of 20 years or more if committed by an adult, the court may sentence the juvenile to a determinate sentence of not more than 7 years or until age 21 (whichever occurs first). The court may retain jurisdiction of committed delinquents for 60 days after which custody transfers to DJJ.

Generally, DJJ determines the correctional center placement for committed youth after a 30-day evaluation period at RDC. The court may request a particular placement for security or treatment reasons, but this is not binding.

Juvenile probation officers must contact juveniles on a quarterly basis when the juvenile is placed in correctional centers or other residential facilities.

Either a juvenile probation or juvenile parole officer from DJJ serves as the case manager and supervises the juvenile while he or she is in a state delinquency institution.

**Direct Placement**
In Virginia, the juvenile court may place a youth in a local placement facility to serve dispositions. In group home and residential treatment facility placements, the length of stay varies based on the progress made toward service plan goals created by court staff, the family, and any service providers. The presiding juvenile court judge makes all placement and release decision for juveniles not committed to state care. A juvenile probation or parole officer supervises the juvenile while he or she is in direct placement.

**Release**
The decision to release a juvenile given an indeterminate commitment will be made by DJJ. The decision to release a juvenile given a determinate commitment will be made by the sentencing judge. Youth may be released directly to the community or under parole supervision. With determinate commitments, the judge will decide parole and DJJ will decide parole for indeterminate commitments.

A risk assessment instrument is completed and submitted with any report provided to the court for decision-making purposes. DJJ policies and procedures require this assessment.

**Aftercare/Re-entry**
Services to the families while the youth is in direct care and supervision (referred to as parole) to the juvenile after release from commitment are provided through the CSU. The Department operates three halfway houses and (through contract) one independent transitional living program. Juveniles are referred to, and may receive funding for a variety of community-based services including family and individual counseling, vocational and employment training/support, substance abuse and sex offender treatment, and mentoring, among others. Parole officers provide supervision and require parolees to report at least monthly and as many as five times per month (depending on the risk level of the parolee).
State Laws

Virginia State Bar
Virginia General Assembly

Legal Resources
Virginia State Bar

Purpose Clause for Juvenile and Domestic Relations District Courts
This law shall be construed liberally and as remedial in character, and the powers hereby conferred are intended to be general to effect the beneficial purposes herein set forth. It is the intention of this law that in all proceedings the welfare of the child and the family, the safety of the community and the protection of the rights of victims are the paramount concerns of the Commonwealth and to the end that these purposes may be attained, the judge shall possess all necessary and incidental powers and authority, whether legal or equitable in their nature. This law shall be interpreted and construed so as to effectuate the following purposes:

1. To divert from or within the juvenile justice system, to the extent possible, consistent with the protection of the public safety, those children who can be cared for or treated through alternative programs;

2. To provide judicial procedures through which the provisions of this law are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other rights are recognized and enforced;

3. To separate a child from such child's parents, guardian, legal custodian or other person standing in loco parentis only when the child's welfare is endangered or it is in the interest of public safety and then only after consideration of alternatives to out-of-home placement which afford effective protection to the child, his family, and the community; and

4. To protect the community against those acts of its citizens, both juveniles and adults, which are harmful to others and to reduce the incidence of delinquent behavior and to hold offenders accountable for their behavior.


Purpose Clause for Virginia Community Crime Control Act:
The General Assembly, to ensure the imposition of appropriate and just sanctions and to make the most efficient use of correctional resources for those juveniles before intake on complaints or the court on petitions alleging that the juvenile is a child in need of services, child in need of supervision, or delinquent, has determined that it is in the best interest of the Commonwealth to establish a community-based system of progressive intensive sanctions and services that correspond to the severity of offense and treatment needs. The purpose of this system shall be to deter crime by providing immediate, effective punishment that emphasizes accountability of the juvenile offender for his actions as well as reduces the pattern of repeat offending. In furtherance of this purpose, counties, cities or combinations thereof are encouraged to develop, implement, operate and evaluate programs and services responsive to their specific juvenile offender needs and juvenile crime trends.

This article shall be interpreted and construed to accomplish the following purposes:

1. Promote an adequate level of services to be available to every juvenile and domestic relations district court.

2. Ensure local autonomy and flexibility in addressing juvenile crime.

3. Encourage a public and private partnership in the design and delivery of services for juveniles who come before intake on a complaint or the court on a petition alleging a child
is in need of services, in need of supervision or delinquent.

4. Emphasize parental responsibility and provide community-based services for juveniles and their families which hold them accountable for their behavior.

5. Establish a locally driven statewide planning process for the allocation of state resources.

6. Promote the development of an adequate service capacity for juveniles before intake on a complaint or the court on petitions alleging status or delinquent offenses.


**Delinquency Jurisdiction** (as of the end of the 2007 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
Certifying or Transferring a Juvenile to be Tried as an Adult in Virginia:
Virginia law allows a juvenile 14 years of age or older to be transferred, certified or waived to circuit court to be tried and convicted as an adult. Virginia Code § 16.1-269.1(B) mandates certification for trial as adult for a juvenile who is fourteen years of age or older when there is probable cause to believe the juvenile committed a certain offense such as murder or aggravated malicious wounding. Virginia Code § 16.1-269.1 (C) provides that the attorney for the Commonwealth may request that a juvenile, fourteen years of age or older, be tried as an adult when the juvenile is accused of certain other felonies, such as felony homicide, robbery or rape. The felonies for automatic or prosecutorial discretionary certification are known as violent juvenile felonies. Finally, pursuant to Virginia Code § 16.1-269.1(A), if a juvenile, fourteen years of age or older, is accused of any other felony, then by motion of the attorney for the Commonwealth, the juvenile court may conduct a transfer hearing. The purpose of the hearing is to decide whether the juvenile should remain under the jurisdiction of the juvenile court or transferred to the circuit court to be tried as an adult.

The Circuit Court Judge will Sentence a Juvenile Convicted as an Adult:
During the adjudicatory phase of a trial of a juvenile in circuit court, the juvenile is treated as an adult and afforded the same due process rights as an adult. However, upon conviction a juvenile is not afforded the same dispositional rights as an adult. Whereas an adult can chose to be sentenced by a jury, a juvenile has no such right, and only a judge can impose sentence.

Sentencing Options for the Judge When a Juvenile is Convicted as an Adult:
The Juvenile Code provides the Circuit Court with the sentencing powers over a juvenile convicted as an adult, including the imposition of a blended sentence. See Virginia Code § 16.1-272.

Blended Sentencing:
A juvenile convicted as an adult of a violent juvenile felony may receive a blended sentence, meaning that a juvenile can receive both an adult sentence and a juvenile sentence. The circuit court can impose an adult sentence and allow a portion of that sentence to be served in a juvenile correctional center as a serious juvenile offender. The adult sentence can be suspended based upon successful completion of the juvenile sentence, or served upon completion of the juvenile sentence. Under this option, the juvenile can be committed only as a serious offender under Virginia Code § 16.1-285.1. Therefore, the juvenile is given a determinate commitment. The circuit court may decide to only impose an adult sentence upon a juvenile convicted as an adult of a violent juvenile felony. The juvenile would receive and serve the sentence in the same manner as an adult.

The circuit court, in sentencing a juvenile for a non-violent felony, may impose an adult sentence and suspend the sentence conditioned upon successful completion of such terms and conditions as may be imposed in a juvenile court upon disposition of a delinquency case. A juvenile convicted of a non-violent
felony cannot receive an active juvenile sentence followed by an active adult sentence.

If the juvenile is convicted as an adult of a misdemeanor offense, then the circuit court must impose a disposition upon the juvenile in the manner prescribed for disposition of cases in the juvenile court.

**Juvenile Justice Leadership**

**Board**
The Governor appoints a seven-member Board to four-year terms to oversee DJJ. The Board sets policy, reviews agency budget matters, ensures the development of long-range juvenile services, monitors agency activities, adopts standards for the operation of programs, and certifies compliance with those standards. The Central Office in Richmond and three regional offices in Roanoke, Fairfax, and Williamsburg coordinate the functions and funding for the CSUs, community programs, community facilities, state facilities, volunteers, and private providers.

**Juvenile Justice Advisory Committee**
Virginia Association of Detention Alternatives
Virginia Association of Independent Special Education Facilities
Virginia Community and Residential Care Association
Virginia Correctional Association
Virginia Council on Juvenile Detention
Virginia Court Service Unit Directors' Association
Virginia Juvenile Justice Association

**Resources/Contacts**
Department of Criminal Justice Services (SAG)
Department of Juvenile Justice
Virginia Judicial System
Virginia Juvenile Justice Association
Virginia State Bar
Virginia Workers' Compensation Commission
Virginia Regulatory Town Hall

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Delinquency Services Summary

Decentralized State: Delinquency services are organized at both the state and local level in Washington. Local courts administer probation and detention services, except in Clallam, Skagit and Whatcom counties, where, as allowed by statute, the courts have transferred this responsibility to the county legislative authority and in King County, where detention is administered by the County Executive. The Department of Social and Health Services, Juvenile Rehabilitation Administration, administers commitment programs and aftercare (i.e., parole).

Service Classification

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Court(s) with Delinquency Jurisdiction

Superior Courts exercise jurisdiction over delinquency proceedings. Superior Courts are general jurisdiction trial courts. For more information, visit the Washington Courts web site.

Highlights

Washington Awarded Grant to Reform its Juvenile Justice System

The MacArthur Foundation selected Washington State to receive a Models for Change grant to be used for juvenile justice system reform. The Center for Children & Youth Justice is the lead entity to assist the foundation in identifying critical juvenile justice reform needs and issues. The "targeted areas of improvement" are: mental health, disproportionate minority contact, and alternatives to formal processing. Five counties, along with statewide organizations and efforts, have been selected to implement reform efforts. For more information, see http://ccyj.org/programs/macArthur.html.

Mandatory Minimum Sentences for Juveniles Tried as Adults Eliminated

Due to research showing differences in brain development between juveniles and adults, the Washington State Legislature passed HB 1187, which states that adult mandatory minimum sentences do not apply when a juvenile court judge waives the case to adult court. In these cases, if the juvenile is tried and convicted in adult court, the judge may either sentence a juvenile to any sentence within the standard range for the offense or impose an exceptional sentence downward. In addition, the juvenile would be eligible for earned early release. The law does not apply to automatic transfers to adult court.

Juvenile Offender Sentencing Grid

The Juvenile Offender Sentencing Grid is one of several sentencing options that juvenile court judges must use when deciding on a disposition for juvenile offenders. This determinate grid specifies sanctions based on the seriousness of the offense and the juvenile’s criminal history. The grid, along with the other sentencing options, is in RCW 13.40.0357 (juvenile offender sentencing standards).

Detention

There are 22 detention facilities in Washington. The local Superior Court administers secure juvenile detention in most counties. In Clallam, King, Skagit, and Whatcom counties and one regional center maintained by a consortium of counties, the county legislative authority/county executive administers secure juvenile detention. The Youth Services Division of the King County Department of Adult and Juvenile Detention is responsible for secure juvenile detention in King County. Several of the juvenile
detention programs have incorporated the use of alternatives to detention that may include day and evening reporting, electronic home monitoring, group care, and work crew programs.

Youth may be held after arrest for allegedly committing an offense or on a warrant, while awaiting adjudication, as a disposition, or as a sanction for probation or parole violations. By statute, a juvenile can be detained if: he/she is unlikely to appear for further proceedings; detention is required to protect the juvenile, the community, and/or witnesses; the juvenile commits another crime while another case is pending; the juvenile is a fugitive; the juvenile's parole has been suspended; or the juvenile is a material witness.

The court must make every reasonable effort to conduct a detention hearing by the end of the next judicial day after a juvenile is detained [Juvenile Court Rule - JuCR 7.3(c)]. Also pursuant to Juvenile Court Rule (7.3), a juvenile must have a probable cause determination within 48 hours, an information (petition) must be filed within 72 hours (excluding weekends and holidays) after admission to detention, and a hearing to determine if continued detention is necessary must be held within 72 hours of the information being filed (excluding weekends and holidays).

Washington statute mandates that counties develop and implement detention intake standards to determine whether detention is warranted as well as the type of detention in which a juvenile should be placed. Detention screening criteria and practices vary from county to county and are guided by local priorities or policies. There is no statewide risk assessment used at detention screening, but some counties do use their own screening instruments. King County (Seattle), for example, currently uses two detention intake screening tools: the Juvenile Detention Intake Criteria, based primarily on current offense and criminal history, determines eligibility for detention, and the Detention Risk Assessment Instrument, a risk-based tool administered during the intake process, generates a placement recommendation to the court.

In addition, for those juveniles screened into detention, a Detention Risk Assessment Instrument (D-RAI) is administered. The D-RAI results are provided to the court at the first appearance (probable cause/detention) hearing to recommend a detention placement option (release, alternative-to-secure-detention eligible, or secure detention).

In 2000, King County adopted the Juvenile Justice Operational Master Plan, a plan to reform its detention system instead of building a new detention center. It includes reforms such as using a risk assessment instrument to identify appropriate juveniles to detain, expands the use of detention alternatives, and limits juveniles' lengths of stay in detention by using sentencing guidelines and accelerating the transfer of adjudicated juveniles into placements.

Washington State is a replication site for The Anne E. Casey Foundation funded Juvenile Detention Alternatives Initiative (JDAI). The State is in its fourth year of funding. Five counties, comprising more than half of the state's juvenile population, are sites (King, Pierce, Spokane, Whatcom, and Benton-Franklin).

**Delinquency Intake Screening**

Generally, the prosecuting attorney's office receives and reviews all juvenile delinquency referrals made by law enforcement. The prosecutor decides with what the juvenile will be charged (Washington statute section 13.40.077 contains recommended prosecuting standards for charging and plea dispositions). The prosecutor also decides whether the case will be handled formally or informally. If handled formally, the prosecutor files an 'information' (petition); if handled informally, the case goes to diversion.

**Diversion**

Statute RCW 13.40.080 regulates diversion. First-time offenders referred for misdemeanor offenses are eligible for diversion. Most diversion programs are operated within probation departments’ diversion units. After a prosecutor refers a case to the juvenile court's diversion unit, the general procedure involves a diversion intake interview with the juvenile and his or her parents, during which the juvenile decides whether to go through diversion or go to court. Diversion units are usually made up of
professional and citizen volunteers. The citizen volunteers act as Community Accountability Board members to determine the terms and conditions of the diversion agreement.

The Community Accountability Board is made up of volunteers from the community who hear juvenile cases and create a diversion agreement for the juvenile to complete. The diversion agreement uses many restorative justice options and may include community service, restitution, counseling/education programs, mediation, or victim/offender reconciliation programs. The diversion agreement may not extend beyond a six-month time period. In some counties, there are alternatives to the accountability boards, such as educational programs on alcohol use/abuse/dependency for juveniles referred for possession of alcohol and seminars for juveniles referred for shoplifting.

**Predisposition Investigation**

Not every juvenile court in Washington orders predisposition reports. Where they are completed, juvenile probation officers from the juvenile probation department are responsible for the investigation and report. In order to leverage state funding for Community Juvenile Accountability Act programs (see the Probation Supervision section for information on CJAA), all counties in Washington are required to use the same risk assessment tool, the Washington State Juvenile Court Risk Assessment. In addition, by statute, a determinate sentencing grid directs judges in ordering juvenile offenders' dispositions. The grid determines sanctions based on the seriousness of the offense and the juvenile's criminal history. Age is not a factor incorporated into the disposition grid.

**Victim Rights and Services**

The rights of victims in Washington (which now apply to any criminal court and/or juvenile court proceeding) reside in RCW Chapter 7.69 and include the right to be informed of the final disposition of the case; to be provided, whenever practical, a secure waiting area during court proceedings; to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions; and to submit a pre-disposition victim impact statement or report to the court and to present a statement personally or by representation at the disposition hearing for felony convictions. Section RCW 13.40.215 defines notification requirements for victims of juvenile violent crimes or sex offenses. The victims' “Bill of Rights” is found in the Washington State Constitution, Section 35. Legislation amending Washington’s Juvenile Justice Act and RCW 7.69 (Crime Victims, Survivors and Witnesses) to reflect the needs and rights of victims of juvenile offenders was signed by the Governor in March 2004 and became effective July 1, 2004.

The Office of Crime Victims Advocacy provides statewide victim services, including advocating for victims; administering grant funds for victim-related community programs; and advising state and local government agencies of victim-related practices, policies, and priorities. Their Guide to Victims Services includes links to local, state, and national victim services, organizations, and coalitions. The Washington State Department of Labor and Industries administers the crime victim compensation fund.

The Department of Social and Health Services (DSHS) contracts with local and non-profit agencies to provide direct services to victims of crime. Each contracted agency provides a specific service to crime victims. The Victim/Witness Notification Program, administered by DSHS, notifies victims when offenders are released or transferred or escape from any DSHS facility. DSHS facilities include state psychiatric hospitals, Juvenile Rehabilitation Administration facilities, or the Special Commitment Center for sexual predators.

**Probation Supervision**

Local courts administer juvenile probation in 36 of Washington's 39 counties. In the remaining counties (Whatcom, Clallam, and Skagit), by agreement with the court, the county legislative authority administers probation. A state agency, the Department of Social and Health Services' Juvenile Rehabilitation Administration (JRA), provides funding to local probation departments for expenses related to certain programs and services.

Juvenile probation officers usually work out of a central office; however, some of the bigger counties may have satellite offices. In King County (Seattle), for example, juvenile offenders assessed as being moderate and high risk to reoffend are assigned to juvenile probation officers' caseloads at four
geographically located offices. For the most part, juvenile probation officers’ caseloads consist only of juvenile offenders. Probation caseloads vary from county to county and can range from around 25 to over 100 cases per officer.

Specialized probation services include programs for sex offenders and substance-abusing juveniles. First-time sex offenders whose standard range disposition provides for commitment to JRA and who are judged to be amenable to treatment may be disposed under the Special Sexual Offender Disposition Alternative (SSODA). SSODA juveniles must register as sex offenders and submit to DNA identification and HIV testing (as is the case with any adjudicated sex offender, SSODA or otherwise) and must be placed under community supervision for at least 24 months. The disposition also includes sex offender counseling provided by state-certified sexual offender treatment providers, and, depending on the county, may also include electronic monitoring.

Juveniles who are drug or alcohol dependent may be disposed to the Chemical Dependency Disposition Alternative (CDDA), which entails an extended period of community supervision and community-based treatment.

Juveniles subject to a standard range JRA commitment of 15 to 65 weeks, who are assessed as having an Axis I psychiatric disorder and as being amenable to treatment, may be disposed under the Mental Health Disposition Alternative (MHDA). The court may place the juvenile on community supervision for up to one year and order the juvenile to participate in recommended treatment interventions.

Juveniles not eligible for SSODA, CDDA, or MHDA may be eligible for the Suspended Disposition Alternative (SDA). SDA eligibility is predicated on the charged offense.

SSODA, CDDA, MHDA, and SDA involve the court’s imposition and then suspension of the "standard range" sanction as provided under the presumptive disposition range. The suspended sentence may be reimposed if the youth fails to comply with the conditions of the court order.

**Treatment Options**

The Community Juvenile Accountability Act (CJAA) provides funding for statewide research-based interventions proven to reduce recidivism among juvenile offenders. Such interventions include Multisystemic Therapy (MST), Functional Family Therapy (FFT) (see *Highlights*) and Aggression Replacement Training (ART). Juveniles who have been assessed as moderate to high risk to reoffend are eligible for these programs.

The Case Management Assessment Process (CMAP) determines levels of probation supervision in most counties. CMAP consists of a validated risk assessment instrument (the Washington State Juvenile Court Risk Assessment, which includes the Washington State Juvenile Court Pre-Screen Risk Assessment as a subset). Depending on the county, department policy may mandate the use of CMAP instruments. Counties that use CMAP instruments are eligible to receive state funding for implementation. Currently, each county takes its own approach to developing case plans. For example, probation officers in King County develop case plans based on the dynamic risk factors identified in the risk assessment. They focus on at least two of the dynamic risk factors and develop a case plan around these.

The *Washington State Institute for Public Policy* conducts research on many juvenile justice issues in the state, including evaluations of the Community Juvenile Accountability Act, intensive parole, aggression replacement training, and the Washington State Juvenile Court Risk Assessment.

There are no statewide standards that govern probation practice in Washington; however, guidance is provided through the Revised Code of Washington, the Washington Administrative Code, and interagency agreements (agreements between juvenile courts). King County has adopted probation supervision contact standards, an intervention and sanctions framework for moderate to high-risk offenders on field supervision, and standards for reporting violations to the court and for filing modifications.

**Juvenile Probation Officer Qualifications, Certification, and Training**
While each jurisdiction has its own hiring criteria, the standard qualification for juvenile probation officers is a bachelor's degree in a behavioral sciences field. Juvenile probation officers are not professionally certified in Washington. Training requirements include an 80-hour basic academy within the first 6 months of employment (by statute). The Washington State Criminal Justice Training Commission (CJTC) is mandated to provide the initial training for juvenile probation officers. Currently, juvenile court administrators provide an additional 40 hours of training for the Juvenile Risk Assessment instrument (described in Probation Supervision). Each jurisdiction has different training requirements beyond the initial training academy. CJTC offers various professional development classes on a statewide basis and also coordinates a majority of the statewide in-service training opportunities. The state funds CJTC, while the courts fund the additional week of initial training provided by juvenile court administrators.

**Juvenile Corrections Continuum**

The Juvenile Rehabilitation Administration (JRA), part of the Department of Social and Health Services, administers the state's juvenile corrections continuum. JRA administers a range of secure confinement and treatment services, including four secure juvenile facilities and a juvenile basic training camp. All institutions for committed youth have locking units, and two facilities (Maple Lane School and Green Hill Training School) are completely secured by fencing.

JRA’s Division of Community Programs is responsible for group homes, parole services, community-based placement contracts, and diagnostic services. All JRA facilities, both secure and non-secure, provide youth with cognitive behavioral treatment services as well as treatment programs to address specific service needs, including sex offender treatment, chemical dependency treatment, and a range of mental health treatment services.

**Commitment to State**

Commitments are presumptive, determinate, and set by statewide sentencing guidelines. A judge may find a manifest injustice and increase or decrease the disposition given certain factors. The seriousness of the offense and the juvenile's criminal history help determine the sanction received. The juvenile court sets a minimum and maximum amount of time that the juvenile will serve.

When a juvenile is committed to the Juvenile Rehabilitation Administration (JRA), legal custody transfers to JRA. JRA determines all of the placement specifics. Placement options include three campus-like institutions, a forestry camp, and a basic training camp. The Initial Security Classification Assessment (ISCA) is a validated, standardized risk assessment instrument used to determine a juvenile's initial security level and the residential placement he or she will receive. In addition to the ISCA, age, offense, treatment needs, and population level at the institutions help to determine placement. Juveniles are assigned a JRA parole counselor who works on transition plans for their eventual return to the community.

**Blended Sentencing**

Washington does not have blended sentencing provisions.

**Direct Placement**

Juvenile court judges cannot order juveniles into placement without committing them to the Juvenile Rehabilitation Administration.

**Release**

The Washington Administrative Code, Revised Code of Washington, and Juvenile Rehabilitation Administration (JRA) administrative guidelines address the release decision. The Assistant Secretary of JRA sets the release date using a prescribed range of commitment time from the sentencing guidelines. A community risk assessment is used if a juvenile is to be released before his or her maximum disposition expires. Every juvenile must be released by his or her maximum disposition. The court plays no role in the release decision.

**Aftercare/Re-entry**

Juvenile parole counselors from the Juvenile Rehabilitation Administration’s (JRA) community staff
administer aftercare (parole) services. There are four types of parole in Washington: Intensive, Enhanced, Thirty-Day Transition Parole, and Sex Offender Parole. Juveniles who have the highest risk of re-offending receive a mandatory six months of supervision. Enhanced Parole is for medium to high-risk youth who are not eligible for intensive parole. They receive 20 weeks of supervision. Thirty-Day Transition Parole is for the lowest risk youth who are eligible for parole supervision. They receive a brief 30-day period of parole focused on establishing initial community service linkages. Juveniles who committed specific sex offenses receive a mandatory 24 to 36 months of Sex Offender Parole. All youth on parole are served through JRA’s aftercare treatment model, Functional Family Parole. Functional Family Parole focuses on serving the youth and his or her family through engagement and motivation strategies as well as linking youth to services that match to the entire family. This aftercare model is based on Functional Family Therapy principles and requires parole counselors to see the entire family as their clients.

JRA operates a mentoring program that matches adult mentors with committed youth who are preparing for release. The mentors start meeting with the youth while they are still in the correctional institutions and meet with them once a week after their release. The mentors help youth to set and fulfill their educational, vocational, and other life goals. The goal of the program is to help youth transition back to the community through the help of an adult role model.

State Laws

Legal Resources
Washington's juvenile code is found in Sections 13.04 to 13.80 of Title 13 of the Revised Code of Washington (Juvenile Courts and Juvenile Offenders)

Washington State Bar Association

Purpose Clause for Delinquency Proceedings
(1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders and their victims, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the legislature declares the following to be equally important purposes of this chapter:

(a) Protect the citizenry from criminal behavior;
(b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;
(c) Make the juvenile offender accountable for his or her criminal behavior;
(d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;
(e) Provide due process for juveniles alleged to have committed an offense;
(f) Provide necessary treatment, supervision, and custody for juvenile offenders;
(g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;
(h) Provide for restitution to victims of crime;
(i) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels;

(j) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services;

(k) Provide opportunities for victim participation in juvenile justice process, including court hearings on juvenile offender matters, and ensure that Article I, section 35 of the Washington state Constitution, the victim bill of rights, is fully observed; and

(l) Encourage the parents, guardian, or custodian of the juvenile to actively participate in the juvenile justice process.


Purpose Clause for Juvenile Corrections
It is the intention of the legislature in enacting this chapter to increase the protection afforded the citizens of this state, to require community planning, to provide necessary services and supervision for juvenile offenders in the community when appropriate, to reduce reliance on state-operated correctional institutions for offenders whose standard range disposition does not include commitment of the offender to the department, and to encourage the community to efficiently and effectively provide community services to juvenile offenders through consolidation of service delivery systems.


Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20; may be extended for the purpose of enforcing a restitution order or a penalty assessment.

Juvenile Transfer Laws
For information on Washington's juvenile transfer laws, click here.

Juvenile Justice Leadership

Governor's Juvenile Justice Advisory Committee
The Governor's Juvenile Justice Advisory Committee (GJJAC) is the State Advisory Group charged with implementing the federal Juvenile Justice and Delinquency Prevention Act and administering federal and state funding. GJJAC is made up of juvenile justice professionals and private citizens who are appointed by the Governor.

Washington Association of Juvenile Court Administrators
The Washington Association of Juvenile Court Administrators is a membership association of juvenile court administrators from almost every county in Washington. The organization advocates for juvenile justice system issues and legislation that affects juvenile services in the state. WAJCA and the Washington State Institute for Public Policy jointly developed the Case Management Assessment Process, which consists of the Washington State Juvenile Court Pre-Screen Risk Assessment and Washington State Juvenile Court Risk Assessment.

Resources/Contacts
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Delinquency Services Summary

Combination State: The state operates most delinquency services for youth in West Virginia; however, the state judicial and executive branches divide responsibility. The Supreme Court of Appeals administers predisposition investigations, probation supervision, and some aftercare services through offices in the state's 31 judicial circuits. The Division of Juvenile Services, within the Department of Military Affairs and Public Safety, administers pre-adjudication/pre-dispositional shelters and secure detention, commitment, and some aftercare services.

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Court(s) with Delinquency Jurisdiction

Circuit Courts exercise jurisdiction over delinquency proceedings. Circuit Courts are general jurisdiction trial courts. There are 31 judicial circuits in the state. For more information, visit the West Virginia Judicial System web site.

Highlights

Alternatives to Secure Detention

West Virginia determined that it was holding many juveniles in emergency shelters that also house neglected, dependent, or abused youth, creating a variety of problems for the shelters. To address this problem, the Division of Juvenile Services (DJS) constructed three new staff-secure facilities through the Regional Jail Authority. The staff-secure facilities hold youth who have been charged with delinquency and meet the criteria for detention in a maximum secure detention facility, but do not pose a significant risk to themselves or their communities. The staff-secure facilities also allow the juvenile justice system and the courts to receive more complete needs assessments of juveniles.

Re-entry Court

In 2000, the Division of Juvenile Services began piloting a juvenile re-entry court program (RCP) modeled after the Office of Juvenile Justice and Delinquency Prevention's Intensive Community-Based Aftercare Program. The program targets adjudicated youth committed to the Industrial Home for Youth and Davis Center who are returning to 10 counties. In addition, community-based treatment teams provide reentry court services to adjudicated youth released from Department of Health and Human Resources residential treatment programs who have returned home but were not in Division of Juvenile Services’ custody. Youth in the juvenile re-entry court receive intensive case management while in confinement. The re-entry staff person, called the Community Resource Coordinator (CRC), meets the youth while in the institution at least monthly, developing aftercare goals and objectives, monitoring progress, and establishing a good relationship with the youth and his or her family. The CRC also meets with the youth’s family at their home several times prior to the youth’s release. Upon release, all RCP participants are court-ordered into probation and RCP. The Juvenile Probation Officer provides supervision and surveillance services. The CRC provides intensive case management with frequent contacts at school, home, and work for an indeterminate period of time. RCP youth attend monthly court hearings before the Juvenile Court Judge for a review of their progress toward their re-entry goals. A graduated system of rewards/incentives and sanctions are used in RCP to hold youth accountable for their behavior, keep them on track toward their goals, and enhance public safety. Based on the youth’s behavior over the past month, the CRC recommends a reward/incentive or
sanction at the hearing, which is often then court-ordered into action by the Juvenile Judge. The judge makes the discharge decision based upon the youth’s length of disposition and recommendations from probation and the youth’s CRC.

**Teen Courts**
The Ninth Circuit (Mercer County), Sixteenth Circuit (Marion County), and Seventeenth Circuit (Monongalia County) offer teen court programs. Acting or retired circuit court judges or active West Virginia state bar members serve as judges. Dispositions include community service and serving as a teen court juror. The Sixth Circuit operates the Cabell County juvenile drug court diversion program. The program diverts non-violent juvenile offenders with alcohol or substance abuse problems to intensive supervision and treatment.

**Detention**
The Division of Juvenile Services (DJS), within the Department of Military Affairs and Public Safety, administers detention services. Out of the ten juvenile detention centers (three staff-secure facilities and seven hardware secure facilities in West Virginia), DJS operates nine of them and contracts with a private not-for-profit agency to operate the remaining facility. Please see the highlight for more information about the staff-secure detention facilities.

Depending upon the practice of local judicial circuits and availability of detention alternatives, home confinement, electronic monitoring, and shelter care may be used as options to secure detention pending disposition or placement.

West Virginia’s statewide detention standards are available online. The judicial/probation system does not use a standardized screening process other than the standards stated in Facilities Review Panel v. Coe (420 S.E. 2d 532, 187 W.Va. 541), which has been modified over the years by further West Virginia Supreme Court decisions, and West Virginia Code Chapter 49 Article 5. Juveniles may be held in detention to protect the juvenile, if the juvenile is a fugitive, or to ensure the juvenile’s presence at court. The centers house juveniles awaiting adjudication, disposition, and placement. Detention is not used as a disposition; however, it can be used as a sanction for probation violations.

Following the detainment of a youth in a juvenile detention center, a detention hearing must be held by the next day. Preliminary hearings must be held within 10 days, and adjudicatory hearings must be held within 30 days unless good cause is shown.

**Delinquency Intake Screening**
Anyone with knowledge of the alleged facts may file delinquency complaints. The process for delinquency intake varies between judicial circuits. In some circuits, juvenile probation receives referrals, screens them, and decides whether to handle the case formally or informally. In others, the prosecuting attorney's office has these responsibilities. In three judicial circuits (6th, 13th, and the 24th), a juvenile referee performs this function.

**Diversion**
Depending on the judicial circuit, juvenile probation or the prosecuting attorney's office may decide to take informal action on the case. Informal dispositions include informal adjustment counseling, referral to counseling, and teen court programs.

The court or juvenile probation may informally adjust cases if it is in the best interest of the public and the juvenile and with the consent of the juvenile and his or her parents. Informal adjustment usually lasts for six months, but it may be extended for another six months. The court or juvenile probation may also refer a juvenile to a counselor at the Department of Health and Human Resources or a community mental health center, or other professional counselor in the community for no more than six months.

The Fourth Circuit (Wood and Wirt counties) offers several diversion programs, including the "Peace Program" with emphasis on anger control and empathy and the "S.O.B.E.R. Program" to combat underage drinking. Other Circuits offer mentoring, restitution, community service, and anti-shoplifting
programs. For more information about teen court programs in West Virginia, please see the Highlight on this topic.

**Predisposition Investigation**
Juvenile probation officers, working for the Supreme Court of Appeals through 31 judicial circuit offices, develop cases for disposition. There is no standard protocol used to conduct predisposition investigations, although a basic format is followed to develop the Predisposition Investigation Report, which is the end product of the investigation. State law requires the juvenile's attorney to make placement recommendations, if applicable. Statute 49-5D-3 mandates that multidisciplinary treatment teams (MDT) develop plans prior to disposition for youth who are victims of abuse or neglect involved in delinquency proceedings that may result in commitment to a state delinquency institution or when, in a status offense proceeding, a youth is referred to the Department of Health and Human Resources (DHHR) for services. In addition, an MDT is mandated when, in a delinquency proceeding, the court is considering placing a youth in the custody of, or out of home, at DHHR's expense.

**Victim Rights and Services**
The statutory rights of victims in West Virginia reside in statute 61-11A. The "Victims Protection Act of 1984" applies to victims of juvenile as well as adult offenders. Victims' rights include the right to:

- submit victim impact statements to be included in predisposition reports
- be notified of the offender's release if the offender commits certain serious crimes
- receive restitution unless the court finds ordering it impractical.

The Juvenile Code, under statute 49-5-2(i), allows victims of juvenile offenders accused of committing a felony if committed by an adult to attend any related juvenile hearings at the judge’s discretion.

The West Virginia Division of Criminal Justice Services has published the *Crime Victim Service Provider Directory: 2003-2004*.

The West Virginia Court of Claims administers the state crime victim compensation program.

**Probation Supervision**
Juvenile probation officers, working for the Supreme Court of Appeals in 31 judicial circuit offices, provide probation supervision. In single county judicial circuits, most probation officers work in one centralized office. Multi-county circuits usually have probation offices in each of the circuit’s counties. Probation officers carry one of three designations based upon the preference of their Circuit Judge: adult officer, juvenile officer, and adult/juvenile officer, which is the largest single category. This dual designation has been a growing trend over the last five to seven years.

The Circuit Court sets the terms, conditions, and length of probation supervision. West Virginia does not have specialized probation programs. No statewide standard sets caseload size, but the average supervision caseload was 84 in 2005.

Juvenile probation currently employs a standardized statewide risk assessment instrument as a component of the Juvenile Justice Database maintained by the Statistical Analysis Center of the Division of Juvenile Services. The assessment is performed on those youth for whom the Court has ordered a written pre-disposition report.

**Juvenile Probation Officer Qualifications, Certification, and Training**
Probation officers must have bachelor’s degrees in a relevant field of study, such as counseling, corrections, social work, or criminal justice. Although probation officers are not professionally certified, the West Virginia Supreme Court conducts an annual, weeklong, mandated training for them. The Director of Probation Services in the Court's Administrative Office instituted the first annual training program for new probation officers in the fall of 2003. The Administrative Office of the Court regularly provides educational opportunities to probation officers, including paying tuition for college courses that
are relevant to probation work.

**Juvenile Corrections Continuum**
The Division of Juvenile Services, within the Department of Military Affairs and Public Safety, operates and maintains two secure juvenile correctional centers: the Industrial Home for Youth in Harrison County, the state’s most secure facility, and the Davis Center in Tucker County, a medium secure facility.

**Commitment to State**
The court may commit an adjudicated delinquent to the custody of the director of the Division of Juvenile Services (within the Department of Military Affairs and Public Safety) for placement in a secure juvenile correctional facility. Commitments are for an indeterminate length of time, lasting for the duration of the correctional facility’s program of rehabilitation or for a period no longer than what an adult could serve for having committed the same offense.

**Blended Sentencing**
If a juvenile is tried and convicted following transfer to adult jurisdiction, the court may nevertheless impose a juvenile disposition in lieu of sentencing the juvenile as an adult. Even if the juvenile is sentenced as an adult, he or she will remain in a juvenile facility until 18 and can stay (at the judge’s discretion) until age 21. For more information, click here.

**Direct Placement**
The Circuit Court has the authority to place a delinquent youth in the custody of the Department of Health and Human Resources (DHHR) for placement in a public/private rehabilitative oriented institution. The youth is, in this instance, supervised by a DHHR social worker and usually, but not necessarily, a probation officer. Statute 49-5D-3 mandates that multidisciplinary teams (MDT) develop plans before disposition for youth involved in status offense and delinquency proceedings that may result in placing the juvenile out-of-home at the expense of DHHR. The committing court makes release decisions, with recommendations from the MDT, which includes a DHHR representative. A DHHR social worker and/or probation officer provide aftercare supervisions for youth who receive aftercare services.

**Release**
The court makes release decisions based upon recommendations provided by the director of the delinquency institution. The court relies heavily on the Division of Juvenile Services' input.

**Aftercare/Re-entry**
When a judge orders aftercare upon a youth's release from the Division of Juvenile Services (DJS), a local probation officer usually provides aftercare supervision. However, not all counties administer aftercare in the same way. Some probation officers provide aftercare in conjunction with DJS, and some counties choose to not provide aftercare upon a youth's release from DJS.

DJS administers an intensive aftercare services program (modeled after the Intensive After Program by Drs. David Altschuler) for all youth released from the WV Industrial Home for Youth and the Davis Center. These services are provided by three Community Resource Supervisors and 18 Community Resource Coordinators (CRCs). Aftercare services begin at the youth’s arrival at the institutions and continues for one year following release. Prior to release, these services include monthly progress reviews with the youth, quarterly home visits with the youth’s parents/guardians, participation in the youth’s treatment plan and multidisciplinary treatment, and attendance at release hearings. Following release, the CRCs complete several home and school visits per month for at least six months, continuing with follow-up phone calls until one year following release. CRCs know the resources in the areas they are assigned to and link youths to the most appropriate resources needed upon release. CRCs also serve as a resource for Judges, juvenile probation officers, prosecuting attorneys, defense attorneys, key community service providers, schools, and businesses.

In 2000, the Division of Juvenile Services began piloting a juvenile re-entry court, funded through the Office of Justice Program's Serious and Violent Offender Reentry Initiative and modeled after the drug court and Office of Juvenile Justice and Delinquency Prevention's Intensive Community-Based Aftercare
Program. Please see the Highlight for more information about the juvenile re-entry court.

For information about West Virginia's involvement in the Office of Justice Program's Serious and Violent Offender Reentry Initiative, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

State Laws

Legal Resources

West Virginia State Code, Chapter 49 (Child Welfare), Article 5 (Juvenile Proceedings)

Title 101, Legislative Rule, Juvenile Facilities Standards Commission, Series 1, West Virginia Minimum Standards for Structure, Operation, and Maintenance of Juvenile Detention and Correctional Facilities

West Virginia Juvenile Law and Procedure (March 2002 issue of Juvenile Justice Report)

West Virginia State Bar

Purpose Clause for Delinquency Proceedings

It is the purpose and intent of the Legislature to provide for the creation of all reasonable means and methods that can be established by a humane and enlightened state, solicitous of the welfare of its children, for the prevention of delinquency and for the care and rehabilitation of juvenile delinquents and status offenders. It is further the intent of the Legislature that this state, through the department of health and human resources, establish, maintain, and continuously refine and develop, a balanced and comprehensive state program for juveniles who are potentially delinquent or are status offenders or juvenile delinquents in the care or custody of the department.


Purpose Clause for Juvenile Corrections

(a) The purpose of this chapter is to provide a coordinated system of child welfare and juvenile justice for the children of this state that has goals to:

(1) Assure each child care, safety and guidance;

(2) Serve the mental and physical welfare of the child;

(3) Preserve and strengthen the child's family ties;

(4) Recognize the fundamental rights of children and parents;

(5) Adopt procedures and establish programs that are family-focused rather than focused on specific family members, except where the best interests of the child or the safety of the community are at risk;

(6) Involve the child and his or her family or caregiver in the planning and delivery of programs and services;

(7) Provide services that are community-based, in the least restrictive settings that are consonant with the needs and potentials of the child and his or her family;

(8) Provide for early identification of the problems of children and their families, and respond appropriately with measures and services to prevent abuse and neglect or delinquency;

(9) Provide a system for the rehabilitation of status offenders and juvenile delinquents;
(10) Provide a system for the secure detention of certain juveniles alleged or adjudicated delinquent;

(11) Provide a system for the secure incarceration of juveniles adjudicated delinquent and committed to the custody of the director of the division of juvenile services; and

(12) Protect the welfare of the general public.

(b) In pursuit of these goals it is the intention of the Legislature to provide for removing the child from the custody of his or her parents only when the child's welfare or the safety and protection of the public cannot be adequately safeguarded without removal; and, when the child has to be removed from his or her family, to secure for the child custody, care and discipline consistent with the child's best interests and other goals herein set out. It is further the intention of the Legislature to require that any reunification, permanency or preplacement preventative services address the safety of the child.

(c) The child welfare service of the state shall be administered by the department of health and human resources. The division of juvenile services of the department of military affairs and public safety shall administer the secure predispositional juvenile detention and juvenile correctional facilities of the state. Notwithstanding any other provision of this code to the contrary, the administrative authority of the division of juvenile services over any child in this state extends only to those detained or committed to a secure detention facility or secure correctional facility operated and maintained by the division by an order of a court of competent jurisdiction during the period of actual detention or confinement in the facility.

(d) The department of health and human resources is designated as the agency to cooperate with the United States department of health and human services and United States department of justice in extending and improving child welfare services, to comply with regulations thereof, and to receive and expend federal funds for these services. The division of juvenile services of the department of military affairs and public safety is designated as the agency to cooperate with the United States department of health and human services and United States department of justice in operating, maintaining and improving juvenile correction facilities and centers for the predispositional detention of children, to comply with regulations thereof, and to receive and expend federal funds for these services.

(e) The department of health and human resources and the division of juvenile services shall present a joint plan for a coordinated system of child welfare and juvenile justice, including specific provisions for juveniles who have been accused of an act of delinquency through the filing of a formal petition pursuant to section seven [§ 49-5-7], article five of this chapter, to the designated legislative task force for juvenile oversight on or before the first day of September, one thousand nine hundred ninety-nine. The department and division shall report regularly during the interim period to the designated task force before completion of the plan to advise the Legislature as to progress of the plan's development.


**Delinquency Jurisdiction** (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

**Juvenile Transfer Laws**
For information on West Virginia’s juvenile transfer laws, [click here](#).

**Juvenile Justice Leadership**

[Governor's Committee on Crime Delinquency and Correction](#)
The Division of Criminal Justice Services staffs the Governor's Committee on Crime Delinquency and Correction, which was created by executive order in August of 1968 to develop a comprehensive, statewide planning capacity for the improvement of the criminal justice system in West Virginia.
Juvenile Justice Subcommittee of the Governor’s Committee on Crime, Delinquency and Corrections
This Subcommittee, as West Virginia’s State Advisory Group (SAG), allocates and disburses federal funding and insures compliance with the core requirements of the JJDP Act of 1974.

Resources/Contacts
Governor's Committee on Crime Delinquency and Correction
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West Virginia Division of Juvenile Services
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Delinquency Services Summary
Decentralized State: Delinquency services are primarily organized at the local level in Wisconsin, with social service departments frequently providing community supervision for probation or aftercare. However, local autonomy produces several different scenarios for administration of secure detention, probation, and aftercare services. The Department of Corrections, Division of Juvenile Corrections administers secure juvenile corrections, some juvenile aftercare services, and community-based alternatives to secure care.

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Court(s) with Delinquency Jurisdiction
Circuit Courts exercise jurisdiction over delinquency proceedings. Circuit Courts are general jurisdiction trial courts. Most jurisdictions organize the jurisdiction over juvenile matters in a Juvenile Division of the Circuit Court. The Supreme Court of Wisconsin's web site has a description of the Circuit Courts.

Highlights

Juvenile Correctional Placements Decrease in Wisconsin
The Department of Corrections, Division of Juvenile Corrections' secure juvenile residential placement facilities reduced their average daily population between calendar year 2003 and 2004 by about 9 percent. The reduction is attributed to decreases in violent and serious juvenile offending and increased capacity of local agencies to supervise youth safely in their own communities (please see the description of Youth Aids incentives under Juvenile Corrections Continuum).

Wraparound Milwaukee Diverts Behaviorally Challenged Youth from Placement
Milwaukee County, Wisconsin's largest urban county, implemented Wraparound Milwaukee. This innovative program and funding strategy uses mental health “wrap around” services to reduce the placement of youth with serious emotional and behavioral health problems in residential treatment centers. Wraparound Milwaukee was implemented in 1995 with a $15 million, 6-year federal grant, which helped to encourage collaboration between the public agencies for child welfare, mental health, Medicaid, and juvenile justice. The local Children’s Court Center and juvenile probation are primary partners in the program—in 2004, about two-thirds of Wraparound Milwaukee enrollees entered the program on delinquency referrals, and 57% of Wraparound Milwaukee funding came from funding streams directed at delinquents and status offenders. Additional detail is available on the Wraparound Milwaukee web site.

Detention
Secure detention in Wisconsin is organized at the local level, with some facilities having regional catchment. Facilities are funded almost entirely by local tax revenue and are administered in one of five ways: 1) by county sheriffs, with program staff employed by the county sheriff; 2) by county sheriffs, with program staff employed by county human service agencies; 3) stand-alone facilities administered by a county human service agency; 4) stand-alone facilities administered by the juvenile court (e.g., Madison); or 5) stand-alone facilities administered by the Children’s Court Center (i.e., Milwaukee).
Sixteen counties currently operate secure detention facilities. An additional 25 counties hold juveniles in county jails, with sight and sound separation from adults, for shorter periods of time. Thirty-one counties pay a fee for service to another county. The Department of Corrections licenses these facilities, which are subject to annual inspections for compliance with Ch. DOC 346, Wisconsin Administrative Code.

Juveniles can be held in secure detention prior to adjudication, disposition, and placement in a residential facility. Secure detention can also be used to investigate a violation of a juvenile court disposition, as a sanction for violating disposition orders (maximum 72 hours), as a consequence for violating a disposition (maximum 10 days), or as a disposition (30 days per offense). A 1999 evaluation of the impact of using secure detention as a sanction or disposition is available on the Legislative Audit Bureau web site.

Wisconsin statute (938.208) outlines the criteria for holding a juvenile in a secure detention facility. Thereafter, admissions criteria for both pretrial holding and detention as a disposition or sanction are made by county boards, juvenile courts, and human service agencies involved in administering facilities. Statute requires the Department of Corrections to provide the Wisconsin Juvenile Delinquency Classification System to all counties for risk assessment in detention decisions (938.549). However, counties may develop their own assessment tools.

Youth referred to secure detention during regular court hours have a right to a court hearing for placement where a judge or hearing officer determines length of stay and level of placement. Outside of regular court hours, juvenile court intake workers screen referrals to secure detention, or, if a youth is active for delinquency supervision, the youth's social worker may make the screening decision. However, a detention hearing must be held within 24 hours after the end of the day that the decision to hold the juvenile was made, excluding Saturdays, Sundays, and legal holidays.

Some counties use secure detention for punishment without specific guidelines. However, other county boards have developed policies encouraging alternatives to secure detention. For example, Dane County (Madison) relies on community placement options, and Milwaukee County developed a continuum of alternative dispositions to secure detention, including non-secure out of home placements, intensive probation supervision, and drug and alcohol treatment programs. Other counties limit the funding for placements intended as punishment.

**Delinquency Intake Screening**

Law enforcement usually makes delinquency referrals in Wisconsin. However, school officials, family members, and public or private agency staff may also refer youth to juvenile court intake.

Statute sections 938.24 to 938.25 describe the intake process, including time frames for each step and provisions for non-compliance by the agencies. "Intake workers" screen cases for legal sufficiency. The "intake worker" function may be organized within county departments for social/human services (55 counties), a Children's Court Center (Milwaukee), or independently in a service unit of the juvenile court (16 counties). Finally, one county administers intake through its county sheriff's department. Intake workers often carry the title juvenile court intake officer or juvenile court services officer.

The intake worker must submit a recommendation to the local prosecutor (the district attorney or corporation counsel) who has the final decision for charging the case and filing a petition. The local prosecutor may file a petition, close the case, or refer the case back to the intake worker or to the law enforcement agency investigating the offense. Cases referred back to intake may be closed or diverted through an agreement for deferred prosecution. If the case is referred back to law enforcement, law enforcement may complete the investigation and submit a new referral to intake, which means that intake must develop a new recommendation and the prosecutor must make a new filing decision.

**Diversion**

Diversion from court, referred to as "deferred prosecution" or informal disposition in Wisconsin, is an agreement between the intake worker and the youth and his or her parents on informal conditions of diversion. Statute (section 938.245) provides for deferring prosecution by agreement. A deferred
prosecution agreement can be entered when an intake worker determines that sufficient evidence is available to substantiate delinquency in a juvenile court proceeding, but filing a petition and taking the case to court serves neither the youth nor the public interest. The statute also provides specific guidelines for provisions of the agreement and limits it to no more than one year.

Agreements may include individual, family, or group counseling, curfews, school attendance requirements, informal supervision, alcohol and drug abuse assessments, outpatient treatment, restitution, community service, and a range of other local services to meet the goals of the juvenile justice code. Programs supporting deferred prosecution vary from jurisdiction to jurisdiction. Courts and prosecutors administer some interventions, depending on the jurisdiction’s size. However, statute clearly charges intake workers with the responsibility for monitoring the progress of the agreement to case closure.

**Predisposition Investigation**

Upon filing a petition, either the intake worker or a social worker may develop the information collected at intake into a disposition recommendation. Statute (section 938.33) outlines the general requirements for a “court report” and individual service plan, similar in scope and composition to family service plans prepared in child protection cases, to be submitted before disposition. By statute, the intake worker or social worker must develop a social history of the juvenile; a recommended plan for treatment and care of the juvenile resulting from assessments or evaluations conducted during the predisposition investigation; a description of the specific services or continuum of services the agency is recommending, including responsibility for providing the services and case management; a statement of the objectives for the case plan, including any desired behavior changes; a plan for providing educational services; treatment services for the parents (e.g., anger management counseling); home and correctional placement reports; a description of less restrictive placement alternatives; recommendations for child support; and a permanency plan (similar to those required for dependent children under federal law).

**Victim Rights and Services**

Wisconsin’s Juvenile Justice Code (section 938.346) extends certain rights to the victims of juvenile violence, including the right to learn the identity of the juvenile and the juvenile’s parents and procedures for obtaining the police record, to be notified of an intake decision to close the case or divert it, to receive information about the disposition or consent decree, to submit a written impact statement or make a statement to the court, to attend hearings and be accompanied by a service representative, to a speedy disposition, and to register complaints about their treatment to the state Department of Justice, Office of Crime Victim Services.

The Wisconsin Department of Justice, Office of Crime Victim Services administers the crime victim compensation program, which provides financial assistance to victims to pay expenses related to victimization, such as uninsured medical and dental costs and lost income.

The Wisconsin Department of Corrections operates a Victim Services Office to provide information, assistance, and advocacy services.

**Probation Supervision**

Juvenile probation services are organized several ways in Wisconsin:

1) County social service departments frequently administer juvenile intake, investigation, and probation supervision services.

2) Some counties separate intake and probation supervision services between local juvenile courts (intake) and the county social services department (probation supervision).

3) A few counties have probation services that are funded by county social services departments but are administered by Circuit Courts.

4) Counties with a population of 500,000 or more have the authority under statute to establish a Children’s Court Center to administer intake, investigation, and probation
supervision activities for juveniles under the policies established by the county board of supervisors. Only Milwaukee County has a Children's Court Center.

Depending on the jurisdiction's size, social workers or probation officers in Wisconsin may carry mixed caseloads of juvenile and adult offenders and delinquency and welfare cares, especially in rural areas. Professional titles also vary across the state, depending on the arrangement for administering probation in a county. Where probation supervision is administered by social services, they are frequently called social workers or caseworkers. However, they carry the title juvenile probation officer in Milwaukee County.

The practice of developing case plans depends on the operating procedures of each local social service office. Some provide structure to assigning supervision levels with classification tools (e.g., Milwaukee and Dane counties). The extensive requirements for a "court report" at disposition, akin to a family service plan in a child protection case, clearly pushes juvenile probation beyond a set of probation conditions in Wisconsin. The juvenile code (938.38) requires a permanency plan in delinquent cases similar to those required for the reunification of dependent children. The court or an administrative panel must review the plan every six months by statute.

Wisconsin administrative code provides community supervision standards following an adjudication of delinquency (Ch DOC 397 and 398). With the exception of Intensive Supervision Programs (Ch. DOC 398), no statewide caseload standard exists, and average caseloads for community supervision vary between county departments.

An outside assessment of the effectiveness of probation services has not recently been conducted in Wisconsin. However, major reform legislation in 1995 introduced the Balanced and Restorative Justice (BARJ) approach to juvenile probation practice in Wisconsin by changing the juvenile justice purpose clause to reflect BARJ principles. However, the application of BARJ varies from county to county as a result of the local autonomy for most juvenile justice services.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Qualifications for entry-level probation positions are the same as those for performing entry level social work in a county department (938.06 (1) (am) and (2) (b)). This code section also requires all juvenile court intake workers to successfully complete basic juvenile court intake worker training according to the Administrative Rules adopted and monitored by the Department of Corrections, Division of Juvenile Corrections. The 30-hour training must be completed within the first 6 months of hire or assignment to intake. The employee must also receive a passing score on a test at the conclusion of training. The Department of Corrections is responsible for providing the training and currently works with the Wisconsin Juvenile Court Intake Association to organize and conduct it.

No statewide requirements exist for ongoing training of juvenile court intake and probation officers. However, the Wisconsin Juvenile Court Intake Association organizes training at state conferences.

**Juvenile Corrections Continuum**

The Department of Corrections (DOC), Division of Juvenile Corrections (DJC) is responsible for Juvenile Correctional Institutions (JCIs). DJC currently administers three secure JCIs and one additional secure facility based on outdoor experiences. The state Department of Health and Family Services operates a secured juvenile correctional facility on the grounds of a state mental health hospital. The DJC web site provides more information about the range of programs and facilities it operates and the classification and assessment phase for a commitment to secure custody.

In 1980-81, Wisconsin established a financial disincentive for state commitment and encouraged the development of local delinquency interventions. The Community Youth and Family Aids program, commonly called "Youth Aids," replaced a system in which secure correctional and aftercare services for delinquent youth were paid directly by the state, at no charge to counties. Under Youth Aids, each county receives an annual allocation from the state to pay for DOC/DJC correctional placements and aftercare services. Any remaining Youth Aids' funds can be used for local services to delinquents with some restrictions. The Legislative Audit Bureau conducted a 1999 evaluation of Wisconsin’s Youth Aids
Commitment to State
Commitments to the Department of Corrections (DOC), Division of Juvenile Corrections (DJC) for placement in a secure correctional facility are indeterminate. The committing court retains jurisdiction as set forth in the disposition order for up to 2 years or until the youth's 18th birthday, whichever occurs first, and can modify and review the implementation of its order. Legal parties to the case may also request a revision of the court's disposition order. The statute neither explicitly requires nor prohibits in-court reviews of youth committed to the care of DOC/DJC.

The committing court can recommend a secure or non-secure placement and specific programming in the disposition order. However, as the agency primarily responsible for implementing the court’s disposition order, DOC/DJC determines the final service plan and placement specifics within the range of facilities and services it administers. On this authority, and subsequent to an initial assessment and classification process in secure care, the DOC/DJC can discharge youth to less restrictive placements or transfer to one of its community based programs (e.g., early release to community intensive supervision).

When DOC/DJC decides to change a placement, it is bound by statute to send written notice to the juvenile's parent, guardian, legal and physical custodian, and the committing court. However, a court hearing is not required to approve the change. In contrast, changes in placement where the court has committed a youth to the supervision of the county agency are subject to court review under the Juvenile Justice Code.

Serious Juvenile Offenders
Important exceptions to the jurisdiction of the court and DOC/DJC exist under the law that defines DOC's Serious Juvenile Offender Program. Specifically, if a youth was adjudicated for certain serious felony offenses and committed to the Serious Juvenile Offender Program, the court must retain jurisdiction for a period of five years. If the juvenile was adjudicated for a class A felony (serious homicide) and committed to the program, the court must retain jurisdiction until the juvenile reaches 25 years of age. However, not all of the commitment needs to be served in secure care, and most Serious Juvenile Offender youth can only be held in secure care for a cumulative total of three years. Commitments for Class A felons have a mandatory one-year minimum period of secure care.

Blended Sentencing
For a summary of Wisconsin's blended sentencing provisions, click here.

Direct Placement
Residential Care Centers (RCCs) are non-secure private residential facilities licensed by the state to provide care and treatment for abused, neglected, and delinquent youth, with delinquent youth comprising about 60% of the RCC population. In Wisconsin, about 40 child welfare agencies operate RCCs. Juvenile court judges can place youth directly in RCCs by court order. Therefore, the county pays for care with Community Aids or Youth Aids funds or local revenues.

Although requirements for court reviews are suspended for Division of Juvenile Corrections' commitments to secure placements, they remain in effect with regard to RCCs. Therefore, a court review is required every six months for youth in foster care, group homes, and private placement facilities, and generally the juvenile court makes the release decision. A state (Division of Juvenile Corrections) or county social worker (probation officer) supervises youth in RCC placements, depending on the aftercare arrangements in the county of the committing court.

Where counties operate their own aftercare services, local aftercare workers may supervise youth returning from private facilities through direct placements made by the court. To meet the need for re-entry, many of the private residential treatment providers have developed structured day treatment and other community-based programs to help transition youth into the community. The goals of the effort are not only for re-entry, but to reduce costs by decreasing placement time because counties pay for those placements out of their Youth Aids budget or a placement budget.
Release
There is no juvenile parole authority in Wisconsin. Rather, the Department of Corrections (DOC), Division of Juvenile Corrections (DJC) is bound by statute to release youth deemed rehabilitated and no longer a threat to the community. Therefore, DOC/DJC has established an Office of Juvenile Offender Review (OJOR) to organize case reviews for making case plan adjustments and release decisions. OJOR organizes and chairs Joint Planning and Review Committees (JPRC) that meet for the first time formally within 35 days following a youth’s admission to a secure long-term juvenile facility to review treatment goals and begin planning for community reentry (the reception period occurs sooner for placements in short-term programs). JPRC members formally meet concerning the youth’s progress in placement a minimum of every six months thereafter to consider release or movement to a less restrictive setting. JPRCs include a representative from the committing county, a DJC agent, JCI social worker, and an OJOR reviewer. Each has a vote on release decisions. Informal participants (no vote) can include the youth, parents, close family members, friends, or mentors.

Aftercare/Re-entry
Per statute (938.34 (4n)), an order placing a juvenile in a state facility must contain an order for state or county aftercare. The Division of Juvenile Corrections (DJC) is responsible for aftercare supervision, but many counties have opted to provide their own aftercare services. DJC also provides a "Corrective Sanctions" supervision program for youth returning from Juvenile Correctional Institutions to about 20 counties, with the majority of placements in Dane, Racine, Rock, Winnebago, Outagamie, and Milwaukee counties. DJC has revised the process for delivering institution and community supervision services to include a transitional or "re-entry" phase of intensive pre- and post-release services.

Wisconsin is participating in the Office of Justice Program's Serious and Violent Offender Reentry Initiative. For information about Wisconsin's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

State Laws

Legal Resources
The Wisconsin Juvenile Justice Code, Chapter 938 in the Wisconsin Revised Statutes, contains the core of the statutes governing delinquency proceedings. Local court rules may support the statutes' requirements with additional structure for delinquency and dependency cases in certain counties. Both the Juvenile Justice Code and local court rules are available online on the Wisconsin Revision of Statutes Bureau web site.

Wisconsin Bar Association

Purpose Clause for Delinquency Proceedings
(1) This chapter may be cited as "The Juvenile Justice Code", and shall be liberally construed in accordance with the objectives expressed in this section.

(2) It is the intent of the legislature to promote a juvenile justice system capable of dealing with the problem of juvenile delinquency, a system which will protect the community, impose accountability for violations of law and equip juvenile offenders with competencies to live responsibly and productively.

To effectuate this intent, the legislature declares the following to be equally important purposes of this chapter:

(a) To protect citizens from juvenile crime.

(b) To hold each juvenile offender directly accountable for his or her acts.

(c) To provide an individualized assessment of each alleged and adjudicated delinquent juvenile, in order to prevent further delinquent behavior through the development of competency in the juvenile offender, so that he or she is more capable of living productively.
and responsibly in the community.

(d) To provide due process through which each juvenile offender and all other interested parties are assured fair hearings, during which constitutional and other legal rights are recognized and enforced.

(e) To divert juveniles from the juvenile justice system through early intervention as warranted, when consistent with the protection of the public.

(f) To respond to a juvenile offender's needs for care and treatment, consistent with the prevention of delinquency, each juvenile's best interest and protection of the public, by allowing the judge to utilize the most effective dispositional option.

(g) To ensure that victims and witnesses of acts committed by juveniles that result in proceedings under this chapter are, consistent with the provisions of this chapter and the Wisconsin constitution, afforded the same rights as victims and witnesses of crimes committed by adults, and are treated with dignity, respect, courtesy and sensitivity throughout such proceedings.

Purpose Clause for Juvenile Corrections
The purposes of this chapter and chs. 302 to 304 are to prevent delinquency and crime by an attack on their causes; to provide a just, humane and efficient program of rehabilitation of offenders; and to coordinate and integrate corrections programs with other social services. In creating the department of corrections, chs. 301 to 304, the legislature intends that the state continue to avoid sole reliance on incarceration of offenders and continue to develop, support and maintain professional community programs and placements.

Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: 10
Upper Age: 16
Extended Age of Delinquency Jurisdiction: 24

Juvenile Transfer Laws
For information on Wisconsin's juvenile transfer laws, click here.

Juvenile Justice Leadership

Governor's Juvenile Justice Commission
The Governor's Juvenile Justice Commission provides guidance to the Wisconsin Office of Justice Assistance under the Juvenile Justice and Delinquency Prevention Act to guide the expenditure of State and federal funds for juvenile justice.

Wisconsin Council on Children and Families
The Wisconsin Council on Children and Families, a non-profit statewide child and family advocacy organization, conducts policy research and provides breaking news on issues affecting Wisconsin youth, including juvenile justice, on its web site.

Wisconsin Juvenile Court Intake Association
The Wisconsin Juvenile Court Intake Association is a statewide professional membership organization that organizes annual conference events on behalf its membership.

Wisconsin Legislative Audit Bureau
Wisconsin's Legislative Audit Bureau is an important source for assessment and evaluations of state juvenile justice issues, including the impact of secure detention as a disposition, truancy best practices, and pilot restorative justice efforts.

**Resources/Contacts**
- Governor's Juvenile Justice Commission
- Wisconsin Bar Association
- Wisconsin Council on Children and Families
- Wisconsin Court System
- Wisconsin Department of Corrections, Division of Juvenile Corrections
- Wisconsin Juvenile Court Intake Association
- Wisconsin Juvenile Officer Association
- Wisconsin Legislative Audit Bureau
- Wisconsin Office of Justice Assistance
- Wisconsin Revision of Statutes Bureau

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**Delinquency Services Summary**

*Combination State:* With the exceptions of secure detention and limited local probation services, the state operates most delinquency services for youth in Wyoming. The district/county attorney's office is responsible for delinquency intake screening. With the exception of two district courts and one municipal court, the Department of Family Services, Division of Juvenile Services provides most probation services as well as commitment, release, and aftercare services. Detention services are the responsibility of local law enforcement.

<table>
<thead>
<tr>
<th>Service Classification</th>
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<tbody>
<tr>
<td>Detention</td>
<td>Local/Executive</td>
</tr>
<tr>
<td>Probation Supervision</td>
<td>Combination</td>
</tr>
<tr>
<td>Juvenile Corrections</td>
<td>State/Executive</td>
</tr>
<tr>
<td>Aftercare Supervision</td>
<td>State/Executive</td>
</tr>
</tbody>
</table>

**Court(s) with Delinquency Jurisdiction**

District courts, which are general jurisdiction trial courts, have jurisdiction over "delinquency" and CHINS matters. District court judges preside over juvenile court, which has exclusive jurisdiction over youth alleged to have been abused or neglected, certain offenders age 12 and younger, and children in need of supervision. However, district (juvenile) courts share jurisdiction with circuit and municipal courts, which are limited jurisdiction courts, over misdemeanor cases or ordinance violations involving juveniles. As a result, circuit and municipal courts handle many more cases involving minors than do district courts. For more information, visit the [Wyoming Judiciary web site](#).

**Highlights**

**Juvenile Drug Courts**

Wyoming has around 17 drug courts, at least 4 of which are juvenile drug courts. In Campbell County (Gillette), the Juvenile and Family Drug Court (JFDC) was established in 2002 to reduce substance abuse and related delinquent behavior among non-violent juvenile offenders, strengthen family relationships, improve juveniles' school performance, and enhance public safety. A Drug Court Team (consisting of the judge, a county attorney, a public defender, and representatives from juvenile probation, the Department of Family Services, substance abuse treatment providers, and the school district) works to address the needs of the juvenile and his/her family. Parents/guardians may be placed under the jurisdiction of the District or Juvenile Court and ordered to submit to urinalysis or searches, attend counseling, and perform any other task necessary to maintain stability in the juvenile's life. Parents/guardians can be held in contempt if they fail to complete court-ordered tasks. Since its inception, 30 participants have graduated from JFDC. All graduates are either attending or have graduated from high school or have obtained their GED, and 75% have had no new arrests.

**Detention**

County law enforcement agencies administer secure detention. There are about 10 secure detention facilities in Wyoming. Detention options include secure facilities, shelters, home detention, and electronic monitoring. Law enforcement officers screen admissions and contact the Department of Family Services' "on-call" worker for a placement decision on admission. By statute, the district attorney may also review the need for a juvenile's detention and may order a juvenile's release from detention. There is no state-mandated risk assessment instrument that is used at detention screening.

Juveniles may be held in detention pre-adjudication, pre-disposition, and while awaiting placement. District court judges can sentence youth to secure detention for a period not to exceed six months, and
detention may be used as a sanction for violating probation.

By statute, a juvenile may be held in detention in order to protect the person or property of others; to prevent the juvenile from fleeing; or if there is no parent/guardian available to supervise the juvenile. Once a juvenile is taken into custody, a detention hearing must be held within 72-hours.

The State Advisory Council on Juvenile Justice (SACJJ) issued Juvenile Detention Standards in order to bring all of Wyoming’s counties into compliance with the JJDP Act requirements. SACJJ has been promoting the standards with local detention officials. Some counties have adopted some standards, but the standards have not yet been adopted statewide.

Delinquency Intake Screening
The prosecutor's office/prosecutor (district or county attorney) receives all referrals from law enforcement regarding juvenile delinquents. The prosecutor makes the charging decision and decides whether to divert the case or file a petition.

Diversion
First-time juvenile offenders or those charged with minor offenses may be diverted to such programs as teen court, community service programs, and counseling. Diversion programs may be run by the Department of Family Services, Division of Juvenile Services; the juvenile court; or prosecutors' offices.

Wyoming statute sections 7-13-1201 through 7-13-1205 describe the teen court program. This legislation came about through the efforts of youth taking part in a 1995 Wyoming Youth Summit held by the Wyoming Bar Association and the Wyoming LRE (Law Related Education) Council. Summit participants decided to focus on getting teen court legislation passed and lobbied the Wyoming House and Senate for such legislation. The Teen Court legislation passed in 1996.

Predisposition Investigation
Juvenile probation officers from the Department of Family Services' field offices perform predisposition investigations, called social summaries. Juvenile probation officers in some counties use the Youth and Family Services Screening Instrument (a risk/needs assessment created in Wyoming) to prepare predisposition reports on juvenile delinquents and children in need of supervision (CHINS) who are supervised by the Department of Family Services. Goals representing the balanced approach are also developed for the predisposition report. By statute, the investigation and report preceding probation (social summary) should include the circumstances of the offense; the criminal record, social history, and present conditions of the juvenile; the findings of any physical or mental health examinations; statements from the victim; and a summary of the impact of the offense on the victim. Social summaries also include law enforcement contacts for the entire family, not just the juvenile, to make better decisions during the multi-disciplinary team meetings and to make better disposition recommendations.

Victim Rights and Services
The statutory rights of victims of juvenile offenders in Wyoming reside in §14-6-502. Victim rights in Wyoming include the right to: be notified of the status of the case, scheduled hearings, disposition, and detention or release of the offender; be provided information about their rights under the law, victim compensation, and available victim services and assistance; attend and participate in all juvenile court proceedings; be advised of the potential for plea negotiations; and make victim impact statements for use in the preparation of the predisposition investigation report and during the disposition hearing. The prosecuting attorney must notify the victim in writing of hearings, plea negotiations, and pre-adjudicatory or pre-disposition release of the offender.

The Office of the Attorney General, Division of Victim Services works with state and local victim services programs to improve and expand the services available to crime victims in Wyoming. The Division of Victim Services administers victim-related federal grant funds; provides training and technical assistance to victim assistance programs in the community; develops statewide standards for victim/witness assistance programs; and administers the crime victim compensation program. The Division of Victim Services’ web site lists victim resources and advocate agencies by county. At the local
level, victim/witness programs may be operated by law enforcement agencies (sheriffs’ or police departments) or county attorneys’ offices.

**Probation Supervision**

The Department of Family Services (DFS), Division of Juvenile Services administers community-based probation through regional and county offices. One municipal court (Casper Municipal Court) and two district courts (Campbell County Juvenile Probation Office in Gillette and Sweetwater County Probation Department in Green River) support and direct their own juvenile probation staff independent of the state system. The Department of Family Services may contract with community resources for support services, such as chemical testing and electronic monitoring. Juvenile probation officers' caseloads consist only of juveniles. In mid-2004, juvenile services were reorganized to allow for juvenile probation officers to focus only on probation and not on probation and child protective services.

The Department of Family Services' administrative code specifies that the "goals of probation are a safer community, reparation to the victim and a better equipped and more responsible juvenile." DFS is currently applying the principles of the balanced approach/restorative justice model to their service continuum by initiating new community-based programs and incorporating the principles into the format for disposition investigations, recommendations to the court, and probation supervision.

Juvenile probation officers are usually stationed in regional probation offices and, in some cases, work out of neighborhood offices or schools. Non-traditional working hours include weekend or other flexible hours. Specialized probation in Wyoming includes the Intensive Supervision Probation (ISP) program, a substance abuse-focused program for violent or sexual offenders. ISP uses existing services in the community to divert committed youth from correctional programs. Recent legislation has funded 20 new ISP officer positions throughout the state. The mandated caseload size for the Intensive Supervision Probation program is 15.

Probation rules and policies in DFS-administered probation departments mandate the use of the Youth and Family Services Screening Instrument (developed in-house by DFS) to determine levels of probation supervision. Community safety, victim reparation, and competency development goals are also developed. The Teen Addiction Severity Index (T-ASI) is also used for juveniles in the Intensive Supervision Probation program. The development of individualized supervision plans is now required for all youth on probation. Wyoming does not currently evaluate the interim or long-term effectiveness of juvenile probation supervision; however, there are plans to do this in the future.

There are no 'standards' for probation in Wyoming, but there are rules and regulations that are similar to standards. Some rules and regulations are mandated.

**Juvenile Probation Officer Qualifications, Certification, and Training**

Juvenile probation officers from Department of Family Services (DFS)-administered probation departments must have at least bachelor’s degrees or the equivalent. New probation officers attend a 32-hour orientation within 6 months of their hire (state policy); they also attend orientations in the field offices in which they work. All field staff who works with troubled and delinquent youth receive certification training within one year of hire. This is a four-day training session that addresses issues, such as supervision skills, assessments, predisposition reports, chemical testing, safety, electronic monitoring, and identifying resources. Certification is not a requirement for employment, but it is required to be completed after a person is hired. The certification training includes a written test at the end. There is no requirement for the ongoing training of juvenile probation officers.

DFS organizes the training and facilitates the majority of it. Outside agencies, such as the Department of Corrections, Victims Services, and service providers from the community, are brought in to help with the training. There is no state funding earmarked for training; funding is provided internally by DFS.

Requirements around juvenile probation officer qualifications and training may differ for non-DFS juvenile probation departments. In Campbell County, for example, juvenile probation officers are required to have a Bachelor’s degree and 3—4 years of experience. Campbell County provides funding for each officer to attend a national conference or a training program every year.
Juvenile Corrections Continuum
The Division of Juvenile Services in the Department of Family Services (DFS) administers the state training schools: one for males (Wyoming Boys' School) and one for females (Wyoming Girls' School). Both schools are staff-secure facilities. DFS currently contracts with private providers for group home and residential treatment services.

Commitment to State
Commitments to the temporary legal custody of the Department of Family Services (DFS) are indeterminate, not to exceed the youth's 21st birthday. Wyoming has implemented "progressive sanction guidelines" in the State's Juvenile Justice Act (Article 2) to ensure that juvenile offenders face uniform and consistent consequences and punishments that correspond to the seriousness of each offender's current offense, prior delinquent history, special training needs, and the effectiveness of prior interventions. Five sanction levels are defined in the the Wyoming Juvenile Justice Act, Secs. 14-6-245 through 14-6-252.

The juvenile court decides where to place a committed juvenile. A "multi-disciplinary team" (MDT) develops placement recommendations. By statute, each juvenile court designates an MDT consisting of the juvenile's parents, the county attorney, and officials from DFS, mental health, education, and the juvenile court. Depending on the county, the MDT will also include the juvenile probation officer assigned to the case. Judges use information from the Youth and Family Services Screening Instrument (used only in counties in which DFS administers juvenile probation) along with the MDT's recommendations when making placement decisions.

In addition to being supervised by staff in the various placements, juveniles continue to have a designated juvenile probation officer from DFS assigned to them. DFS supervises all juveniles in placement, even if the juvenile is originally from a county in which DFS does not run the juvenile probation department. Once a juvenile from a non-DFS county is in placement and under the supervision of DFS, the juvenile's original non-DFS juvenile probation officer will remain on the MDT until the juvenile's case is closed.

Blended Sentencing
Wyoming does not have blended sentencing provisions.

Direct Placement
Juvenile court judges can place juveniles for an indeterminate period of time in local or private placements without committing them to the Department of Family Services. Placement options include the state hospital, residential treatment facilities, group homes, education centers, and juvenile detention facilities. Juvenile probation officers from the Department of Family Services supervise youth in such placements.

Release
The juvenile court makes release decisions with input from placement and Department of Family Services (DFS) staff, as well as non-DFS county probation staff if originally involved in the case. Release recommendations are made by the multi-disciplinary team (see description under Commitment to State). Juveniles may be released at any time. DFS must notify the juvenile court of any planned release from state institutions. Release decisions are subject to review of the committing court for further disposition.

Aftercare/Re-entry
The Department of Family Services (DFS), Division of Juvenile Services supervises youth in aftercare. DFS juvenile probation officers supervise youth returning from residential placements, including juveniles originally from a county in which DFS does not run the juvenile probation department. In three counties, specialized re-entry programs are provided for youth returning from training schools. A request for funding to expand the re-entry program to a statewide program has been made to the Wyoming legislature.

Wyoming is participating in the Office of Justice Program's Serious and Violent Offender Reentry
Initiative. For information about Wyoming's involvement, click here. By visiting the State Activities & Resources page, users can read about how other states are using their grants. Descriptions of programs for juveniles follow the descriptions of programs for adults, where applicable.

**State Laws**

**Legal Resources**

Wyoming's Juvenile Code resides in sections 14-6-201 to 14-6-252 (Juvenile Justice Act) and 14-6-301 to 14-6-308 (Juvenile Probation).

Wyoming Court Rules

Wyoming State Bar

**Purpose Clause for Delinquency Proceedings**

(b) This act shall be known and may be cited as the "Juvenile Justice Act".

(c) This act shall be construed to effectuate the following public purposes:

(i) To provide for the best interests of the child and the protection of the public and public safety;

(ii) Consistent with the best interests of the child and the protection of the public and public safety:

   (A) To promote the concept of punishment for criminal acts while recognizing and distinguishing the behavior of children who have been victimized or have disabilities, such as serious mental illness that requires treatment or children with a cognitive impairment that requires services;

   (B) To remove, where appropriate, the taint of criminality from children committing certain unlawful acts; and

   (C) To provide treatment, training and rehabilitation that emphasizes the accountability and responsibility of both the parent and the child for the child's conduct, reduces recidivism and helps children to become functioning and contributing adults.

(iii) To provide for the care, the protection and the wholesome moral, mental and physical development of children within the community whenever possible using the least restrictive and most appropriate interventions;

(iv) To be flexible and innovative and encourage coordination at the community level to reduce the commission of unlawful acts by children;

(v) To achieve the foregoing purposes in a family environment whenever possible, separating the child from the child's parents only when necessary for the child's welfare or in the interest of public safety and when a child is removed from the child's family, to ensure that individual needs will control placement and provide the child the care that should be provided by parents; and

(vi) To provide a simple judicial procedure through which the provisions of this act are executed and enforced and in which the parties are assured a fair and timely hearing and their constitutional and other legal rights recognized and enforced.

Delinquency Jurisdiction (as of the end of the 2005 legislative session)
Lower Age: None specified
Upper Age: 17
Extended Age of Delinquency Jurisdiction: 20

Juvenile Transfer Laws
For information on Wyoming's juvenile transfer laws, click here.

Juvenile Justice Leadership

State Advisory Council on Juvenile Justice
The State Advisory Council on Juvenile Justice is created by legislation within the Office of the Governor to generally review and inform the development of the State's juvenile justice system, help form local community juvenile service boards, and review the expenditure of Federal and State grants and budgets for juvenile justice. The membership and duties of the Council are outlined in statute.

Wyoming Children and Families Initiative
Created in March 2004, the Children and Families Initiative addresses policy direction, strategic planning, and legislative initiatives for Wyoming's children and families. The Department of Family Services has been charged with developing a comprehensive plan to improve the lives and futures of all children and families in Wyoming.

Wyoming Corrections Association
This is a membership organization made up of adult and juvenile probation and parole staff as well as other professionals from all areas of corrections including prison facility staff, caseworkers, and law enforcement personnel.

Wyoming First Lady’s Initiative to Reduce Underage Drinking
The First Lady’s initiative was undertaken to focus on the problem of underage drinking in Wyoming, particularly among children in the 9—15 age group, and the moral, legal, and public health implications that go along with underage drinking. The first phases of the initiative focused on efforts to educate parents and other adults about the problem. The next phase (Phase III) will focus on youth leadership and advocacy. Alcohol was the primary focus of the annual Wyoming Youth for Justice Conference, held in February 2006.

Resources/Contacts

Department of Family Services
State Advisory Council on Juvenile Justice
Wyoming Children and Families Initiative
Wyoming First Lady’s Initiative to Reduce Underage Drinking
Wyoming Judiciary
Wyoming State Bar
Wyoming Survey and Analysis Center

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Are juvenile delinquency services centralized at the state level?

(Updated: May 4, 2006)

The short answer is: it depends which end of the system you're looking at. At the "front end," ordinary probation (intake, investigation, and supervision) and preadjudication detention of juveniles are most often local responsibilities. At the "back end," secure commitment of delinquents and aftercare services tend to be state responsibilities. Most systems are hybrids of one kind or another, with some services organized at the local level, and some at the state.

Nevertheless, it is possible to divide the states into the following three basic models:

Centralized states: These 12 states are characterized by a state executive agency having across-the-board state control of delinquency services, including state-run juvenile probation services, institutional commitments, and aftercare.

Decentralized states: The organization of basic delinquency services in these 18 states is characterized, at a minimum, by local control of ordinary probation services. Often, local authorities run detention centers as well. Some also share responsibility for the provision of aftercare services with state agencies.

Combination states: The organization of basic delinquency services in these 21 states features a mix of state-controlled and locally operated delinquency services. For instance, they may have largely state-run systems--but with significant local control in the more populous, urban areas. Another possible scenario is that, although the state operates most delinquency services for youth, responsibility is divided between the executive and judicial branches.

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**Juvenile Delinquency Services - centralized, decentralized and combination states**

(from previous page, updated: May 4, 2006)

<table>
<thead>
<tr>
<th>Centralized States (12 states):</th>
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<tbody>
<tr>
<td>Alaska, Delaware, Florida, Kentucky, Maine, Maryland, New Hampshire, New Mexico, North Carolina, Rhode Island, South Carolina, Vermont</td>
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</tbody>
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<table>
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<tr>
<th>Decentralized States (18 states):</th>
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<table>
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<tr>
<th>Combination States (21 states):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut, District of Columbia, Georgia, Hawaii, Iowa, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Virginia, West Virginia, Wyoming</td>
</tr>
</tbody>
</table>
Are juvenile delinquency services usually administered?
by judicial or executive agencies? (Updated: May 4, 2006)

Here again, it depends on the delinquency service. Juvenile probation supervision tends to be the administrative responsibility of state executive agencies (12 states). That is the organizational and administrative model that is most often encountered. Another frequent arrangement (9 states) features state executive administration of probation in some places and local judicial control in others. A local (county) executive agency in 1 state (New York), and local and state executive agencies in 1 state (Oregon) also administer probation. However, judicial administration is also quite common: state-level judicial agencies have this authority in 11 states, including the District of Columbia; local courts have it in 9 states; and a combination of local and state-level judicial agencies have it in 1 state (Alabama).

Detention, on the other hand, is generally subject to the administration of executive agencies. This is exclusively the case in 32 states, including the District of Columbia: in 13 of these, detention is administered by state-level executive agencies; in 13, detention is subject to local executive administration; in 5 other states, detention is the responsibility of a combination of local and state executive authorities; and the District of Columbia administers detention through an executive agency. Finally, executive agencies exert administrative control over detention in some places in at least 14 other states.

By contrast, local courts or state-level judicial agencies have exclusive administrative control over detention in only 5 states. Courts or state-level judicial agencies administer detention in some places in at least 14 states.

State delinquency institutions are administered by an executive branch agency in every state. However, these state agencies may be of four very different types.

Aftercare too is most often a matter for executive administration. In 36 states, aftercare services are exclusively administered by a state-level executive agency--almost invariably the same agency that runs the state's secure institutions for delinquents. In the District of Columbia, aftercare is the responsibility of the executive agency that also administers its delinquency institution. In 3 other states, state and local executive agencies share responsibility for the delivery of aftercare services.

On the other hand, in only 4 states are aftercare services administered judicially--either by local courts (2 states), state-level judicial agencies (1 state), or a combination of both (1 state). Aftercare services in 7 states are administered by some combination of judicial and executive authorities.

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How is juvenile probation organized and administered from state to state?

(Updated: May 4, 2006)

<table>
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<tr>
<th>Judicial Agencies (21 states)</th>
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</thead>
<tbody>
<tr>
<td><strong>State judicial (10 states):</strong></td>
</tr>
<tr>
<td>Connecticut, Hawaii, Iowa, Massachusetts, Montana, Nebraska, New Jersey, South Dakota, Utah, West Virginia</td>
</tr>
<tr>
<td><strong>Local judicial (9 states):</strong></td>
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<tr>
<td>Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Kansas, Pennsylvania, Texas</td>
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<td><strong>District judicial (1 district):</strong></td>
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<tr>
<td>District of Columbia</td>
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<td><strong>State judicial and local judicial (1 state):</strong></td>
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<td>Alabama</td>
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<tr>
<th>Executive Agencies (14 states)</th>
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<tr>
<td><strong>State executive (12 states):</strong></td>
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<td>Alaska, Delaware, Florida, Kentucky, Maine, Maryland, New Hampshire, New Mexico, North Carolina, Rhode Island, South Carolina, Vermont</td>
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<td>Missouri</td>
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<tr>
<td>Type of State Executive Agency</td>
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<tr>
<td>Juvenile Corrections (9 states):</td>
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<td>Child Protection (6 states):</td>
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<td>Social or Human Services (4 states):</td>
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<td>Adult Corrections (4 states):</td>
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How is juvenile detention organized and administered from state to state?
(Updated: April 4, 2006)

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<tr>
<th>Executive Agencies (32 states)</th>
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<tr>
<td>State executive (13 states):</td>
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<td>Kentucky, Minnesota, North Carolina, North Dakota, South Carolina</td>
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<th>Judicial and Executive Agencies (14 states)</th>
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<tr>
<td>Local executive and local judicial (11 states):</td>
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<td>Local judicial and state executive (1 states):</td>
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<tr>
<td>Virginia</td>
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<tr>
<td>Local executive, local judicial, and state executive (2 states):</td>
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<tr>
<td>Indiana and Michigan</td>
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How do states organize and administer aftercare services for juveniles committed to a state delinquency institution? (Updated: May 4, 2006)

### Executive Agencies (40 states)

**State executive (36 states):**

**District executive (1 district):**
- District of Columbia

**Local and state executive (3 states):**
- Nevada, New York, and Wisconsin

### Judicial Agencies (4 states)

**Local judicial (2 states):**
- Idaho and Pennsylvania

**State judicial (1 state):**
- Iowa

**Local and state judicial (1 state):**
- Alabama

### Judicial and Executive Agencies (7 states)

**State executive and state judicial (2 states):**
- New Jersey and West Virginia

**State executive and local judicial (5 states):**
- Georgia, Massachusetts, Minnesota, Ohio, Oklahoma

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How is juvenile detention organized and administered from state to state? (Updated: April 4, 2006)

The organization and administration of juvenile detention varies from place to place more than any other juvenile delinquency service. Beyond the observation that detention is more often than not a matter of executive administration, it is difficult to make any valid generalization.

In 13 states, all juvenile detention is administered by state-level executive agencies, and in 13 others, it is subject to local executive administration. In the District of Columbia, an executive agency also administers detention. Local courts administer detention in 3 states, while a state judicial agency controls it in 2 other states. In all the rest, the system for administering judicial detention varies to some extent from one part of the state to another.

Fourteen states have variable or mixed systems, with detention administered by local courts in some places, by local executive agencies in others, and by state level agencies in others.

(See next page for list of states)

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How is juvenile detention organized and administered from state to state?
(Updated: April 4, 2006)

### Executive Agencies (32 states)

#### State executive (13 states):
- Alaska, Colorado, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, Utah, Vermont, West Virginia

#### Local executive (13 states):
- Idaho, Iowa, Kansas, Montana, Nebraska, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, South Dakota, Wyoming

#### District executive (1 district):
- District of Columbia

#### Local and state executive (5 states):
- Kentucky, Minnesota, North Carolina, North Dakota, South Carolina

### Judicial Agencies (5 states)

#### Local judicial (3 states):
- Arizona, Missouri, Texas

#### State judicial (2 states):
- Connecticut and Hawaii

### Judicial and Executive Agencies (14 states)

#### Local executive and local judicial (11 states):
- Alabama, Arkansas, California, Illinois, Louisiana, Mississippi, Nevada, Ohio, Tennessee, Washington, Wisconsin

#### Local judicial and state executive (1 states):
- Virginia

#### Local executive, local judicial, and state executive (2 states):
- Indiana and Michigan

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Why do states use secure detention? (Updated: May 4, 2006)

In all states, detention facilities are primarily used to hold juveniles securely while they await adjudication or placement. In some states, that is the only use. However, juvenile detention facilities in most states are also employed, either occasionally or routinely, for punitive purposes of one kind or another. Juveniles in 35 states can be sent to a detention facility as a disposition following an adjudication--usually briefly, in cases calling for incarceration, but not necessarily in a state correctional facility. New Hampshire limits using detention as a disposition to cases involving a certain type of offender. A term in secure detention can be imposed as a sanction for violations of probation conditions in 40 states. Only 9 states use secure detention solely for preliminary or pre-placement holding purposes.

| States that use secure detention as a sanction for probation violations (40): |

| States that use secure detention as a disposition option (35): |

| States that use secure detention solely for temporary holding purposes (9): |
| Connecticut, Delaware, Kansas, Massachusetts, Missouri, New York, North Dakota, South Carolina, Texas |

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How is juvenile probation organized and administered from state to state? (Updated: May 4, 2006)

Broadly speaking, probation supervision of court-involved juveniles tends to be the administrative responsibility of state executive agencies. That is the organizational and administrative model that is most often encountered. But alternative models--local judicial and state judicial administration--are also quite common.

State executive agencies control the delivery of all probation services in 12 states. Such agencies also have responsibility for probation in at least some parts of 11 other states. Most often, the agency controlling the provision of probation services in some or all of a state is a separate juvenile corrections agency (9 states). But social or human services agencies wield authority over probation in 4 states, child protection agencies in 6 states, and adult corrections agencies in 4 states.

In 9 states, probation is administered by local juvenile courts. In 15 other states, probation is controlled by local courts in at least some parts of the state--in urban but not rural areas, for example. The most common arrangement (9 states) is for a state-level executive agency to exercise administrative responsibility over some probation in the state.

The administration of probation services by a state-level judicial agency--the administrative office of the courts, for example--is the next most commonly encountered model (10 states).

The most rarely encountered organizational and administrative arrangement is one in which local executive agencies control the provision of probation services. Local executive agencies administer all probation in only 1 state (New York). In 5 other states, local executive agencies are responsible for probation in some areas, while local courts run probation in others. In 1 state, a local executive agency shares responsibility for probation with a state executive agency.

(See next page for list of states)

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How is juvenile probation organized and administered from state to state?

(Updated: May 4, 2006)

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How are state delinquency institutions administered from state to state? (Updated: May 4, 2006)

Every state vests a state-level, executive branch agency with responsibility for administering its commitment or institutional facilities for juvenile delinquents. However, these state agencies may be of four very different types.

In 16 states (including the District of Columbia), authority to run state delinquency institutions rests in a social or human services agency. In 16 other states, the responsibility is given to a separate juvenile corrections agency--often designated a "youth authority" or "youth services" department. In 10 states, a branch of the adult corrections agency runs the state's delinquency institutions. And in 8 states, the responsibility is given to a "children and youth" agency that combines child protection and juvenile corrections functions. New Jersey is in its own category, with the authority being located in an agency under the Attorney General's direction that oversees the criminal justice system, but not adult corrections.

The past decade has seen considerable change in this area of delinquency services administration. In general, it's fair to say that there has been some movement away from the practice of placing delinquency institutions in the care of the same agencies that run state prison systems: since the late 1980s, the number of states whose adult corrections departments also run their delinquency institutions has fallen from at least 15 to 10. Likewise, there has been some tendency to vest authority over delinquency institutions in a separate juvenile corrections agency: during the same period, the number of states doing so has risen from 12 to 16. The system of locating juvenile corrections functions in an agency with child protection responsibilities also became more common during this period, with the number of states doing so rising from 3 to 7.

(See next page for list of states)

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How are state delinquency institutions administered from state to state?
(From previous page, updated: May 4, 2006)

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<thead>
<tr>
<th>Social or Human Services Agency (16 states):</th>
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<tr>
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<th>Adult Corrections Agency (10 states):</th>
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<th>Child Protection/Juvenile Corrections Agency (8 states):</th>
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<td>Connecticut, Delaware, New Mexico, New York, Rhode Island, Tennessee, Vermont, Wyoming</td>
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<tr>
<th>Other (1 state):</th>
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<tr>
<td>New Jersey (Department of Law and Public Safety)</td>
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Following commitment, how are placement, length of stay, and release decisions made? (Updated: May 4, 2006)

Once a juvenile has been committed by a court, the states differ considerably in the way they structure decision-making in connection with that juvenile's placement, length of stay, and eventual release. In some states, the juvenile court's involvement with an adjudicated youth basically ends with the decision to commit him or her to state custody—the agency that runs the state's juvenile correctional facilities takes over from there, determining the placement location, the level of security, the program of rehabilitation, the length of stay, and the timing and conditions of release. In others, the committing court is actively involved in some or all these decisions. There are states in which juvenile courts impose definite periods of confinement on committed delinquents, in the manner of an adult criminal court handing down a determinate sentence of imprisonment, and states in which the terms of commitment are almost entirely open-ended. Finally, there are states in which the decision to release a juvenile back to the community belongs solely to the agency that runs the commitment facility, states in which the court makes or at least reviews the release decision, and states in which a "juvenile parole board" operates independently of either.

**Placement Specifics**

The most common arrangement is one in which, following the court's initial commitment order, the agency that administers the state's delinquency institutions makes decisions as to where committed juveniles are to go and what is to be done with them. In these 27 states, the agency makes the placement decision without significant participation from the committing court. That is, the court's role is restricted to determining that (1) the juvenile is delinquent and (2) the circumstances justify or necessitate commitment—usually to the "care and custody" of the agency, although not all states use this terminology. Thereafter, the agency determines placement specifics—where the juvenile will be confined, special programs in which he or she will be enrolled, rehabilitative goals, and so on.

In 23 states, on the other hand, the court takes or may take some significant part in the determination of placement specifics. In a few, the court literally chooses the institution in which the juvenile will be confined. In Pennsylvania, for example, courts commit adjudicated delinquents to specific youth development centers and forestry camps, with the advice and assistance of liaison officers from the state agency that oversees the facilities. More often, the court simply orders (or, in some cases, recommends) that the juvenile be held at a particular security level, or be enrolled in particular specialized programs. In a number of states, such as Maine, there is only one state-run delinquency institution, so that an order of commitment is in effect an order that the juvenile be held there.

At least three states that entrust placement decisions to juvenile courts nevertheless require that those decisions be based on objective dispositional guidelines or a "placement matrix." However, courts usually have some authority to depart from them in appropriate cases. In Kansas, for example, placement decisions are generally guided by a placement matrix, but the committing court is authorized to impose a more restrictive disposition if the case warrants it.

**Length of Stay**

With regard to the length of time that juveniles are committed to state institutions, there are five basic disposition models:

- **Indeterminate only:** The most common arrangement (20 states) is one in which all commitments are indeterminate—that is, regardless of the offenses for which juveniles are adjudicated delinquent, they are always committed for an indefinite
period of time, which could potentially last until they reach the age of majority (or, in some states, the upper age to which the juvenile court's jurisdiction has been extended for dispositional purposes). Length of stay in these states is left solely to the releasing authority's judgment. So in Idaho, for example, the juvenile court orders adjudicated delinquents committed to the state's Department of Juvenile Corrections for an indeterminate period, and the Department sets an anticipated release date based on its own criteria. Within these broad limits, actual release decisions are left to the Department. For juveniles committed to the Minnesota Department of Corrections, program administrators devise individual "case plans," which the court must approve; thereafter, they remain in state custody until institutional staff determine that they have successfully completed their case plans.

- **Indeterminate with a minimum:** Five states commit juveniles for an indeterminate period, but require in some cases that they "serve" a minimum period of time before being released. In Arizona, for example, a statute authorizes the committing court to specify a minimum period during which the Department of Juvenile Corrections cannot release the juvenile without seeking a modification of the original commitment order. Under Delaware law, a certain category of repeat felony offender (designated "a child in need of mandated institutional treatment") must be confined for at least 6 months before release can be considered. Ohio law sets minimum periods of confinement that vary with the seriousness of the offense involved.

- **Indeterminate up to a maximum:** Six states have indeterminate commitments, but specify that a juvenile cannot be confined for more than a certain period. In California, for example, a juvenile cannot be confined beyond the length of the maximum sentence that could have been imposed on an adult convicted of the same offense. Connecticut law specifies a maximum of 18 months commitment for any offense. A juvenile in Arkansas cannot be held longer than two years, except where the committing court makes a special finding that the welfare of the juvenile or the public interest requires an extension.

- **Indeterminate with minimums and maximums:** In Pennsylvania, the court initially determines the minimum period of commitment that is consistent with the protection of the public and the rehabilitative needs of the juvenile, then reviews the commitment periodically thereafter. The law also prohibits confinement of juveniles for more than four years or the maximum period for which an adult convicted of the same crime could be imprisoned.

- **Determinate and indeterminate:** Thirteen states authorize or require courts to fix the period of confinement in individual cases, but permit them to order indeterminate commitments as well. In the District of Columbia, Indiana, and Rhode Island, courts may choose between committing juveniles for definite or indefinite periods. South Carolina law authorizes a court to order a brief determinate commitment of 90 days or less in lieu of an indeterminate commitment. Tennessee gives the court the option of fixing the period of confinement only if the juvenile meets specified age, offense, and previous adjudication criteria. Louisiana requires a determinate commitment (to age 21) for certain felony-grade offenses.

- **Determinate only:** Finally, commitments in 6 states involve confinement for a period of time that is set in advance by the court. In Washington, the length of the commitment is set in accordance with sentencing guidelines, from which the court may deviate in cases of manifest injustice. And in New Jersey, commitments are for definite terms set by statute and ranging from 6 months up to 20 years; while the State Parole Board may order release prior to the expiration of a definite term, if it
intends to release a juvenile before one-fourth of the prescribed term has been served (or one-third where more serious offenses are involved), it must notify the committing court, which has 30 days in which to block the proposed release.

**Release Decisions**
The power to decide when a committed juvenile should be released back into the community is sometimes entrusted to the agency or institution to which the juvenile has been committed, sometimes to the court having jurisdiction over the case, sometimes to a separately constituted paroling authority, and sometimes to some combination of these.

- **Release by Agency:** Twenty-four states allow the agency to which the juvenile has been committed to decide when to release him or her from confinement. The agency's power in this area is not unlimited, of course. For instance, it may be precluded from releasing a juvenile who has not served a statutory or court-ordered minimum period of commitment. Likewise, it may be forced to release one who has served the maximum allowable sentence, or reached a jurisdictional age limit. But within these limits, agency officials determine when and how release is to occur. Often the actual decision belongs to those who run the institutions in which the juveniles are held. So, in Maine and Nevada, for example, release decisions regarding the inmates of the state youth centers are made by the superintendents of those centers.

- **Release by Court:** Ten states give courts sole authority to decide when juveniles are to be released from state institutions. This is not mere authority to review an agency's decision (see below), although, as a practical matter, a court may depend a great deal on recommendations and other input from agency officials, including the staff of the institution from which the juvenile is to be released. In some states, such as Kansas, it is the agency that petitions the court for the release of the juvenile. Others, such as Iowa, mandate periodic judicial reviews of juvenile commitments, at which the court considers agency recommendations but makes the final release decision on its own.

- **Release by Parole Board:** Seven states have specially constituted "parole boards" that make release decisions regarding juveniles. Generally, these boards are appointed by the governor, and often include citizen members. While a parole board may be administratively attached to a state's delinquency agency, it usually operates independently. Some boards, such as those in California and Utah, begin their involvement with juveniles at the time of their commitment, making initial decisions about the terms of confinement and the rehabilitative program. But most enter the process only when the juvenile is actually eligible for release.

- **Shared Release:** Ten states divide the authority to order the release of committed juveniles among courts, agencies and/or juvenile parole boards. Sometimes, as in the District of Columbia and Hawaii, the release power is given in some cases to the committing court and in others to the agency. In others, such as Alabama, North Carolina, and Tennessee, the agency makes the decision subject to court approval. New Jersey ordinarily leaves release decisions to a parole board, but also sets statutory minimum confinement periods within which release is possible only with court approval.

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Following commitment, how are placement, length of stay, and release decisions made?

(Updated: May 4, 2006)

### Placement Decisions
**States in which the delinquency agency makes independent placement decisions (27):**
- Alabama, Alaska, Arizona, California, Colorado, District of Columbia, Georgia, Idaho, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Washington, West Virginia

**States in which the court may have a role in placement decisions (23):**

**States in which court-ordered placements are guided by a matrix (3):**
- Delaware, Kansas, New Hampshire

### Length of Stay Decisions
**Indeterminate commitments (20):**
- Alabama, Hawaii, Idaho, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, Nevada, New York, North Dakota, Oklahoma, Utah, Vermont, Wyoming

**Indeterminate commitments with a minimum (5):**
- Arizona, Delaware, Georgia, Maine, Ohio

**Indeterminate commitments with a maximum (6):**
- Alaska, Arkansas, California, Connecticut, Oregon, West Virginia

**Indeterminate commitments with minimums and maximums (1):**
- Pennsylvania

**Both indeterminate or determinate commitments (13):**
- District of Columbia, Florida, Illinois, Indiana, Louisiana, North Carolina, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin

**Determinate commitments (6):**
- Colorado, Iowa, Kansas, New Jersey, New Mexico, Washington
### Release Decisions

**State delinquency agency makes the release decision (24):**


**Court makes the release decision (10):**

Iowa, Kansas, Louisiana, Maryland, Michigan, New York, Pennsylvania, Rhode Island, Vermont, West Virginia

**Juvenile parole board makes the release decision (7):**

California, Colorado, Illinois, New Hampshire, New Mexico, South Carolina, Utah

**Release authority is shared (10):**

Alabama, Alaska, Kentucky, Missouri, New Jersey, North Carolina, Ohio, Oregon, South Dakota, Tennessee

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How do states organize and administer aftercare services for juveniles committed to a state delinquency institution? (Updated: May 4, 2006)

By far, the most common aftercare arrangement for juveniles committed to the state is one in which the executive agency that runs the state's delinquency institutions is also responsible for providing aftercare services to juveniles released to the community. A total of 36 states and the District of Columbia deliver aftercare in this way. In addition, agencies in this category provide aftercare services in at least some areas or for some juveniles in 10 other states; in such cases, they generally share aftercare responsibilities with probation services run by local court systems.

By contrast, in only 4 states, aftercare services are administered exclusively by judicial agencies.

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<th>Executive Agencies (40 states)</th>
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<tbody>
<tr>
<td>State executive and state judicial (2 states):</td>
</tr>
<tr>
<td>New Jersey and West Virginia</td>
</tr>
<tr>
<td>State executive and local judicial (5 states):</td>
</tr>
<tr>
<td>Georgia, Massachusetts, Minnesota, Ohio, Oklahoma</td>
</tr>
</tbody>
</table>

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How common is the state certification of juvenile probation officers?
(Updated: May 4, 2006)

At least 22 states provide for state certification of juvenile probation officers. State certification is designed to increase professionalism in the field. In general, it involves setting and enforcing professional standards. Often a test is administered to beginning probation officers. Certification is usually for an initial time period, such as a year. Thereafter, renewal generally requires additional training.

In some states, such as Arizona, Indiana, and Louisiana, probation officers must be certified. On the other hand, certification is voluntary in other states, such as Montana.

Massachusetts and Virginia certify probation offices, not individual probation officers.

<table>
<thead>
<tr>
<th>States that certify their juvenile probation officers (22 states):</th>
</tr>
</thead>
</table>

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Do agencies that administer federal Juvenile Justice and Delinquency Prevention (JJDP) Act funds, state delinquency institutions, and the Statistical Analysis Center (SAC) generally overlap? (Updated: May 5, 2006)

For a list of all agencies, see the next three pages

<table>
<thead>
<tr>
<th>No overlap between agencies (15 states):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama, Arizona, California, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Maryland, Mississippi, Missouri, Tennessee, Texas, Washington, and Wyoming</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The same agency administers JJDP Act funds and state delinquency institutions (18 states):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska, Arkansas, Florida, Hawaii, Idaho, Kansas, Kentucky, Maine, Michigan, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, and Vermont</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The same agency administers JJDP Act funds and the Statistical Analysis Center (18 states):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado, Indiana, Iowa, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Virginia, West Virginia, and Wisconsin</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>State</th>
<th>Agency that administers Juvenile Justice and Delinquency Prevention Act funds</th>
<th>Agency that administers state delinquency institutions</th>
<th>Statistical Analysis Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Department of Economics and Community Affairs</td>
<td>Department of Youth Services</td>
<td>Alabama Criminal Justice Information Center</td>
</tr>
<tr>
<td>Alaska</td>
<td>Department of Health and Social Services, Division of Juvenile Justice</td>
<td>Department of Health and Social Services, Division of Juvenile Justice</td>
<td>University of Alaska Anchorage Justice Center</td>
</tr>
<tr>
<td>Arizona</td>
<td>Governor's Division for Children and Families</td>
<td>Department of Juvenile Corrections</td>
<td>Arizona Criminal Justice Commission</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Department of Human Services, Division of Youth Services</td>
<td>Department of Human Services, Division of Youth Services</td>
<td>Arkansas Crime Information Center</td>
</tr>
<tr>
<td>California</td>
<td>California Board of Corrections</td>
<td>California Youth Authority</td>
<td>Criminal Justice Statistics Center, Department of Justice</td>
</tr>
<tr>
<td>Colorado</td>
<td>Department of Public Safety, Division of Criminal Justice</td>
<td>Department of Human Services, Division of Youth Corrections</td>
<td>Department of Public Safety, Division of Criminal Justice</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Office of Policy and Management</td>
<td>Department of Children and Families</td>
<td>Institute for the Study of Crime and Justice, Central Connecticut State University</td>
</tr>
<tr>
<td>Delaware</td>
<td>Delaware Criminal Justice Council</td>
<td>Department of Services for Children, Youth and Their Families, Division of Youth Rehabilitative Services</td>
<td>Delaware Statistical Analysis Center</td>
</tr>
<tr>
<td>D.C.</td>
<td>Grants Administration, Office of the Deputy Mayor for Children, Youth &amp; Families</td>
<td>Department of Human Services, Youth Services Administration</td>
<td>Criminal Justice Coordinating Council</td>
</tr>
<tr>
<td>Florida</td>
<td>Department of Juvenile Justice</td>
<td>Department of Juvenile Justice</td>
<td>Department of Law Enforcement</td>
</tr>
<tr>
<td>Georgia</td>
<td>Children and Youth Coordinating Council</td>
<td>Department of Juvenile Justice</td>
<td>Criminal Justice Coordinating Council</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Department of Human Services, Office of Youth Services</td>
<td>Department of Human Services, Office of Youth Services</td>
<td>Department of the Attorney General, Crime Prevention and Justice Assistance Division</td>
</tr>
<tr>
<td>Idaho</td>
<td>Department of Juvenile Corrections</td>
<td>Department of Juvenile Corrections</td>
<td>Department of Law Enforcement</td>
</tr>
<tr>
<td>Illinois</td>
<td>Department of Human Services</td>
<td>Department of Corrections</td>
<td>Illinois Criminal Justice Information Authority</td>
</tr>
<tr>
<td>Indiana</td>
<td>Indiana Criminal Justice Institute</td>
<td>Department of Correction</td>
<td>Indiana Criminal Justice Institute</td>
</tr>
<tr>
<td>Iowa</td>
<td>Department of Human Rights, Criminal and Juvenile Justice Planning</td>
<td>Department of Human Services</td>
<td>Department of Human Rights, Criminal and Juvenile Justice Planning</td>
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<tr>
<td>Kansas</td>
<td>Juvenile Justice Authority</td>
<td>Juvenile Justice Authority</td>
<td>Kansas Sentencing Commission, Criminal Justice Coordinating Council</td>
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<tr>
<td>Kentucky</td>
<td>Department of Juvenile Justice</td>
<td>Department of Juvenile Justice</td>
<td>Justice Cabinet, Criminal Justice Council</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Commission on Law Enforcement</td>
<td>Department of Public Safety and Corrections, Office of Youth Development</td>
<td>Commission on Law Enforcement</td>
</tr>
<tr>
<td>Maine</td>
<td>Department of Corrections, Division of Juvenile Services</td>
<td>Department of Corrections, Division of Juvenile Services</td>
<td>Muskie School of Public Service</td>
</tr>
<tr>
<td>State</td>
<td>Agency Name</td>
<td>Departing Office</td>
<td>Institution</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Maryland</td>
<td>Governor’s Office of Crime Control and Prevention</td>
<td>Department of Juvenile Services</td>
<td>Maryland Justice Analysis Center, University of Maryland</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Executive Office of Public Safety</td>
<td>Executive Office of Children, Youth &amp; Families Services, Department of Youth Services</td>
<td>Executive Office of Public Safety</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Office of Justice Programs</td>
<td>Department of Corrections, Division of Community and Juvenile Services</td>
<td>Criminal Justice Center, Office of Justice Programs</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Department of Public Safety, Division of Public Safety Planning, Office of Justice Programs</td>
<td>Department of Human Services, Division of Youth Services</td>
<td>University of Southern Mississippi</td>
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<tr>
<td>Missouri</td>
<td>Department of Public Safety</td>
<td>Department of Social Services, Division of Youth Services</td>
<td>Missouri State Highway Patrol</td>
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<tr>
<td>Montana</td>
<td>Board of Crime Control</td>
<td>Department of Corrections, Juvenile Division</td>
<td>Board of Crime Control</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Nebraska Crime Commission</td>
<td>Department of Health and Human Services, Office of Juvenile Services</td>
<td>Nebraska Crime Commission</td>
</tr>
<tr>
<td>Nevada</td>
<td>Department of Human Resources, Division of Child and Family Services</td>
<td>Department of Human Resources, Division of Child and Family Services</td>
<td>Center for Analysis of Crime Statistics, University of Nevada - Las Vegas</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Department of Health and Human Services, Division for Juvenile Justice Services</td>
<td>Department of Health and Human Services, Division for Juvenile Justice Services</td>
<td>Office of the Attorney General</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Juvenile Justice Commission, Department of Law and Public Safety</td>
<td>Juvenile Justice Commission, Department of Law and Public Safety</td>
<td>Department of Law and Public Safety</td>
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<tr>
<td>New Mexico</td>
<td>Children, Youth and Families Department</td>
<td>Children, Youth and Families Department</td>
<td>Institute for Social Research, University of New Mexico</td>
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<tr>
<td>New York</td>
<td>Division of Criminal Justice Services</td>
<td>Department of Family Assistance, Office of Children and Family Services, Division of Rehabilitative Services</td>
<td>Division of Criminal Justice Services</td>
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<tr>
<td>North Carolina</td>
<td>Governor’s Crime Commission, Department of Crime Control and Public Safety</td>
<td>Department of Juvenile Justice and Delinquency Prevention</td>
<td>Governor’s Crime Commission, Department of Crime Control and Public Safety</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Department of Corrections and Rehabilitation, Division of Juvenile Services</td>
<td>Department of Corrections and Rehabilitation, Division of Juvenile Services</td>
<td>Bureau of Criminal Investigation</td>
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<tr>
<td>Ohio</td>
<td>Department of Youth Services</td>
<td>Department of Youth Services</td>
<td>Office of Criminal Justice Services</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Health and Human Services, Office of Juvenile Affairs</td>
<td>Health and Human Services, Office of Juvenile Affairs</td>
<td>Criminal Justice Resource Center, Legislative Service Bureau</td>
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<tr>
<td>Oregon</td>
<td>Criminal Justice Commission</td>
<td>Oregon Youth Authority</td>
<td>Criminal Justice Commission</td>
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<tr>
<td>Pennsylvania</td>
<td>PA Commission on Crime and Delinquency</td>
<td>Department of Public Welfare, Office of Children, Youth and Families</td>
<td>PA Commission on Crime and Delinquency</td>
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<tr>
<td>Rhode Island</td>
<td>Governor’s Justice Commission</td>
<td>Department of Children, Youth and Families, Division of Juvenile Correction</td>
<td>Governor’s Justice Commission</td>
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<tr>
<td>State</td>
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<td>Department/Commission</td>
<td>Department/Commission</td>
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<tr>
<td>---------------</td>
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</tr>
<tr>
<td>South Carolina</td>
<td>Department of Public Safety</td>
<td>Department of Juvenile Justice</td>
<td>Department of Public Safety</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Department of Corrections</td>
<td>Department of Corrections</td>
<td>Attorney General's Office, Division of Criminal Investigation</td>
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<tr>
<td>Tennessee</td>
<td>TN Commission on Children and Youth</td>
<td>Department of Children's Services</td>
<td>Bureau of Investigation</td>
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<tr>
<td>Texas</td>
<td>Office of the Governor, Criminal Justice Division</td>
<td>Texas Youth Commission</td>
<td>Criminal Justice Policy Council (in transition)</td>
</tr>
<tr>
<td>Utah</td>
<td>Commission on Criminal and Juvenile Justice</td>
<td>Department of Human Services, Division of Juvenile Justice Services</td>
<td>Commission on Criminal and Juvenile Justice</td>
</tr>
<tr>
<td>Vermont</td>
<td>Agency of Human Services, Department of Social and Rehabilitation Services</td>
<td>Agency of Human Services, Department of Social and Rehabilitation Services</td>
<td>Center for Justice Research, Norwich University</td>
</tr>
<tr>
<td>Virginia</td>
<td>Department of Criminal Justice Services</td>
<td>Department of Juvenile Justice</td>
<td>Department of Criminal Justice Services</td>
</tr>
<tr>
<td>Washington</td>
<td>Department of Social and Health Services, Office of Juvenile Justice</td>
<td>Department of Social and Health Services, Juvenile Rehabilitation Administration</td>
<td>Office of Financial Management</td>
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<tr>
<td>West Virginia</td>
<td>Division of Criminal Justice Services</td>
<td>Department of Military Affairs and Public Safety, Division of Juvenile Services</td>
<td>Criminal Justice Statistical Analysis Center, Division of Criminal Justice Services</td>
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<tr>
<td>Wisconsin</td>
<td>Office of Justice Assistance</td>
<td>Department of Corrections, Division of Juvenile Corrections</td>
<td>Office of Justice Assistance</td>
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<tr>
<td>Wyoming</td>
<td>Not in compliance</td>
<td>Department of Family Services, Division of Juvenile Services</td>
<td>University of Wyoming</td>
</tr>
</tbody>
</table>

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