

Louisiana District Attorneys Association

Juvenile Diversion Toolkit

by the Institute for Public Health & Justice
in collaboration with the Louisiana District
Attorneys Association



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Models for Change

Models for Change is an effort to create successful and replicable models of juvenile justice reform through targeted investments in key states, with core support from the John D. and Catherine T. MacArthur Foundation. Models for Change seeks to accelerate progress toward a more effective, fair, and developmentally sound juvenile justice system that holds young people accountable for their actions, provides for their rehabilitation, protects them from harm, increases their life chances, and manages the risk they pose to themselves and the public. The initiative is underway in Illinois, Pennsylvania, Washington, and Louisiana.

Eight Principles of Models for Change: A Framework

Fundamental fairness

All system participants—including youthful offenders, their victims, and their families—deserve bias-free treatment.

Recognition of juvenile-adult differences

The system must take into account that juveniles are fundamentally and developmentally different from adults.

Recognition of individual differences

Juvenile justice decision makers must acknowledge and respond to individual differences in terms of young people's development, culture, gender, needs, and strengths.

Recognition of potential

Young offenders have strengths and are capable of positive growth. Giving up on them is costly for society. Investing in them makes sense.

Safety

Communities and individuals deserve to be and to feel safe.

Personal responsibility

Young people must be encouraged to accept responsibility for their actions and the consequences of those actions.

Community responsibility

Communities have an obligation to safeguard the welfare of children and young people, to support them when in need, and to help them grow into adults.

System responsibility

The juvenile justice system is a vital part of society's collective exercise of its responsibility toward young people. It must do its job effectively.

Louisiana Models for Change

Models for Change-supported reform efforts in Louisiana focus primarily on bringing about change in three areas: expanding alternatives to formal processing and secure confinement; increasing access to evidence-based services; and reducing disproportionate minority contact with the juvenile justice system. In addition, the initiative provides support for statewide efforts to ensure that work carried out at the local level through Models for Change is aligned with the state's goals for juvenile justice reform. Louisiana was the third of four states chosen to participate in the Models for Change initiative, including Pennsylvania, Illinois and Washington.

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INTRODUCTION

Throughout the reform process, the Louisiana District Attorneys Association (LDAA) has collaborated whenever possible with stakeholder agencies to support juvenile justice reform. In keeping with this dedication to reform, LDAA accepted a Models for Change grant in 2008. This grant enabled LDAA to further enhance its role in the reform process. The primary goals of the grant include:

- Evaluate the current availability and use of diversion and community based graduated sanctions in Louisiana.
- Educate District Attorneys and other juvenile justice professionals on best practices in diversion and graduated sanctions
- Develop juvenile DA diversion guidelines and recommendations on graduated sanctions in Louisiana.

In order to effectively achieve these goals, LDAA developed a ten member Juvenile Justice Task Force consisting of four elected District Attorneys and six Assistant District Attorneys.

One key goal of the grant is to develop guidelines for District Attorney Juvenile Diversion Guidelines for Louisiana prosecutors. Recognizing that “diversion” is a broad term, the LDAA Juvenile Justice Task Force narrowed the definition for purposes of this grant. For purposes of this grant, District Attorney Diversion refers to a post arrest/summons, pre adjudication alternatives to formal processing.

DISTRICT ATTORNEY JUVENILE DIVERSION DEFINED

District Attorney Juvenile Diversion is defined as a formal program, used at the discretion of the District Attorney, as an alternative to formal processing of a juvenile offender. This type of program is used post-arrest/summons and prior to adjudication. These programs are not informal adjustment agreements as defined in the Louisiana Children's Code.

BENEFITS/GOALS OF DISTRICT ATTORNEY DIVERSION

Strong diversion programs are a critical component to juvenile crime prevention. There are many benefits of diversion programs including but not limited to:

- Reduction in formal prosecutions and associated costs
- Connecting youth with appropriate and effective services, i.e. mental health and substance abuse
- Keeping youth who commit delinquent offenses in their community whenever public safety allows
- Protecting the interest, well-being and safety of the public
- Encouraging youth accountability for criminal behavior with dispositions that are prompt, fair, and consistent across the state without discrimination on the basis of race, color, creed, religion, national origin, sex, age, education, economic status, sexual orientation or disability
- Providing an opportunity for community members to demonstrate their concern for young people by participating in the juvenile justice system
- Opportunities for victim participation in the juvenile justice process
- Providing restitution to victims
- Encouraging parents/guardians of the juvenile to participate in the juvenile justice process
- Keeping very low risk youth out of the criminal justice system

POINT OF PRETRIAL DIVERSION

The District Attorney must first make a determination that the charge is legally sufficient for prosecution.

Potential divertees should be eligible for pretrial diversion at the discretion of the District Attorney from the time the office of the District Attorney receives notification of arrest/summons until the time of final adjudication. Divertees should have the opportunity to consult with counsel.

The pretrial diversion option should be presented only after an initial determination has been made by the processing authority that the juvenile will be released to pretrial diversion.

A juvenile's decision to enroll in a pretrial diversion program should be voluntary.

The possibility of enrolling in a pretrial diversion program should not preclude a juvenile from considering and pursuing other strategies which may be more advantageous to him than the diversion option.

At the discretion of the District Attorney, certain offenses should not be considered for low level alternatives to formal processing such as a letter and a brief period of monitoring.

ELIGIBILITY AND ENROLLMENT

Formal eligibility guidelines may be established and reduced to writing. The guidelines should be distributed to all interested parties including prospective program participants. The written diversion contract may:

- Include all terms and conditions under which the case will be diverted;
- Be executed and signed by all parties (youth, parents, DA representative);
- Include a waiver of his/her right to a speedy trial;
- Define the duration of the program;
- Conditions that are clear and measurable (deadlines, work hours, etc.)
- Clearly express what constitutes "successful completion"
- Clearly articulate what constitutes failure and the consequences (re-filing of petition)

Eligibility criteria should be broad enough to encompass all juveniles who can benefit from the diversion option regardless of the level of supervision or services needed. Although diversion is traditionally available to certain first time, low-level offenders, additional factors to be considered in determining eligibility should include, but not be limited to:

- The seriousness of the alleged offense;
- The role of the juvenile in that offense;
- The nature and number of previous cases and the disposition of those cases;
- The juvenile's age and maturity;
- The availability of appropriate treatment or services potentially available through the juvenile court or through diversion;
- The dangerousness or threat posed by a juvenile to the person or property of others;
- Whether the juvenile accepts responsibility for participation or involvement in the offense charges;

- The provision of financial restitution to the victims or willingness to complete community service in lieu thereof
- Recommendations of the referring agency, victim, and advocates for the juvenile

Enrollment in diversion programs should not be conditioned on a plea of guilty. An informal admission of guilt or of moral responsibility may be acceptable as part of a service plan. Juveniles who maintain innocence may be denied enrollment.

The District Attorney recognizes that each case is unique and deviation from program requirements may occasionally be necessary.

A standard time limit for the duration of participation in the diversion process should be established based upon the severity of the offense. No juvenile should be required to participate for a longer period except in extraordinary circumstances. The standard term should be long enough to permit change sufficient to minimize likelihood of additional arrests, but not so long as to prejudice the prosecution or defense of the case should the participant be returned to the ordinary course of prosecution.

Prior to making the decision to enroll in a diversion program, an eligible juvenile should be given the opportunity to review a copy of the general requirements of the diversion program including average program duration and possible outcomes.

SCREENING

When appropriate based upon the alleged criminal offense, a diversion candidate should be administered a validated risk screening tool to determine level of risk.

Youth who are designated “low risk” based upon a validated risk screening tool is recommended to be admitted to diversion.

The choice of validated risk screening tool should be evaluated and updated annually if necessary based upon national practices research.

DISMISSAL

Program policy should provide for a dismissal or rejection of charges upon successful completion of all program requirements.

Records relating to arrest, diversion participation, and final disposition should be sealed upon successful completion of the diversion program. Criminal justice personnel should be permitted access to such records solely to determine whether a diversion candidate has previously been diverted.

NON-COMPLETION

A participant should be able to withdraw from the program voluntarily at any time prior to its completion and elect ordinary criminal justice processing without prejudice.

The diversion program should retain the right to terminate service delivery when the participant demonstrates unsatisfactory compliance with the service plan. When such a determination is made, the participant should be returned to ordinary criminal justice processing.

Rearrests which occur during the course of diversion program participation may be grounds for termination. A review by the pretrial diversion authority at which the fact of the rearrest and all other relevant circumstances are considered together with the participant’s record of performance should ensue. The decision whether or not to terminate should occur only after weighing all relevant factors.

CONFIDENTIALITY

As a general rule, information gathered in the course of the diversion process should be considered confidential.

Programs should strive to guarantee, by means of interagency operating agreements or otherwise, that no information gathered in the course of a diversion application or participation in a diversion program will be admissible as evidence over the child’s objection in an adjudication hearing or criminal trial in the case for which diverted. Information may only be used in a disposition hearing in the court or for the purpose of a presentence investigation after a criminal conviction.

Qualified researchers and auditors should, under limited and controlled conditions, be accorded access to records in accordance with law.

Notwithstanding the general provision of confidentiality afforded participant communications, diversion personnel should avoid becoming accessories to criminal acts committed by a participant once enrolled and communicated wittingly or unwittingly during the course of the diversion process.

Notwithstanding the general provision of confidentiality, District Attorneys should share information with each other concerning persons participating in diversion programs to assist in screening and charging decisions on subsequent offenses.

RESEARCH

Juvenile diversion programs should monitor, research, and evaluate the performance and practices of their programs.

Problems and hypotheses in research and evaluation methodologies should be consistent with the goals of the individual diversion agency and the concepts of diversion in general.

Research and evaluation should:

- Follow methodology which is appropriate to the program in order to generate credible results
- Follow a format which can be easily communicated and understood
- Be conducted by individuals with appropriate expertise

VICTIM IMPACT/ACCOUNTABILITY

Diversion efforts should be aligned with the goals of balanced and restorative justice:

- holding offenders accountable to victims,
- providing competency development for offenders, and
- ensuring community safety.

When appropriate due to the nature of the offense, a Victim Impact letter is sent to all potential victims. The letter explains the juvenile diversion process and also provides the victim an opportunity to provide feedback as to both the financial and personal impact of the crime.

SERVICES

Diversion programs should utilize individualized and realistic service plans which feature achievable goals, service plan formulation should occur as soon as possible after initial contact with the participant and in consultation with the participant.

All services offered to youth should be developmentally appropriate given the age of the youth and the severity of the offense.

Whenever practicable, youth should be referred for services offered by an appropriate best practice or promising program.

MISCELLEANEOUS

Nothing herein shall be construed to modify, limit or in any way inhibit the authority of the District Attorney as provided in the Louisiana Constitution of 1974 or the laws of our State.

DIVERSION STAFF JOB DESCRIPTION/DUTIES

Sample Job Description

| | |
|-------------------------|--|
| Job Title: | JUVENILE CASE MANAGER I |
| Job Code: | 5181 |
| Department: | Office of Juvenile Justice Services |
| Reports To: | Depends on Assigned Department |
| Starting Salary: | \$13.36 |
| Time Period: | Depends on funding source. Continued funding for position may be dependent on approval of future grant applications. |
| Shift: | Day/Occasional flexible day and evening hours/Occasional "On-Call" |
| FLSA Status: | Non-Exempt |
| Revision By: | Human Resources |
| Revision Date: | 01-01-09 |

SUMMARY

The general purpose of this position is to identify the problems and needs of juvenile offenders and their families and to develop an individualized plan of action. Juvenile Case Manager may be assigned specific duties related to focus area, including Intake, Field, Families in Need of Services, Truancy, Child Abuse, Drug Court, or other related areas. Juvenile Case Manager I works under close supervision of department director. Juvenile Case Managers provide services for the Court and are commissioned as officers of the Court by the Judge.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

Screen and interview juvenile offenders and their families. Gather information from offender, parents, schools, or social service agencies. Explore all likely sources of information regarding the home and family life.

Evaluate information to determine validity of complaints or referrals.

Make recommendations to the Court and other agencies based on information gathered.

Make referrals to other agencies, when appropriate. May be required to participate in interagency staffings.

Make recommendations on offenders deemed appropriate for diversion.

Prepare petitions and present reports and findings to the Court supporting recommendations for disposition.

Maintain case files and computer records in a professional, orderly, concise and comprehensive manner, including adhering to preparation of case plans and all units of service requirements.

Maintain professional conduct at all times.

Exercise reasonable caution and prudent actions to protect client safety, the safety of the employee and staff and other clients. Follow policy and procedure manuals on the safety procedures regarding handling of volatile or physically aggressive clients.

Maintain strict confidentiality.

Transport juveniles to court, medical appointments and other community settings. Provide supervision of juveniles.

Adhere to the policies and procedures as stated in the Human Resources Manual.

Perform any related duties as required or assigned.

SUPERVISORY RESPONSIBILITIES

This position has no supervisory responsibilities.

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE

Bachelor's degree from four-year college or university with major course work in psychology, sociology, or criminal justice preferred; and one year of related experience and/or training preferred. A Masters degree in a related field may be substituted for a portion of the required experience.

LANGUAGE SKILLS

Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, governmental regulations, and legal documents. Ability to write professional reports and business correspondence. Ability to effectively present information and respond to questions from groups of managers, clients, public officials, and the general public. Ability to read and interpret documents such as court proceedings, school records, physicians, psychologists, psychiatrists, social workers, counselors, and other professionals; safety rules and policy and procedure manuals.

MATHEMATICAL SKILLS

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY

Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables. Ability to apply common sense understanding to carry out simple oral and written instructions. Ability to learn repetitive tasks quickly.

OTHER KNOWLEDGE, SKILLS, & ABILITIES

Working knowledge of personal computers, current computer software, and modern office machinery including printers, copiers, fax machines, multiline phones, and calculators.

Ability to work flexible hours and be “on-call” occasionally.

Must have access to dependable transportation.

Ability to establish and maintain effective working relationships with co-workers, supervisors, volunteers, other agencies, other Parish employees, and the general public.

CERTIFICATES, LICENSES, REGISTRATIONS

Must possess a valid Louisiana driver’s license, a good driving record, and current automobile insurance.

Maintain certification in CPR and First Aid.

May be required to be certified or receive specialized training in areas related specifically to departmental needs to include, but not limited to:

Peace Officer Standards and Training (P.O.S.T.)
Sexual Offender Supervision and Management
Case Management of Juveniles with Mental Health issues
Case Management of Juveniles with Drug Abuse issues
Crisis Intervention

May be required to meet continuing requirements for certifications and specialized training. Failure to obtain and/or meet requirements of any training may impact continuation of employment.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to stand; walk; sit; use hands handle or feel; reach with hands and arms; and talk or hear. The employee frequently is required to climb or balance and stoop, kneel, crouch, or crawl.

The employee must regularly lift and/or move up to 10 pounds; and may, in an emergency situation, have to move over 50 pounds.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is exposed to juvenile clients and their families who are residing within their own homes. The employee will also see juvenile offenders in the office, at school, police substations, community centers, and courthouses. The clients may, at times, become volatile or even physically aggressive.

During home visits the employee is often exposed to less than desirable neighborhoods. The employee must use extreme caution in these circumstances and remain professional at all times following office policy regarding the types of intervention to be used.

While performing the duties of this job, the employee is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, outside weather conditions, and risk of electrical shock. The noise level in the work environment is usually moderate.

SAMPLE JOB DESCRIPTION

| | |
|-------------------------|---|
| Job Title: | JUVENILE PROBATION OFFICER I |
| Job Code: | 5189 |
| Department: | Office of Juvenile Justice Services |
| Reports To: | Director of Probation/Intake Services |
| Starting Salary: | \$13.36 |
| Shift: | Day/Occasional flexible hours/Occasional "On-Call" |
| FLSA Status: | Non-Exempt |
| Revision By: | Human Resources |
| Revision Date: | 01-01-09 |

SUMMARY

This is responsible field and office work in investigating the backgrounds of juvenile delinquents and providing extensive casework services to juveniles placed on probation and their families. Work involves preparation for court disposition, developing service plans (recommendations for plans of action) and supervising juveniles placed on probation. Juvenile Probation Officers may be assigned specific duties related to area of assignment including intake, field, Drug Court, Families in Need of Services, or other related areas. Juvenile Probation Officer I works under close supervision of department director. Juvenile Probation Officers provide services for the Court and are commissioned as officers of the Court by the Judge.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

Screen and interview juvenile offenders and their families. Gather information from offenders, parents, schools, or social services agencies. Explore all likely sources of information regarding the home and family life.

Evaluate information to determine validity of complaints or referrals.

Review reports with District Attorney's Office.

Make recommendations to the Court and other agencies based on information gathered.

Make referrals to other agencies, when appropriate. May be required to participate in interagency staffings.

Make recommendations on offenders deemed appropriate for diversion.

Prepare petitions and present reports and findings to the Court supporting recommendations for disposition.

Maintain professional conduct at all times.

Maintain case files and computer records in a professional, orderly, concise, and comprehensive manner, including adhering to preparation of case plans and all units of service requirements.

Transport juveniles to court, medical appointments and other community settings. Provide supervision of juveniles.

Exercise reasonable caution and prudent actions to protect client safety, the safety of the employee and staff and other clients. Follow policy and procedure manuals on the safety procedures regarding handling of volatile or physically aggressive clients.

May make arrests, serve notices, orders, subpoenas and writs.

Ability to work flexible hours and be "on-call" occasionally.

Maintain strict confidentiality.

Supervise juveniles placed under their supervision and monitor progress towards rehabilitation.

Develop a case plan that is least restrictive to the offender but also protects the community and victim.

Adhere to policies and procedures as stated in the Human Resources Manual.

If applicable, follow all policies and procedures related to carrying and using firearms.

Perform any other duties as requested or assigned.

SUPERVISORY RESPONSIBILITIES

This position does not require supervisory responsibilities.

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE

Bachelor's degree from four-year college or university with major course work in psychology, sociology, or criminal justice preferred; and one year of related experience and/or training preferred. A Masters degree in a related field may be substituted for a portion of the required experience.

LANGUAGE SKILLS

Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, governmental regulations and legal documents. Ability to write professional reports and business correspondence. Ability to effectively present information and respond to questions from groups of managers, clients, public officials, and the general public. Ability to read and interpret documents such as court proceedings, school records, reports from physicians, psychologists, psychiatrists, social workers, counselors, and other professional documents; safety rules and policy and procedure manuals.

MATHEMATICAL SKILLS

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY

Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables. Ability to apply common sense understanding to carry out simple oral and written instructions. Ability to learn repetitive tasks quickly.

OTHER KNOWLEDGE, SKILLS, & ABILITIES

Working knowledge of personal computers, current computer software, and modern office machinery including printers, copiers, fax machines, multiline phones, and calculators.

Must have access to dependable transportation.

Ability to establish and maintain effective working relationships with co-workers, supervisors, subordinates, and the general public.

CERTIFICATES, LICENSES, REGISTRATIONS

Must possess a valid Louisiana driver's license, a good driving record, and current automobile insurance.

Maintain certification in CPR and First Aid.

May be required to be certified or receive specialized training in areas related specifically to departmental needs to include, but not limited to:

Peace Officer Standards and Training (P.O.S.T.)

Sexual Offender Supervision and Management

Case Management of Juveniles with Mental Health issues

Case Management of Juveniles with Drug Abuse issues

Crisis Intervention

May be required to meet continuing requirements for certifications and specialized training. Failure to obtain and/or meet requirements of any training may impact continuation of employment.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to stand; walk; use hands to handle or feel; reach with hands and arms; and talk or hear. The employee frequently is required to climb or balance and stoop, kneel, crouch, or crawl.

The employee must regularly lift and/or move up to 10 pounds, or more, and may in an emergency situation have to move over 50 pounds.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is exposed to juvenile clients and their families who primarily reside within their own homes. The employee will see juvenile offenders in the office, at school, police substations, community centers, and courthouses. The clients may at times, become volatile or even physically aggressive.

During home visits the employee is often exposed to less than desirable neighborhoods. The employee must use extreme caution in these circumstances and remain professional at all times, following office policy regarding the types of intervention to be used.

While performing this job, the employee is occasionally exposed to wet and/or humid conditions, fumes, airborne particles, outside weather conditions, and the risk of electrical shock. The noise level is usually moderate.

SAMPLE JOB DESCRIPTION

Job Title: OUTREACH WORKER
Job Code: 8187
Department:
Division: Office of Juvenile Justice Services
Reports To: Depends on assigned department
Time Period: Depends on funding source. Continued funding for position may be dependent on subsequent approval of future grant applications.
Starting Salary: \$8.00
Shift: Day/Occasional flexible day and evening hours/ occasional "On-Call"
FLSA Status: Non-exempt
Revision By: Human Resources
Revision Date: 01-01-2003

SUMMARY

The general purpose of this position is to provide support and case management services for clients and family members of clients involved in the programs of the Office of Juvenile Justice Services. This position works to identify problems and needs of juveniles and their families and to implement an individualized plan of action to meet their needs.

ESSENTIAL DUTIES AND RESPONSIBILITIES

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

May provide orientation for juvenile and family, including goals of the program, rules governing client conduct, hours of operation, client rights and court expectations.

Assist in screening, classifying and organizing referrals and disseminate all referrals to proper sources. Schedule intake interviews. Assist clients with referrals to appropriate community services, educational and medical programs and other resources.

Assist in administering program related assessment tools to clients.

Monitor school attendance of clients.

Review program forms including authorization for release of information and confidentiality agreements and obtain appropriate signatures.

Assist in the preparation and dissemination of informational materials.

Transport clients to status hearings, appointments and court proceedings.

Assist with planning and implementing group activities for program participants.

Assist with supervision of juveniles, including conducting drug screens.

Assist with data collection, monitoring, and evaluation activities and other reports, recordkeeping and correspondence as directed. Maintain monthly and quarterly statistical tracking within state and federal guidelines, including required reports of services rendered. Prepare reports as requested by Office of Juvenile Justice Services management, supervisor, and funding sources.

Assist with maintenance of case files in a professional, orderly and concise manner.

Participate in staffings, court appearances, team meetings, required training, and other related activities.

Work flexible hours based on client needs and program schedules.

Maintain strict confidentiality.

Remain professional at all times and, when necessary, follow office policy regarding types of intervention to be used.

Establish and maintain effective working relationships with staff members, referral agencies, program participants and their families, and the Court.

Assist in promotion of the program in the community.

Assist with tracking and reporting of expenditures. Assist with purchasing, answering telephone, filing, and other office duties as directed.

Adhere to the goals and objectives of the funding sources.

Perform any other duties as requested by supervisor or Office of Juvenile Justice Services Director.

SUPERVISORY RESPONSIBILITIES

This position does not require any supervisory responsibilities.

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE

Bachelor's degree from an accredited university with major course work in psychology, criminal justice, or social work preferred; or

A high school diploma or GED from an accredited high school; and a minimum of two years of relevant experience may be substituted for college degree; or

A combination of education and related experience that would enable the individual to perform the job functions.

LANGUAGE SKILLS

Ability to read, analyze, and interpret general business periodicals, professional journals, safety rules, technical procedures, policy and procedure manuals, or governmental regulations. Ability to write reports and business correspondence in a professional, orderly, comprehensive, and concise manner. Ability to effectively present information and respond to questions from juveniles, groups of managers, clients, customers, other agencies, public officials, and the general public. Ability to read and interpret documents such as court proceedings; school records; physicians, psychologist, psychiatrists, social workers, counselors, and other professional documents.

MATHEMATICAL SKILLS

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

REASONING ABILITY

Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables.

OTHER KNOWLEDGE, SKILLS, & ABILITIES

Proficiency in the use of personal computers, current computer software including Microsoft Word, and modern office machinery including printers, copiers, fax machines, multiline phones, and calculators.

Access to dependable transportation, good driving record, and current automobile insurance.

Ability to work a flexible schedule, including evening hours and "on call".

Ability to establish and maintain effective working relationships with co-workers, supervisors, subordinates, other agencies, and the general public.

CERTIFICATES, LICENSES, REGISTRATIONS

Must possess a valid Louisiana driver's license.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to stand; walk; use hands to finger, handle, or feel; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and taste or smell.

The employee must regularly lift and/or move up to 10 pounds and may occasionally, in an emergency situation, lift and/or move up to 50 pounds.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

During home visits the employee is often exposed to less than desirable neighborhoods. Sometimes a juvenile offender could become volatile or even physically aggressive towards employee. The employee must maintain professionalism and exercise reasonable caution and prudent actions to protect their safety, and the safety of our staff and other clients. The employee must follow policy and procedure manuals on the safety procedures regarding handling of these clients and the safeguarding of the confidentiality of juveniles and their families.

While performing the duties of this job, the employee is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, outside weather conditions, and risk of electrical shock.

The noise level in the work environment is usually moderate.

SAMPLE JOB DESCRIPTION

Deputy Chief of Juvenile Diversion

I. Qualifications:

- A. Education: Minimum of a master's degree in social work, counseling, psychology, or related clinical mental health field.
- B. Experience: At least 5 years required in a counseling-related position with specific experience in children and adolescent services; a minimum of 3 years in a supervisory position.
- C. Certification/Licensure: Minimum Louisiana license: LCSW, LPC, LMFT or Licensed Psychologist.
- I. Reviews and approves all cases recommended for discharge of any kind by the counselor(s).
- J. Serves as liaison with Chief of Juvenile Diversion, Deputy Chief of Juvenile Diversion, assistant district attorneys, defense attorneys, or sections of Juvenile Court in program referrals, case coordination, and other interrelated functions.
- K. Performs required annual performance reviews of all counselor(s) and other juvenile diversion staff.
- L. Screens employment applications and conducts initial interviews for program staff positions.
- M. Carries a small caseload, as time permits or as recommended by the Chief of Diversion Services based on clinical need.
- N. Oversees practice of ethical and professional standards of staff.
- O. Assists in the identification of and liaison with community resources for program referrals for support/social services, drug education, treatment, medical evaluation, employment services, and other therapeutic interventions or case management needs.
- P. Represents the DA's office in outside meetings or presentations, as approved by the Chief of Diversion Services or District Attorney.
- Q. Prepares program descriptions, reports, and program statistics.
- R. Oversees the facilitation of offender restitution payments to victims.
- S. Conducts staff development and training, as coordinated with the Chief of Diversion Services.
- T. Oversees collection and submission of program fees and approves any fee reductions for indigent families, as needed.
- U. Assists in the development or revision of program forms and standard letters.
- V. Assists Chief of Diversion Services as needed.

II. Organization:

Supervisor: Chief of Diversion Services

III. Duties and Responsibilities:

- A. Responsible for all clinical and administrative aspects of the Juvenile Diversion Program as the day-to-day program manager, reporting to the Chief of Diversion Services.
- B. Supervises all program staffing the Juvenile Diversion Program, including time and attendance.
- C. Oversees adherence of staff to program and office policies and procedures; assists in the formalization of program policies and procedures.
- D. Maintains regular and timely updates on program operations to the Chief of Diversion Services.
- E. Conducts all clinical case staff meetings in conjunction with Chief of Diversion Services.
- F. Reviews all cases that meet the criteria for mandated reporting laws affecting juveniles to Office of Community Services and/or law enforcement.
- G. Reviews all new case assessments for eligibility qualifications, case assignment, identification of primary intervention needs, and service or treatment plan.
- H. Conducts periodic case reviews of open cases and oversees adherence by counselors to proper case documentation

SAMPLE JOB DESCRIPTION

POSITION: Case Supervisor / Educator

OVERTIME STATUS: Exempt

ORGANIZATIONAL

RELATIONSHIPS: Responsible to Diversion Program Manager in their YSB location

SUPERVISES: LRE Facilitators
CSW Placements

POSITION

SUMMARY: The Case Manager / Educator helps to facilitate the implementation of the Diversion Program by providing educational services to Diversion clients and monitoring services to clients in the Crossroads programs while working as a member of the Diversionary Team.

ESSENTIAL FUNCTIONS:

- Receive all diversion cases from Judges, OYD, and/or DA, set cases for clinical assessment, schedule routine program requirements, and provide case management services for a maximum of 140 juveniles (excluding traffic referrals)
- Facilitate the collection of all monetary restitution on delinquency referrals and provide monthly report of restitution status to the Program Manager with a copy to the Director of Finance & Administration
- Monitor attendance, participation, and the services being rendered while clients proceed through the diversion program
- Develop and monitor community service work placements a minimum of once a quarter face to face
- Facilitate data base entry via service tickets on clients in their case load as needed
- Help develop program offerings as needed
- Responsible to teach a minimum of one educational group in the diversion curriculum offerings
- Advocate for families and children when necessary

- Meet with family and/or youth in the diversion program as needed for guidance, education, motivation, and confrontation a minimum of three times during the course of intervention (one meeting must be at closure and must be held individually and face to face)
- Responsible for the organization of all LREC in parish schools
- Responsible for the development and teaching of Traffic Class
- Attend Court as needed for testimony, information sharing and gathering, and receipt of referrals
- Provide information and referral services
- Gather & report statistical information on clients in their caseload
- Accountable for paperwork such as reports, files, and other forms required for clients in their caseload

OTHER RESPONSIBILITIES:

- Provide a substitute status for instructing LRE in the parish School System should attorneys not be available
- Adhere to all personnel and program policies
- Participate in staffing, agency development, fund raising, and quality public relations
- Participate in any other services or agency events as requested by the Program Manager, Director of Diversion Services

SALARY LEVEL Level IV

SALARY RANGE

| Minimum | Mid-Point | Maximum |
|----------|-----------|----------|
| \$18,000 | \$22,500 | \$27,000 |

SKILLS REQUIRED

- A Bachelor's Degree in a related field and/or job experience in the above listed areas
- Good organizational and time management skills
- Ability to relate well to juveniles and adults
- Ability to appropriately confront resistant and oppositional youth and/or their families
- Practical understanding of juvenile development and family systems
- Practical understanding of juvenile justice and delinquency
- Excellent classroom management skills
- Good oral and written communication skills
- Good computer skills
- Good staff team participation

SAMPLE JOB DESCRIPTION

POSITION: Diversion Case Supervisor /
Program Coordinator

OVERTIME STATUS: Exempt

ORGANIZATIONAL

RELATIONSHIPS: Responsible to Diversion Program Manager

SUPERVISES: Diversion Case Supervisors
Co sup. CSW Placements
Co sup. LRE Facilitators

POSITION

SUMMARY: The Case Supervisor / Program Coordinator helps to facilitate the implementation of the Diversion Program by providing oversight of the Crossroads Program, facilitating program development, and providing educational and monitoring services to clients in the Crossroads program while working as a member of the Diversion Team.

ESSENTIAL FUNCTIONS:

- Work as part of the leadership team of diversion program, to communicate the needs and program ideas
- Provide general CR program oversight while supervising program components such as CSW placements and LRE facilitators through a team effort with the Director of Client/Program Services and CR Case Supervisors
- Ensure program quality through definable program outcome measurements and objectives
- Provide CR case management services in specified location
- Help develop program offerings
- Develop and monitor community service work placements
- Facilitate data base entry via service tickets on clients
- Advocate for families and children when necessary
- Meet with family and/or youth in the diversion program as needed for guidance, education, motivation, and confrontation
- Ensure through delegation the organization of all LREC in parish schools

- Oversee court operations, court staffing, and testimony (shared responsibility with the Dir. of Client/Program Services)
- Attend Court as needed for testimony, information sharing and gathering, and receipt of referrals
- Provide information and referral services
- Gather & report statistical information on clients in their caseload as well as general program reports
- Gather, review, and submit signed CR employee time sheets
- Accountable for paperwork such as reports, files, and other forms required for clients in their caseload
- Act as liaison for CR with the United Way "Prepared Workforce" task force
- Perform annual evaluation of CR employees using standardized management by objective forms

OTHER RESPONSIBILITIES:

- Provide a substitute status for instructing LRE in the parish School System should attorneys not be available
- Adhere to all personnel and program policies
- Participate in staffing, agency development, fund raising, and quality public relations
- Participate in any other services or agency events as requested by the Program Manager, Director of Diversion Services

SKILL REQUIRED:

- A Bachelor's Degree in a related field and/or job experience in the above listed areas
- Excellent staff team development, participation, and leadership skills
- Good organizational and time management skills
- Ability to relate well to juveniles and adults
- Ability to appropriately confront resistant and oppositional youth and/or their families
- Practical understanding of juvenile development and family systems
- Practical understanding of juvenile justice and delinquency
- Excellent classroom management skills
- Good oral and written communication skills
- Excellent public relations and interagency collaboration skills

**SCREENING TOOLS:
ARNA
NCAR**

ARIZONA RISK/NEEDS ASSESSMENT INSTRUMENT

| | |
|--|----------------------|
| Juvenile Name (F, M, L) | DOB: |
| SS#: | Parish of Residence: |
| Juvenile Race: <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> East Indian <input type="checkbox"/> Asian <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Bi-racial <input type="checkbox"/> Other | |
| Juvenile Ethnicity: <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic | |
| Juvenile Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female | |
| Date Completed: | Completed by: |

1. Does the juvenile’s relationship with their family involve frequent/intense conflict or is alienated/assaultive (known or suspected)? Yes (1) No (0)
2. Has the juvenile ever been assaultive? Yes (1) No (0)
3. Has the juvenile used or is suspected of using drugs within the past year? Yes (1) No (0)
4. Is the juvenile ever truant or extensive absenteeism from school? Yes (1) No (0)
5. Juvenile is not currently enrolled in public, private or home school? Yes (1) No (0)
6. Does the juvenile have behavior problems/mental health issues? Yes (1) No (0)
7. Are the juvenile’s friends involved or suspected to be involved in delinquency? Yes (1) No (0)
8. Runaway or runaway attempts? Yes (1) No (0)
9. Is the current offense a status offense? Yes (1) No (0)
10. Has there been a complaint prior to this assessment? Yes (1) No (0)

Total Score (out of 10)

Based on revisions to the Arizona Risk/Needs Assessment by Craig Winston LeCroy, Ph.D., Judy Krysik, Ph.D. and Dennis Palumbo, Ph.D. (1998)

OVERVIEW

The purpose of this section is to assist the probation officer by defining the questions on the Risk Assessment tool. The Risk assessment consists of ten Yes or No questions. A score of 0 is given for an answer of no and a 1 is given for an answer of yes. There are two fields for the probation officer to state their opinion on whether the juvenile is likely to re-offend within a year and/or add their comments regarding the juvenile.

For most of the Risk Assessment questions, a Yes or No answer depends on whether there has been a clear statement from the juvenile, a family member, or a contact person, such as a school official. For questions that use the word “suspected,” probation officers should answer Yes if they have suspicions that the statement is true.

If circumstances change and new information is obtained that changes the answers to the original Risk Assessment, complete a new Risk Assessment rather than change the original. For example, the juvenile starts to use an illegal substance at a later time. The Risk Assessment is designed to reflect accurate information at the time of the interview with the juvenile.

DEFINITIONS

Does the juvenile’s relationship with their family involve frequent/intense conflict or is alienated/assaultive (known or suspected)?

Record a Yes response if the juvenile daily or weekly **Does Not** accept parent/guardian requests or rules, or juvenile is being or has been physically or verbally assaultive within the last two months prior to interview, or has left the home and has no communication with the family.

Ever been assaultive?

Record a Yes response if the juvenile “acts out”** or intentionally causes physical injury to another or touches another person with the intent to injure or provoke or the juvenile threatens to do injury to another (valid substantive threat in judgment to the probation officer)

**“Acts Out” is defined as: Hitting, spitting, kicking, pushing, throwing items, biting, potentially criminal sexual behavior or forced sexual contact

Used or is suspected of using drugs within the past year?

Record a Yes answer if there is any indication of drug use or experimentation within the past year (marijuana, cocaine, heroin, hallucinogens, inhalants, abuse of prescription drugs, or any other illegal or controlled substances). **Does not include Alcohol.**

Ever truant or extensive absenteeism from school?

Record a Yes answer if the juvenile has shown a pattern of consistently choosing not to attend school or classes (public, private, alternative or, home school) or exhibits extensive absenteeism. This does not include legitimate and approved reasons such as illness.

Currently enrolled in public, private or home school?

Record a Yes answer if the juvenile is NOT currently registered to participate in a state or county certified educational program (regardless of whether it is public, private, alternative, or home school).

Juvenile has behavior problems/mental health issues?

Record a Yes answer if there are any reports that the juvenile has **significant** behavioral problems or mental health issues (e.g., inappropriate sexual activities, attention deficit disorder, “acts out” behavior, psychiatric or psychological diagnosis, “out of control”).

Friends involved or suspected to be involved in delinquency?

Record a Yes answer if the juvenile currently associates with adults or juveniles who have been identified as, or are suspected of, participating in criminal or delinquent acts.

Runaway or runaway attempts?

Record a Yes answer if there are any reports, statements, or information gleaned that this juvenile has run away or has attempted to run away within the past year.

Probation officer’s opinion of Re-offending within one year.

A field for the probation officer’s opinion on whether the juvenile is likely to re-offend within a year. The options are high, medium or low probability.

An indication of Status Offense.

If the juvenile has a current offense that is a status offense.

Prior complaint to this assessment?

Recorded as yes if the juvenile is a repeat offender (i.e., prior complaints greater than zero).

Comments field.

The probation officer may add additional comments or any other useful information pertaining to the juvenile.

OVERVIEW

NORTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE & DELINQUENCY PREVENTION

RISK & NEEDS ASSESSMENT PROCEDURES

JUVENILE ASSESSMENT PROCEDURES

WHAT: Completion of the juvenile risk assessment and the juvenile/family needs assessment.

WHEN: Both risk and juvenile/family needs assessment instruments prior to a disposition hearing, either before or after adjudication. The juvenile/family needs assessment will be completed no less than every 90 days while a juvenile is being supervised.

WHY: For use by judges in assigning youth to disposition options allowed by the Dispositional Chart (N.C.G.S. § 7B-2508(f)). For use by DJJDP staff in developing effective case plans.

JUVENILE RISK ASSESSMENT

The juvenile risk assessment was developed by a focus group composed of DJJDP staff and criminal justice researchers. The group reviewed risk assessment instruments from several other jurisdictions prior to recommending this assessment. The risk assessment is composed of nine items that describe delinquency history or behavior. Each of these items demonstrated a strong statistical relationship to juvenile recidivism in other jurisdictions. The nine risk items are summed and the risk classification assigned based on the juvenile's total risk score; that is, a high-risk case has a higher total risk score than a low risk case. In studies conducted in other jurisdictions, high risk juvenile offenders have proven to be three or four times more likely to be referred for new offenses than low risk cases. Consequently, the risk classification is based on the juvenile's total risk score relative to other juveniles. Risk assessment is one of the most important managerial tools in the model classification system recommended by the United States Office of Juvenile Justice and Delinquency Prevention (OJJDP) because it links the amount of service intervention and supervision a juvenile receives to the risk they pose to public safety.

The operating assumption for allocating supervision and intervention according to criminal risk is a simple one. Agencies have limited staff resources for providing supervision and it makes sense to supervise high-risk juveniles, who are most likely to re-offend, much more closely than low risk juveniles. This strategy is central to effective case management and it is based on research studies that observed the impact of supervision on criminal behavior. These studies indicate that criminal activity among high-risk youth may be reduced by 50% if they are provided more active supervision involving more frequent contact by court officers and more active case management.¹ Consequently, matching the level of case intervention to the risk of re-offending permits agencies to reduce crime and supports effective efforts to rehabilitate juvenile offenders.

JUVENILE NEEDS ASSESSMENT

This assessment was also developed by a work group composed of DJJDP court counselors who reviewed numerous similar instruments prior to developing this one. The needs assessment is a structured instrument which asks court counselors to systematically identify the needs of a juvenile in 10 different domains, including peer relationships, substance abuse, school behavior, etc. The needs in the youth's family are also assessed.

The scores shown for each needs assessment item reflect the ranking assigned by the work group. Items that define areas of functioning viewed as most difficult to manage and most difficult for successful intervention during supervision are assigned the highest scores. The item scores are summed to a total needs score and a corresponding needs classification is assigned. Juveniles with high levels of need demonstrate more problematic behaviors and require more service intervention and counselor effort to supervise. The instrument is carefully structured to encourage consistent and reliable assessment. In effect, different court counselors scoring the same juvenile should reach a similar result. The objective nature of the assessment also provides court counselors with reliable procedures for identifying the critical issues that must be addressed in the case plan to deter future delinquent behavior. These priority needs become the focus of the juvenile's case plan and specific interventions are planned to address them.

¹ Eisenberg, Michael and Gregory Markley, "Something Works in Community Supervision," Federal Probation, Vol. 51, No. 4, 1987. Baird, Heinz, and Bemus, "A Two Year Follow-Up on the Wisconsin Case Classification Project," American Correctional Association Monograph (1981).

NORTH CAROLINA ASSESSMENT OF JUVENILE RISK OF FUTURE OFFENDING

| | |
|---|----------------------|
| Juvenile Name (F, M, L) | DOB: |
| SS#: | Parish of Residence: |
| Juvenile Race: <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Latino <input type="checkbox"/> Asian <input type="checkbox"/> Multi-racial <input type="checkbox"/> Other | |
| Juvenile Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female | |
| Date Assessment Completed: | Completed by: |

Instructions: Complete each assessment item R1 to R9 using the best available information. Circle the numeric score associated with each item response and enter it on the line to the right of the item. Total the item scores to determine the level of risk and check the appropriate risk level in R10. Identify the most serious current offense in R11. Assessment items R1-R5 are historical in nature and should be answered based on the juvenile's lifetime. Items R6 and R7 should be evaluated over the 12 months prior to the assessment. R7-R9 should be evaluated as of the time of the assessment. Use the Comments section at the end as needed for additional information or clarification.

R1. Age when first delinquent offense alleged in a complaint:

Circle appropriate score and enter the actual age.

Score

| | | |
|--|---|--|
| a. Age 12 or over or no delinquent complaint | 0 | |
| b. Under age 12 | 2 | |
| Actual age: | | |

R2. Number of undisciplined or delinquent referrals to Intake (Referrals are instances of complaints coming through the Intake process. A referral may include multiple complaints; for example, breaking or entering and larceny, or multiple larcenies or other offenses that occur at one time.)

| | |
|--------------------------|---|
| a. Current referral only | 0 |
| b. 1 Prior referral | 1 |
| c. 2-3 Prior referrals | 2 |
| d. 4+ Prior referrals | 3 |

R3. Most serious prior adjudication(s). Enter the actual number of prior adjudications for each class of offense shown in b through e then circle the score for only the most serious offense for which there has been a prior adjudication. **The maximum possible score for this item is 4.**

| | | | |
|--|---------------------|--|---|
| a. No Prior Adjudications | | | 0 |
| b. Prior Undisciplined | # of adjudications: | | 1 |
| c. Prior Class 1-3 misdemeanors | # of adjudications: | | 2 |
| d. Prior Class F-1 felonies or A1 misdemeanors | # of adjudications: | | 3 |
| e. Prior Class A-C felonies | # of adjudications: | | 4 |

R4. Prior Assaults: "Assault" is defined as any assaultive behavior, whether physical or sexual, with or without a weapon as evidenced by a prior delinquent complaint. Record the number of complaints for each assault category shown. Then circle the score for the assault category with the highest numerical score. **The maximum possible score for this item is 5.**

| | | | |
|--|------------------|--|---|
| a. No assaults. | | | 0 |
| b. Involvement in an affray | # of complaints: | | 1 |
| c. Yes, without a weapon | # of complaints: | | 2 |
| d. Yes, without a weapon inflicting serious injury | # of complaints: | | 3 |
| e. Yes, with a weapon | # of complaints: | | 4 |
| f. Yes, with a weapon inflicting serious injury | # of complaints: | | 5 |

R5. Runaways (from home or placement): "Runaway" is defined as absconding from home or any placement and not voluntarily returning within twenty-four (24) hours as evidenced by a complaint, motion for review, or from reliable information. Circle appropriate score.

| | |
|------------------------------------|---|
| a. No | 0 |
| b. Yes | 1 |
| Actual number of runaway incidents | |

R6. Known use of alcohol or illegal drugs during past 12 months: Do not include tobacco in scoring this item. Circle appropriate score.

| | |
|--|---|
| a. No known substance abuse | 0 |
| b. Some substance use, need for further assessment | 1 |
| c. Substance abuse, assessment and/or treatment needed | 3 |

R7. School behavior problems during the prior 12 months: Circle appropriate score.

| | |
|--|---|
| a. No problems (Enrolled, attending regularly) | 0 |
| b. Minor problems (attending with problems handled by teacher/school personnel, or 1-3 unexcused absences/truancy) | 1 |
| c. Moderate problems (4 to 10 unexcused absences /truancy, or 1 or more in-school suspensions or 1 short-term suspension – up to 10 days) | 2 |
| d. Serious problems (more than 1 short-term suspension, or 1 or more long-term suspension, or more than 10 unexcused absences or expelled/dropped out) | 3 |

R8. Peer relationships: Circle appropriate score. Put check in the line following appropriate information.

| | |
|--|---|
| a. Peers usually provide good support and influence | 0 |
| b. Youth is rejected by pro-social peers _____, or youth sometimes associates with others who have been involved in delinquent/criminal activity but is not primary peer group _____ | 1 |
| c. Youth regularly associates with others who are involved in delinquent/criminal activity | 3 |
| d. Youth is a gang member _____ or associates with a gang _____ | 5 |

R9. Parental supervision: (Score the current responsible parental authority) Circle appropriate score.

| | |
|--|---|
| a. Parent, guardian or custodian willing and able to supervise | 0 |
| b. Parent, guardian or custodian willing but unable to supervise | 2 |
| c. Parent, guardian or custodian unwilling to supervise | 3 |

R10. TOTAL RISK SCORE

Check Risk Level: Low risk (0-7) Medium Risk (8-14) High Risk (15+)

R11. Completed before or after adjudication: (check) before _____ after _____

| | |
|--|--|
| Most serious offense alleged /adjudicated in current complaint/petition | |
| Statute number | |
| Class offense: <input type="checkbox"/> A-E Felony <input type="checkbox"/> F-I Felony, A1 Misdemeanor <input type="checkbox"/> Class 1-3 Misdemeanor <input type="checkbox"/> Undisciplined | |

Note: Risk level is to be considered along with the current offense.

COMMENTS:

NORTH CAROLINA ASSESSMENT OF JUVENILE RISK OF FUTURE OFFENDING DEFINITIONS

RISK ASSESSMENT SCORING INSTRUCTIONS

Court counselors should employ all credible information to complete each risk assessment item. These sources include, but are not limited to: direct observation of the case, self-report information from the juvenile, family members, third parties (e.g., school personnel, employers, relatives outside of the immediate family), reports from official agencies, and the results of formal assessment or evaluation procedures. Every reasonable effort should be made to collect information necessary to accurately complete the assessment and the item definitions should be carefully applied. Information about delinquent history obtained from juveniles during interviews should be employed if the court counselor believes it to be credible.

After completing the top section of the risk assessment form, the court counselor scores each item, R1 through R9, using the definitions for the risk assessment provided below. For informational purposes, the court counselor also records exact numbers or age when specified. When each item has been scored, the total risk score is entered by the counselor in R10. Based on the total score, the counselor checks low (0 to 7), medium (8 to 14), or high (15 or more) as the scored risk level in R10. The counselor also records the offense, statute number, and class of offense of the most serious offense alleged in the current complaint or adjudication in R11. The instrument may be completed after an adjudicatory hearing, but must be completed before the disposition hearing. Indicate the completion status in R11.

R1. Age when first delinquent offense alleged in a complaint

Age of the juvenile at the time the first delinquent offense occurred for which an allegation was made in a delinquent complaint. Do not round up (e.g., 12 years 7 months equals 12). Circle the applicable score and post it on the item score line.

- Age 12 or over or no delinquent complaint. “No delinquent complaint” is appropriate for an undisciplined juvenile who has had no delinquent complaints.
- Under age 12. The juvenile is “Under age 12” if the first complaint in which an offense was alleged occurred prior to his or her 12th birthday.

Actual age: Enter in the box provided, the juvenile’s age at the time the first delinquent offense occurred for which a **delinquent** complaint was filed.

R2. Number of undisciplined or delinquent referrals to Intake

Referrals are instances of complaints coming through the Intake process. A referral may include multiple complaints. For example, breaking or entering and larceny, multiple larcenies, or multiple other offenses that occur at one time (i.e., on the same date) are counted as a single referral. Circle the applicable score associated with the following definitions.

- Current referral only. (The referral which caused the assessment to be conducted.)
- 1 Prior referral.
- 2-3 Prior referrals.
- 4 or more Prior referrals.

R3. Most serious prior adjudication(s)

Record the actual number of prior adjudications for each offense class shown in b through e. The score is based only on the **most serious** offense for which a prior adjudication(s) was indicated. If the youth’s prior adjudication history included two undisciplined and one class A-E felony, the counselor should enter 2 after the number of adjudications in R3b and 1 after the number of adjudications in R3e. The score for this case would be 4 because the most serious offense was the class A-E felony. A prior adjudication is any offense that is adjudicated before the offense being considered for disposition. Out of state adjudications are to be scored using the same definitional procedures outlined in 7B-2507 for the delinquency history level. The maximum possible score for this item is 4.

- No prior adjudication. (No adjudication prior to the current court hearing.)
- Undisciplined.
- Class 1-3 misdemeanor.
- Class F-I felonies or A1 misdemeanors.
- Class A-E felonies.

R4. Prior Assaults

“Assault” is defined as any assaultive behavior, whether physical or sexual, with or without a weapon as evidenced by a prior delinquent complaint. Record the number of prior complaints for each assault category listed in R4b through f. Score only the assault which qualifies for the most points (e.g., If a juvenile had 2 prior assaults without a weapon (with no injury) and 1 prior assault with a weapon, the counselor would enter 2 complaints for R4c and 1 for R4e. The youth’s score for the item

would be 4 because the assault with a weapon recorded in R4e is the most serious complaint). The maximum possible score for this item is 5.

- a. No assaults.
- b. Involvement in an affray.
- c. Yes, assault without a weapon. A weapon is any instrument that under the circumstances of its use is likely to cause bodily injury.
- d. Yes, assault without a weapon, inflicting serious injury. Serious injury may be physical injury that causes great pain and suffering or serious mental injury.
- e. Yes, assault with a weapon.
- f. Yes, assault with a weapon inflicting serious injury.

R5. Runaways (from home or placement)

“Runaway” is defined as absconding from home or any placement and not voluntarily returning within twenty-four (24) hours as evidenced by a complaint, motion for review or reliable information.

“Reliable information” is information the counselor has reason to believe is accurate.

- a. No.
- b. Yes.

Record the total actual number of prior runaway incidents.

R6. Known use of alcohol or illegal drugs during past 12 months

Evaluate behavior during the 12 months prior to the assessment.

Do not include tobacco in this item.

- a. No known substance use. Indicates there is not use, history of use, or pattern of strained relationship with parents concerning use.
- b. Some substance use, need for further assessment. Some substance use. Referral for further assessment is needed.
- c. Substance abuse, assessment and/or treatment needed. Substance abuse is constituted by a maladaptive pattern of substance use leading to significant impairment or distress including any of the following: repeated use resulting disruption of functioning, such as interpersonal problems, poor job performance, repeated absences, suspension or expulsion from school, problems with the law, and/or physical harm to self or others.

R7. School behavior problems during the prior 12 months

Evaluate school behavior during the 12 months prior to the assessment. Include any school discipline resulting from the current offense.

- a. No problems. Youth is enrolled and regularly attending school. This includes those who have graduated or have received a GED.

- b. Minor problems. Minor disciplinary or work effort problems handled by classroom teacher or school personnel or the youth has from 1 to 3 (less than 4) unexcused absences/truancy.
- c. Moderate problems. Youth has: 4 but less than 10 unexcused absences/truancy; or received one or more in-school suspensions; or one short-term suspension (i.e. less than 10 days), may be considered somewhat disruptive in class.
- d. Serious problems or habitual truancy. Youth has: dropped out of school; or been expelled; or received more than 1 short-term suspension (less than 10 days); or received a long-term suspension (10 days or more); or had more than 10 unexcused absences/truancies.

R8. Peer relationships

Evaluate the degree to which the youth’s peers appear to influence negative behavior at the time of the current assessment. Give information about specific circumstances by putting a check on the line following the appropriate circumstance.

- a. Peers usually provide good support and influence. Friends not known to be delinquent or to have influenced involvement in delinquent behavior.
- b. Youth is rejected by pro-social peers; or sometimes associates with peers who have been involved in delinquent/criminal activity but is not primary peer group. Youth is rejected, taunted, or shunned by peers; or youth may be frequently dependent upon peers and/or negatively influenced by them. Check which response applies on form.
- c. Youth regularly associates with others who are involved in delinquent/criminal activity. Delinquent/criminal activity may include but is not limited to drug/alcohol abuse. Youth usually provides a negative influence and may routinely exploit, manipulate, or be assaultive toward peers.
- d. Youth is a gang member; or associates with a gang. Check which response applies on form. A gang is defined as an organized, recognized group which has illegal activity as part of its purpose. The youth or a responsible adult confirm membership or association.

R9. Parental supervision (Score the current responsible parental authority)

This item should be scored giving consideration to the adult(s) who is currently acting as physical custodian of the juvenile and the supervision that will be provided for the juvenile.

- a. Parent, guardian or custodian willing and able to supervise. Parent is able and willing to control the behavior and the whereabouts of the juvenile. The juvenile responds to parental supervision and limit setting.

- b. Parent, guardian, or custodian willing but unable to supervise. Parent is willing to control the behavior of the juvenile but is not able to do so because of parental availability, parental skill ability or because the juvenile will not respond to the parent's supervision and/or limits.
- c. Parent, guardian, or custodian unwilling and unable to supervise. The parent states or indicates by behavior an unwillingness to supervise or control the whereabouts of the juvenile. The juvenile may or may not respond to supervision and limits if they were set by the parent.

R10. Total Risk Score

Add the scores for all items and enter the total score. Check the risk level that corresponds to the total score.

R11. Completed before or after adjudication:

Check whether the assessment was completed before adjudication for the current offense or after the adjudication hearing. Write the common name for the most serious current offense and give the statute number. Indicate the offense classification assigned by statute for the offense. Circle the offense status at the time of the assessment. If the assessment is completed prior to adjudication, the offense is circled as "alleged" and as a "complaint." If the assessment is completed after the adjudication hearing, the offense is circled as "adjudicated" and as a "petition."

NORTH CAROLINA ASSESSMENT OF JUVENILE NEEDS

| | |
|---|----------------------|
| Juvenile Name (F, M, L) | DOB: |
| SS#: | County of Residence: |
| Juvenile Race: <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Latino <input type="checkbox"/> Asian <input type="checkbox"/> Multi-racial <input type="checkbox"/> Other | |
| Juvenile Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female | |
| Date Assessment Completed: | Completed by: |

Instructions: Complete each needs assessment item using the best available information. Circle the score associated with the most appropriate item choice and enter the number on the line to the left of the item. Items that are of a current nature should be considered as of the time of the assessment unless a time period for consideration is noted. Assessment items that are historical in nature (Y6 and F5) should be answered based on the juvenile or family member's lifetime. Total the points for all items to determine the total need score and then check the appropriate needs level (low, medium or high). Complete the information source checklist. Finally, identify at least three priority needs for constructing a case plan and appropriate service interventions. Give additional information as needed in the Comments section.

YOUTH NEEDS

Score

_____ Y1. Peer Relationships

- 0 a. Peers usually provide good support and influence
- 2 b. Youth is rejected by pro-social peers
- 3 c. Youth sometimes associates with others who have been involved in delinquent activity but this is not a primary peer group
- 4 d. Youth regularly associates with others who are involved in delinquent/criminal activity
- 5 e. Youth is a gang member _____ or associates with gang _____.
Name of gang _____

_____ Y2. School Behavior/Adjustment

- 0 a. No problems. Youth is attending regularly _____, graduated _____ or has GED _____.
- 1. b. Minor problems. Work effort _____, or disciplinary problems _____ that were handled by classroom teacher/school personnel or 1-3 unexcused absences/truancy _____
- 3 c. Moderate problems. Youth has 4 to 10 unexcused absences _____, or received 1 or more in-school suspensions _____, or 1 short-term suspension (i.e. less than 10 days) _____.
- 4. d. Serious problems. Youth has dropped out of school _____, or been expelled _____, or received more than one short-term suspension _____, or one long-term suspension (10 days or more) _____, or has more than 10 unexcused absences _____.

_____ Y3. General Academic Functioning

- 0 a. Generally functioning above or at grade level _____, or is placed in appropriate Exceptional Children's program _____.
- 3 b. Generally functioning below grade level. Needs an educational evaluation _____, or has identified Exceptional Children's needs that are unserved _____.

Check Assessed Exceptional Children's needs: Autism _____, Behaviorally Emotionally Disabled _____, Deaf/Blind _____, Gifted/Talented _____, Hearing Impaired _____, Mentally Disabled _____, Multi-handicapped _____, Orthopedically Impaired _____, Other Health Impaired _____, Pregnant Student _____, Specific Learning Disabled _____, Speech/Language Impaired _____, Traumatic Brain Injury _____, Visually Impaired _____

_____ Y4. Substance Abuse Within Past 12 months (Do not consider tobacco in this item)

- 0 a. No known substance use.
- 1 b. Some substance use, need for further assessment.
- 3 c. Substance abuse, assessment and/or treatment needed.
Check all that apply: Denial _____ Refusal of treatment _____ Unmet need for treatment _____
Prior treatment failures _____ Currently in treatment _____
Describe substance abuse noted above by type: (check all that apply, leave blank if none)
Cocaine _____ Amphetamines _____ Opiates _____ Inhalants _____
Alcohol _____ Cannabinoids _____ Other _____

Y5. Juvenile Parent Status

- 0 a. Juvenile is not a parent.
- 1 b. Juvenile is a parent, but does not have custody of child.
- 2 c. Juvenile is a parent _____ or an expectant parent _____ but has adequate childcare support
- 4 d. Juvenile is a parent _____ or an expectant parent _____ but inadequate childcare support.
Number of children _____

Y6. History of Victimization by Caregiver or Others

- 0 a. No history or evidence of physical, sexual, or emotional abuse or neglect or other criminal victimization
- 2 b. Victimization with appropriate support. History or evidence of physical, sexual, or emotional abuse or neglect or other criminal victimization with appropriate response to protect against subsequent victimization.
- 3 c. Victimization without support. One or more incidents of victimization; failure to protect against subsequent victimization.

Check all that apply to the youth: physical abuse _____, sexual abuse _____, emotional abuse _____, neglect _____, criminal victimization _____, other _____

Y7. Sexual Behavior During Past 12 Months

- 0 a. No apparent problem.
- 2 b. Behavior that needs further assessment such as use of pornography _____, obscene phone calls _____, voyeurism _____, uses sexually explicit language or gestures _____, or other _____.
- 3 c. Engages in sexual practices that are potentially dangerous to self or others _____.
- 4 d. Youth's sexual adjustment/behavior results in victimization of others _____. May use sexual expression/behavior to attain power and control over others _____.

Y8. Mental Health

- 0 a. No need for mental health care indicated.
- 1 b. Has mental needs that are being addressed.
- 3 c. Behavior indicates a need for additional mental health assessment _____ or treatment _____.

Check all behaviors that apply:

Withdrawn _____ Self mutilation _____ Sad _____ Runs away _____
Confused _____ Hallucinations _____ Anxious _____ Fights _____
Sleep problems _____ Eating Problems _____ Angry _____
Restless _____ Risk-taking/impulsive _____ Other _____
Diagnosis (from MH professional) _____

Y9. Basic Physical Needs/Independent Living

- 0 a. Youth is living with parents, guardian or custodian. Basic needs for food, shelter and protection are met.
- 1 b. Youth is in temporary residential care or shelter _____ or living independently with basic needs for food, shelter and protection being met _____.
- 2 c. Youth is living with parents, guardian or custodian. Basic needs are not being met. Food needs not met _____, shelter needs not met _____, protection needs not met _____.
- 3 d. Youth is living independently. Basic needs are not being met. Food needs not met _____, shelter needs not met _____, protection needs not met _____.

Y10. Health & Hygiene (exclude Mental Health Conditions)

- 0 a. No apparent problem
- 1 b. Youth has medical _____, dental _____, health/hygiene education _____ needs which do not impair functioning. Youth uses tobacco products _____
- 2 c. Youth has physical handicap _____ or chronic illness _____ that limits functioning and the condition is being treated.
- 3 d. Youth has physical handicap _____ or chronic illness _____ that limits functioning and the condition is not being treated. Youth does not comply with prescribed medication _____ or has an unmet need for prescribed medication _____.

Juvenile Name (F, M, L) _____ DOB: _____

FAMILY NEEDS: Answer the following questions about the juvenile's primary family. The primary family is the juvenile's natural family or the family unit that the juvenile is living with on a permanent basis. If the juvenile is placed away from home, the questions should be answered about the "family" to which the juvenile will be returning. Make any need clarifying comments in the comment section.

_____ **F1. Conflict in the Home Within Past 12 Months**

- 0 a. The home environment is relatively supportive; there are no problems that require outside intervention
- 2 b. Marital or domestic discord resulting in emotional or physical conflict (without serious injury) with spouse, partner, and/or child(ren) _____. Family members avoid contact with each other _____.
- 4 c. Domestic violence resulting in injury or the involvement of law enforcement and/or domestic violence programs _____. Restraining orders/criminal complaints _____ substantiated abuse _____.

_____ **F2. Supervision Skills**

- 0 a. Adequate skills. Parent makes rules for youth and generally enforces them; parent attempt to keep track of the child's activities and uses discipline when needed; youth respects parent for most part
- 2 b. Marginal skills. Parent may make rules, but has difficulty enforcing them _____ or youth often engages in inappropriate activities without parent's knowledge _____ or parent does not react with necessary sanctions when rules are broken _____ or parents say they are having difficulty controlling the juvenile _____.
- 4 c. Inadequate. Parent supports juvenile's delinquency/independence or excuses it _____ or parent refuses responsibility for youth _____ or abandons youth _____.

_____ **F3. Disabilities of Parent, Guardian or Custodian**

- 0 a. Parent, guardian or custodian has no known disabilities that interfere with parenting.
- 2 b. Parent, guardian or custodian's ability to provide for youth is impaired by serious mental health disorder _____ or a serious health problem _____ or other disability _____.

_____ **F4. Substance Abuse Within the Past 3 Years by Household Members** (Do not include juvenile).

- 0 a. No evidence of alcohol or drug abuse.
- 3 b. One or more household members abuse alcohol or drugs.
Indicate all that apply: Parent is abuser _____ Sibling is abuser _____
Other household member is abuser _____ Unmet need for treatment _____
Denial _____ Refusal of treatment _____ Prior treatment failures _____
Job loss _____ DWI _____ Other conflict with the law _____
Abusive/destructive behavior _____
Describe substance use/abuse noted above by type (check all that apply, leave blank if none)
Cocaine _____ Amphetamines _____ Opiates _____
Alcohol _____ Cannabinoids _____ Other _____

_____ **F5. Family Criminality**

- 0 a. No family member (including siblings) has been convicted/adjudicated for criminal acts.
- 1 b. Parents, guardian or custodian and/or siblings have record of convictions/adjudications. Parent, guardian or custodian conviction _____ Sibling conviction/adjudication _____
- 3 c. Parent, guardian or custodian and/or siblings are currently incarcerated, or are on probation or parole (give relationship and status) _____ or are known gang members _____.

_____ **Total Needs Score**

Check Needs Level: Low (0-12) Medium (13-22) High (23+)

Sources of information: Check all that apply

Juvenile _____ Mother _____ Father _____ Other Caregiver _____
Sibling _____ Other relative _____ School _____ Victim _____
Neighbor _____ Law enforcement _____ DSS _____ Mental Health _____
Others _____

ASSESSMENT OF NEEDS COMMENTS:

ASSESSMENT OF JUVENILE RISK OF FUTURE OFFENDING & ASSESSMENT OF JUVENILE NEEDS

SUMMARY AND RECOMMENDATION

| | |
|---------------------------------------|------|
| Juvenile Name (F, M, L) | |
| SS#: | DOB: |
| Date of Assessment and Recommendation | |

Total Risk Score _____ Low Risk (0-7) Medium Risk (8-14) High Risk (15+)

Total Needs Score _____ Low Needs (0-12) Medium Needs (13-22) High Needs (23+)

After completing each Needs Assessment item, review the findings and determine the youth's priority needs i.e., those behaviors which must be addressed by service interventions to deter future delinquent behavior. Then enter the priority needs in the boxes below (enter the priority needs item reference; i.e., Y1 , Y2 or F3, etc.) and briefly describe the service intervention recommended. The Needs Assessment plus the Risk Assessment provide the basic information for constructing the case plan.

| Priority Needs | Services Recommended |
|----------------|----------------------|
| 1. | |
| 2. | |
| 3. | |
| Other: | |

Comments:

NORTH CAROLINA ASSESSMENT OF JUVENILE NEEDS DEFINITIONS

Juvenile Needs Assessment Scoring Instructions

Court counselors should employ all credible information to complete each needs assessment item. The sources include, but are not limited to: observation, self-reported information from the juvenile, family members, third parties (e.g., school personnel, employers, relatives outside of the immediate family), reports from official agencies, and the results of formal evaluation procedures. Every reasonable effort should be made to collect information necessary to accurately complete the assessment and item definitions should be carefully applied. The purpose of the assessment is to identify areas of behavior or functioning that may require service intervention. The assessment should be used to help court counselors focus service interventions and case plans on problems, which need to be addressed to reduce delinquent behavior.

After completing the top section of the form, the counselor scores individual items Y1 to Y10 for the juvenile and F1 to F5 for the juvenile's family. Note that when several of these items contain more than one situation/definition within a specific point value, court counselors are asked to check the appropriate one for informational purposes. (For example, during the course of the interview, the youth discloses that he associates with gang members, but is not a member himself. Under the item "Peer relationships", a youth who is a gang member, as well as one who associates with a gang receives a score of 5 points. The counselor would record the 5 points on the designated line, but also place a check on the line indicating associates with a gang.) Other items contain informational lists (i.e., substance abuse, general academic functioning, etc.) Court counselors need to check all items that apply within each of these lists. Use the Comments section to document any points that may need clarification or to give information that support the answers given on assessment items.

When each item has been scored and summed, the total needs score (both juvenile and family needs) is entered by the counselor near the bottom of the form. Based on the total score, the counselor checks Low (0 to 12), Medium (13 to 22), or High (23 or more) as the youth's scored needs level. The counselor also checks all sources of information that were used during the investigation necessary to complete the assessment.

Once the court counselor has completed each needs assessment item, totaled the score and assigned the needs level, the case planning process should begin by identifying at least three priority needs. The priority needs should be selected by

reviewing each needs assessment item finding and selecting the three primary problems which must be resolved to reduce delinquent behavior. The court counselor should use his or her own judgment in making these choices. The priority needs should be identified by entering the item name, reference letter, and number in the appropriate location on the form. Specific service interventions should be described for each priority need. An "other" category is provided for youth who may require additional (i.e., more than three) service interventions. These are the areas in which the court counselor believes the juvenile has the most need, and thus should be addressed with service interventions in the case plan.

Y1. Peer Relationships

Evaluate the degree to which the youth's peers appear to influence negative behavior at the time of the assessment.

- a. Peers usually provide good support and influence. Friends not known to be delinquent or to have influenced involvement in delinquent behavior.
- b. Youth is rejected by pro-social peers. Youth is rejected, taunted, or shunned by peers.
- c. Youth sometimes associates with others who have been involved in delinquent/criminal activity but is not primary peer group. Youth may be frequently dependent upon peers and/or negatively influenced by them.
- d. Youth regularly associates with others who are involved in delinquent/criminal activity. Delinquent/criminal activity may include but is not limited to drug/alcohol abuse. Youth usually provides a negative influence and may routinely exploit, manipulate, or be assaultive toward peers.
- e. Youth is a gang member or associates with a gang. Check which response applies. A gang is defined as an organized, recognized group which has illegal activity as part of its purpose. Youth or responsible adult confirm membership or association.

Enter name of gang below the item.

Y2. School Behavior/Adjustment

Evaluate school behavior during the 12 months prior to the assessment.

- No problems. Youth is enrolled and regularly attending school. This includes those who have graduated or have received a GED. Check which option(s) apply.
- Minor problems. Minor disciplinary or work effort problems handled by classroom teacher or school personnel or the youth has from 1-3 (less than 4) unexcused absences/truancy. Check which option(s) apply.
- Moderate problems. Youth has: 4 but less than 10 unexcused absences/truancy; or received one or more in-school suspensions; or one short-term suspension (i.e. less than 10 days). Check which option(s) apply.
- Serious problems. Youth has: dropped out of school; or been expelled; or received more than 1 short-term suspension; or received a long-term suspension (10 days or more); or had more than 10 unexcused absences/truancies. Check which option(s) apply.

Y3. General Academic Functioning

Evaluate academic functioning at the time of this assessment.

- Generally functioning above or at grade level or is placed in appropriate Exceptional Children's program. Check which option applies.
- Generally functioning below grade level. Needs an educational evaluation or has identified Exceptional Children's needs that are unserved.

The Exceptional Children's needs listed are to be identified by the school system or other professional source. Check those needs that have been identified.

Y4. Substance Abuse Within the Past 12 Months (Do not consider tobacco in this item.)

Evaluate behavior during the 12 months prior to the assessment. Do not consider tobacco use in this section.

- No known substance use. Indicates there is not use, history of use, or pattern of strained relationship with parents concerning use.
- Some substance use, need for further assessment. Some substance use. Referral for further assessment is needed.
- Substance abuse, assessment and/or treatment needed. Substance abuse is constituted by a maladaptive pattern of substance use leading to significant impairment or distress including any of the following: repeated use resulting disruption of functioning, such as interpersonal problems, poor job performance, repeated absences, suspension or expulsion from school, problems with the law, and/or physical harm to self or others.

Check all substance abuse characteristics which apply below the item and the type of substance used.

Y5. Juvenile Parent Status

Evaluate status at the time of the assessment.

- Juvenile is not a parent.
- Juvenile is a parent, but does not have custody of the child(ren).
- Juvenile is a parent or an expectant parent, but has adequate support. Youth has adequate support from parents, relatives or others necessary to care for the child(ren). Check applicable parent status.
- Juvenile is a parent or an expectant parent, but has inadequate support. Youth has inadequate support from parents, relatives or others necessary to care for the child(ren). Assistance is needed. Check applicable parent status.

Record number of children in space shown below the item.

Y6. History of Victimization by Caregiver or Others

The purpose of this item is to identify abuse/neglect of the youth by caregivers, as well as victimization by others and to determine if the youth currently has adequate protection from harm. Evaluate over the juvenile's lifetime.

- No history of evidence of physical, sexual, or emotional abuse or neglect or other criminal victimization.
- Victimization with appropriate support. History or current evidence of physical, sexual, or emotional abuse or neglect or other criminal victimization but support or intervention from family or social service agency is adequate to protect against subsequent victimization.
- Victimization without support. One or more incidents of prior victimization; and support or intervention to prevent subsequent victimization is not adequate to protect the youth.

Check all types of victimization that apply to this youth shown below the item.

Y7. Sexual Behavior During Past 12 Months

Evaluate status during the 12 months prior to the assessment.

- No apparent problem. Youth appears to be sexually well adjusted.
- Behavior that needs further assessment such as use of pornography, obscene phone calls, voyeurism, uses sexually explicit language or gestures. Check applicable behaviors.
- Engages in sexual practices that are potentially dangerous to self or others. Examples of practices that are potentially dangerous include having unprotected sex or sex with multiple partners.
- Youth's sexual adjustment/behavior results in victimization of others. May use sexual expression/behavior to attain power and control over others. Check applicable behavior.

Y8. Mental Health

Evaluate status at the time of the assessment.

- a. No need for mental health care indicated. Youth exhibits no behaviors that impair functioning as outlined below.
- b. Has mental health needs that are being addressed. Juvenile has an emotional condition that is adequately controlled by treatment or medication and is able to function adequately at school, with friends or family and can relate adequately to others.
- c. Behavior indicates a need or additional mental health assessment or treatment. Juvenile has an emotional condition that impairs adequate functioning at school, with friends or as a family member, and/or youth has considerable problems in relating to others. Recent behavior warrants further assessment and/or treatment by a mental health professional. Check applicable behavior.

Check all types of behavior that apply to this youth shown below the item.

Y9. Basic Physical Needs/Independent Living

Evaluate status at the time of the assessment.

- a. Youth is living with parents, guardian or custodian. Basic needs for food, shelter and protection are met. The youth's basic needs for food, shelter and protection are all met. A long-term placement applies here when basic needs are being met.
- b. Youth is in temporary residential care or shelter or living independently with basic needs for food, shelter and protection being met. Youth who are placed in any of the following are also included: foster care, group home care, wilderness camp, training school, detention center.
- c. Youth is living with parents, guardian or custodian. Basic needs are not being met. Indicate which of the youth's basic needs (food, shelter and/or protection) are not being met.
- d. Youth is living independently. Basic needs are not being met. Indicate which of the youth's basic needs (food, shelter and/or protection) are not being met.

Y10. Health & Hygiene (exclude Mental Health Conditions)

Evaluate status at the time of the assessment. Exclude Mental Health needs scored in Y8.

- a. No apparent problem.
- b. Youth has medical, dental or health/hygiene education service needs, but they do not impair current functioning. Medical, dental, or health/hygiene education needs exist but they do not seriously impair functioning at school or at home. **Youth who use tobacco products are also scored here.** Check if applicable.
- c. Youth has physical handicap or chronic illness that limits functioning and the condition is being treated. Chronic physical handicap or illness exists that seriously impairs functioning at school or at home but is being treated (i.e., serious diabetes, AIDS, etc.)
- d. Youth has physical handicap or chronic illness that limits functioning and is untreated. A medical, dental, or health/hygiene education need exists that seriously impairs daily functioning at school or at home and the condition is not being treated. Includes situations where the youth does not comply with prescribed medication or has an unmet need for prescribed medications. Check if applicable.

NORTH CAROLINA ASSESSMENT OF FAMILY NEEDS DEFINITIONS

Answer the following questions about the juvenile's primary family. The primary family is the juvenile's natural family or the family unit that the juvenile is living with on a permanent basis. If the juvenile is placed away from home, the questions should be answered about the "family" to which the juvenile will be returning. Make any needed clarifying comments in the comment section.

F1. Conflict in the Home Within Past 12 Months

Evaluate conflict in the home during the 12 months prior to the assessment. Give information about any history of conflict at the end of the item.

- a. The home environment is relatively supportive; there are no problems that require outside intervention.
- b. Marital or domestic discord resulting in emotional or physical conflict (without serious injury) with spouse, partner, and/or child(ren). Family members avoid contact with each other. Conflict includes physical and verbal disagreements.
- c. Domestic violence resulting in the involvement of law enforcement and/or domestic violence programs. Restraining orders/criminal complaints or abuse substantiated by DSS or adjudicated by the court.

Check if there is a history of family discord or domestic violence prior to the past 12 months.

F2. Supervision Skills

Evaluate status at the time of the assessment.

- a. Adequate skills. Parent makes rules for youth and generally enforces them; parent attempts to keep track of the child's activities and uses discipline when needed; youth respects parent for the most part.
- b. Marginal skills. Parent may make rules, but has difficulty enforcing them or youth often engages in inappropriate activities without parent's knowledge or parent does not react with necessary sanctions when rules are broken or parents say they are having difficulty controlling the juvenile. Check applicable characteristics.
- c. Inadequate. Parent supports juvenile's delinquency/independence or excuses it or parent refuses responsibility for youth or abandons youth. Check applicable characteristics.

F3. Disabilities of Parent, Guardian, or Custodian

Evaluate status at the time of the assessment.

- a. Caregiver(s) has no known disabilities that interfere with parenting.
- b. Caregiver's ability to provide for youth is impaired by mental health disorder or a serious health problem or other disability. Check applicable characteristics.

F4. Substance Abuse Within the Past 3 Years By Household Members (Do not include juvenile.)

Evaluate substance abuse by household members within the 3 years prior to the assessment. The juvenile was evaluated earlier; therefore do not include the juvenile in assessing this item.

- a. No evidence of alcohol or drug abuse. Substance abuse is constituted by a maladaptive pattern of substance use leading to significant impairment or distress including any of the following: repeated use resulting disruption of functioning, such as interpersonal problems, poor job performance, repeated absences, suspension or expulsion from school, problems with the law, and/or physical harm to self or others.
- b. One or more household members abuse alcohol or drugs.

Check all situations that apply below the item and the type of substance used.

F5. Family Criminality

Evaluate over the lifetime of family members.

- a. No family member (including siblings) has been convicted/adjudicated for criminal acts.
- b. Parents, guardian or custodian and/or siblings have record of convictions/adjudications.
- c. Parent, guardian or custodian and/or siblings are currently incarcerated, or are on probation or parole (give relationship and status) or are known gang members. A gang is defined as an organized, recognized group, which has illegal activity as part of its purpose. Give the relationship of the household member who is incarcerated or on probation or parole. Also state the appropriate status, i.e. probation, parole, incarcerated.

Total Needs Score: Enter the total score of scores entered for each assessment item.

Check Needs Level: Enter the level of need indicated by the total score.

Sources of Information: Indicate any source used in completing the Needs Assessment.

Assessment of Juvenile Risk of Future Offending and Assessment of Juvenile Needs Summary and Recommendation. Summarize the risk and needs scores and prioritize needs for case planning. Record services and interventions recommended.

Comments: Give comments regarding the summary and recommendations.

ASSESSMENT UPDATE FOR SUPERVISION PLANNING

The juvenile needs assessment instrument is to be used when reviewing and revising supervision plans for each juvenile under a court counselor's supervision. Note the juvenile's name, date of birth, the date of the assessment update and the counselor's name. Record the previous score for each item and the score determined in the assessment update. Make comments about changes in each item in the note section to assist in reviewing needs. Prioritize needs for case planning. Record recommended services and interventions

Juvenile's Name: _____ DOB: _____

Date of Assessment Update: _____

Name of Court Counselor: _____

Y1 Peer Relationships Previous Score: _____ Current Score: _____
Notes:

Y2 School Behavior/Adjustment Previous Score: _____ Current Score: _____
Notes:

Y3 General Academic Functioning Previous Score: _____ Current Score: _____
Notes:

Y4 Substance Abuse withing past 12 months Previous Score: _____ Current Score: _____
Notes:

Y5 Juvenile Parent Status Previous Score: _____ Current Score: _____
Notes:

Y6 History of Victimization Previous Score: _____ Current Score: _____
Notes:

Y7 Sexual Behavior During Past 12 Months Previous Score: _____ Current Score: _____
Notes:

Y8 Mental Health Previous Score: _____ Current Score: _____
Notes:

Y9 Basic Physical Needs/Independent Living Previous Score: _____ Current Score: _____
Notes:

Y10 Health & Hygiene

Previous Score: _____

Current Score: _____

Notes:

F1 Conflict in the Home Withing the Past 12 Months

Previous Score: _____

Current Score: _____

Notes:

F2 Supervision Skills

Previous Score: _____

Current Score: _____

Notes:

F3 Disabilities of Parent, Guardian or Custodian

Previous Score: _____

Current Score: _____

Notes:

F4 Substance Abuse Within the Past 3 Years

Previous Score: _____

Current Score: _____

Notes:

F5 Family Criminality

Previous Score: _____

Current Score: _____

Notes:

Previous Total Needs Score _____

Current Total Needs Score _____

Low Needs (0-12)

Medium Needs (13-22)

High Needs (23+)

| Priority Needs | Services Recommended |
|----------------|----------------------|
| 1. | |
| 2. | |
| 3. | |
| Other: | |

Additional Comments:

MOU
RE: CONFIDENTIALITY EXAMPLE

MEMORANDUM OF UNDERSTANDING FOR JUVENILE JUSTICE INFORMATION SHARING

I. VISION

The MOU will cultivate a collaborative culture that embodies trust, shared ownership, mutual respect, direct and open communication, and responsiveness to the varied organizational and cultural perspectives represented, so that multiple stakeholders may make a formal long-term commitment to sharing resources and information to accomplish their vision by problem solving, negotiation and willingness to compromise and commit to developing and implementing juvenile information sharing.

II. MISSION

Review of the various agencies that serve the juvenile population in Jefferson Parish has revealed systemic limitations in the ability to disclose information that, if rectified, could ultimately benefit the juveniles in the juvenile and/or criminal justice system. The purpose of this memorandum is to establish a cooperative relationship between stakeholder agencies and to formally authorize the transmittal of confidential individual information in compliance with applicable state and federal laws to streamline the juvenile's passage through the system. The parties further acknowledge and agree that the guidelines contained herein are intended to establish uniformity in the handling of the case and to assure that each case is addressed on a case-by-case basis to promote a response proportional to the various and differing factors affecting each case.

III. BACKGROUND

The Juvenile Justice Reform Act of 2003 (Act No. 1225) established the Juvenile Justice Reform Act Implementation Commission (LSA RS 46:2751 et seq.), created the Children's Cabinet (LSA RS 46:2601 et seq.), and ultimately codified the concept of an Information Sharing Agreement among agencies involved in the Juvenile Justice System (Ch.C. 541 et seq.). By Jefferson Parish Ordinance No. 22308, (2004) the Jefferson Parish Children & Youth Planning Board was established.

Member agencies of the Jefferson Parish Children & Youth Planning Board executed an Interagency Relationship Cooperative Endeavor Agreement pledging to work collaboratively and cooperatively among themselves and with others in the community to serve the multi-faceted needs of the children of Jefferson Parish and their families. Three goals identified by the agreement were creating an atmosphere of support and understanding for the needs of children and families, enhancing communication between signatory agencies, and ensuring that services provided by the signatories are of the highest quality and meet the needs of children and families.

The purpose of the Jefferson Parish Children & Youth Planning Board is to participate in the formulation of and to preparation of a comprehensive plan for services and programs for children and youth in Jefferson Parish. Tasks include: assisting in the development, implementation, and operation of services to encourage positive development for all youth, diversion of youth from the juvenile justice and foster care systems, reducing incarceration of youth, and provide community responses to juvenile delinquency. The coordination and implementation of services shall include, but are not limited to, prevention, early intervention, diversion, alternatives to home displacement, alternatives to incarceration, and treatment services.

The Board endeavors to assess, align, coordinate, prioritize, and measure all services and programs that address the needs of youth and families who are at-risk for, or identified with, social, emotional, developmental problems, educational failure, abuse, neglect, exposure to violence, mental illness, substance abuse, poverty, developmental disabilities or delinquency. The Board encourages collaborative efforts among local stakeholders for assessing the physical, social, behavioral, and educational needs of youth in their respective communities and for assisting in the development of comprehensive plans to address such needs. The Board shall perform all services authorized by Jefferson Parish Code of Ordinances (Sec. 2-708.6 Purposes and Function of Board, Ordinance No. 22308, Creation of the Jefferson Parish Children & Youth Planning Board).

IV. ROLES AND RESPONSIBILITIES

The signatory agencies pledge to meet these obligations to the best of our ability through the services and actions we provide, and the agencies and individuals with whom we contract to provide social services by:

1. Actively participate in the delivery, monitoring and evaluation of the programs working in conjunction with each and every contractor used by our agencies to ensure the delivery of high quality services to meet the goals of this agreement.
2. Reviewing communication policies and practices with and among the other parties to this agreement and others serving the children and their families, enhancing and improving the communication plans and methods to the best degree feasible.

3. Collecting and maintaining data and, when feasible, assisting all parties in the delivery of the services and assisting in the overall identification of needs and problems of the children and their families, allowing for the ongoing adjustment of programs and services so that they may better serve children and their families.
4. Sharing de-identified aggregate agency data for the purposes of law, policy, and program development, and program evaluation and performance measurement to ensure continuous quality improvement within locally developed juvenile justice collaborative efforts and among state-level stakeholders and policy-makers.

This Memorandum of Understanding is the next step in the process.

V. PARTIES/STAKEHOLDERS

The following parties are signatories to this Memorandum of Understanding:

Jefferson Parish Juvenile Court
 Truancy Assessment and Service Center
 Informal Families in Need of Services
 Juvenile Drug Court
 Parish of Jefferson
 Department of Juvenile Services
 Probation Department
 L. Robert Rivarde Detention Center
 Jefferson Parish District Attorney's Office
 Juvenile Diversion Program
 Juvenile Division-Prosecution
 Jefferson Parish Human Services Authority
 Jefferson Parish Sheriff's Office
 Jefferson Parish School Board (aka the Jefferson Parish Public School System)
 Louisiana Department of Children and Family Services-Office of Community Services
 Louisiana Office of Juvenile Justice

VI. LEGAL AUTHORITY

The legal authority is La. Const. Art. VII Sec. 14C.

The parties enter this agreement pursuant to authority granted in the Louisiana Children's Code, Article 541. The sharing of records pursuant to this agreement will be made in accordance with all applicable federal and state laws, including the following: Louisiana Criminal Code, Louisiana Children's Code, the Louisiana Revised Statutes, and the Louisiana Code of Evidence, Health Insurance Portability and Accountability Act of 1996 (HIPAA) 45 CFR sec. 160.101 and 65 F. Reg. 82462 et seq.,

Family Educational Rights and Privacy Act (FERPA) 34 CFR Sec. 99.1 et seq., Miscellaneous Provisions Relating to Substance Abuse and Mental Health (42 USC, 290dd-2 et seq. (CFR Part 2), Substance Abuse and Mental Health Services Administration (SAMHSA) 42 USC sec. 290AA, and Child Abuse Prevention and Treatment Act (CAPTA) 42 USC Sec. 5101 et seq. and 42 USC Sec. 5116 et seq.

VII. PROPOSITIONS

WHEREAS, the privacy and confidentiality of information regarding a youth in the juvenile justice system is an important legal and ethical principle; and

WHEREAS, appropriate sharing of information can improve decision-making and care involving the youth; and

WHEREAS, the parties agree that information should be shared only when it presumptively will be to the youth's benefit; and

WHEREAS, the parties agree that information identifying the youth should be shared only to the degree it is necessary for the recipient of the information to perform his or her role; and

WHEREAS, youth who are charged with committing delinquent acts or who are charged with status offenses are guaranteed the rights against self-incrimination and to counsel pursuant to the Fifth and Sixth Amendments of the United States Constitution and our state constitution; and

WHEREAS, the general rule of law as to disclosure of youth-serving agency records is that they are closed to both public dissemination and interagency sharing unless statutory exceptions apply; and

WHEREAS, the parties agree that the information to be disclosed by each participating agency is based on legal authority and/or an informed consent to release information by the youth and/or the youth's parent of legal guardian; and

WHEREAS, the participating agencies agree that they will not, without good cause, refuse to disclose the information necessary to achieve the purposes of this MOU; and

WHEREAS, all records/reports are considered confidential and shall not be released unless otherwise allowed by this MOU, state or federal law:

NOW, THEREFORE, the parties agree that this Memorandum of Understanding reflects their understanding and agreement as to the permitted and prohibited sharing and uses of information in the juvenile justice process.

VIII. LIMITS OF DISCLOSURE

This Agreement does not supersede state or federal privacy laws or relinquish youths' and families' rights to privacy. Whenever possible, agencies are encouraged to obtain proper permission for releasing protected information through properly executed consent to release forms. However, the Office of Community Services' records are not subject to waiver and shall not be released, except in accordance with state and federal law. If consent forms are not able to be executed or the release is for the Office of Community Services' records, agencies must determine if the request for information falls into one of the state or federal exceptions. For example, but not limited to, Louisiana Children's Code Article 544(A) regarding juvenile justice, La. R.S. 46:56(F)(4) regarding Office of Community Services, 42 CFR Part 2 §2.35 for substance abuse programs, 34 CFR 99 (FERPA) §99.31 for educational institutions, and 45 CFR 164.512(a) (HIPAA) for covered entities. Further information sharing is limited to case-specific information on a need to know basis for professionals who provide services to a child or family (Ch.C. 412(D)).

Records submitted to Juvenile Court are maintained by the Clerk of Court. Records concerning juvenile criminal proceedings are confidential and are destroyed by the Clerk of Court after the case has been inactive for 10 years pursuant to Ch.C. 415.

IX. INFORMAL PROCEEDINGS

A. Truancy Assessment and Service Center (TASC): Referrals to TASC are generated by the Jefferson Parish Public School System (JPPSS) or community members pursuant to Ch.C. Art. 731. Services provided by multi-agency TASC centers are enumerated in Ch.C. 791.2. Referrals are received and screened by TASC intake officers. Informal Family Services Plan Agreements are developed using information from interviews with teachers and family members and information from Infinite Campus, the student information database for JPPSS. Information contained in Infinite Campus is protected under Federal Educational Rights to Privacy Act ([FERPA], 34 CFR 99). TASC Intake Officers are authorized to access Infinite Campus via an existing Memorandum of Understanding and 34 CFR 99 §99.31(a)(1). Further, TASC Intake Officers are authorized to access Infinite Campus at referring schools for more detailed information on referred youth only to develop Informal Family Service Plan Agreements. Information obtained from Infinite Campus shall not be released to third parties. TASC case files are to be maintained for a seven year period from the date of termination, and then destroyed.

Requests for information from TASC are predominantly from Informal Families in Need of Services (FINS) intake officers to conduct an investigation pursuant to Ch.C. 732. Information requested includes progress and compliance reports, and services obtained by the youth and family for the purpose of devel-

oping an Informal Family Service Plan Agreement. This information is prohibited from being re-released to third parties.

B. Informal Families in Need of Services (FINS): According to Ch.C. Art. 727 under Title VII (Families in Need of Services), all provision of the Children's Code remain applicable under Title VII unless otherwise specified in that Title. Title VII does not show any exemptions of Ch.C Art. 412 (Confidentiality) from Title VII proceedings. Ch.C. Art. 412 encompasses all matters or proceedings before the Juvenile Court. According to Ch.C. Art. 116, Sub-part (11), "juvenile proceeding" or "juvenile case" is defined as a proceeding or case in which the Court is exercising juvenile jurisdiction. Juvenile Court has jurisdiction over families in need of services under Title VII of the children's Code (Ch.C. Art. 729).

Informal Family Services Plan conferences are held by intake of- ficers pursuant to Ch. C. Art. 732. The intake officer convenes a conference with all agencies able to provide services for the fam- ily. An Informal Family Services Plan Agreement (IFSPA) is cre- ated pursuant to Ch.C. Art 744. Mental health, substance abuse, and/or risk/needs screening and assessment tools contribute to the development of the IFSPA. Information collected through the screening/assessment process is part of the IFSPA and fol- low the same rules of confidentiality. Evidence of the existence of the agreement shall not be used against the child, caretaker, or other family member over objection in an adjudication hear- ing or criminal trial. Such evidence may, however, be used in a disposition hearing in the juvenile court or for the purpose of a pre-sentence investigation after a criminal conviction.

Information stating unsatisfactory completion of Informal FINS is forwarded to the District Attorney's Office for formal handling of the FINS referral (Ch.C. 746) and also to the Jefferson Parish Public School System.

X. FORMAL PROCEEDINGS

A. Intake/Initial Referral Louisiana Children's Code Article 412(A) establishes confi- dentiality for all proceedings before juvenile court. This confi- dentiality is extended to Informal Families in Need of Services, Truancy Assessment and Service Centers, Diversion, Informal Adjustment Agreements, and any other program under the Louisiana Children's Code pursuant to Ch.C. Arts. 727 and 802. Formal proceedings, including formal (petitioned) FINS and delinquency proceedings, are included under this Article. Louisiana R.S. 15:574.12 establishes confidentiality of informa- tion related to youth in the custody of the Louisiana Office of Juvenile Justice.

B. Formal Families in Need of Services Pursuant to Ch.C. Articles 746, et seq., referrals to formal pro- ceedings for Families in Need of Services (FINS) are generated

by the District Attorney's Office. Information contained in the petitions is required by Ch.C. Art. 749. A similar judicial process is utilized for delinquent petitions. Therefore, information shared in this process is enumerated in sub-section C.

According to Ch.C. 768, evidence and witnesses for FINS adjudication hearings shall be conducted according to the rules of evidence applicable to civil proceedings.

For the purpose of conducting pre-dispositional investigations for adjudicated FINS cases pursuant to Ch. C Arts. 773 and 744(B)(1), release of arrest histories to investigating probation officers is authorized by the court. Records included are "rap sheets", AARMS, MOTION, and NCIC reports.

Requirements for information contained in the pre-dispositional report for FINS petitions are stated according to Ch.C. 744. Information obtained for the purpose of the pre-dispositional report includes identification of the conduct of the child, caretaker, or any family member which is causing serious harm to the child and the services needed by that individual to mitigate or eliminate the problems with the family unit.

This information is obtained through a semi-structured interview performed by the probation officer with the guardian, youth, and representatives of any agency having responsibility for providing services. Such agencies include Jefferson Parish Human Services Authority, Department of Children and Family Services-Office of Community Services; Jefferson Parish Public School System; Jefferson Parish Juvenile Assessment Center; Jefferson Parish Sheriff's Office and/or municipal law enforcement agencies; District Attorney's Juvenile Diversion Program, if applicable; and, Jefferson Parish Juvenile Court – Informal FINS program. Information is provided to the investigating probation officer for the purpose of pre-dispositional investigation.

Pre-dispositional investigation reports are to be provided to the court for FINS cases (Ch.C. Art. 775(D)), the District Attorney, and the Public Defender's Office.

Pursuant to Ch.C. Art. 779, the pre-dispositional report shall be used as evidence in disposition hearings. According to Ch. C. 779, any case in which the family has been adjudicated to be in need of services, the court may order any public institution or agency and its representatives to provide any services specified in its order as necessary to improve the family relationships or reunite the family in the best interests of the child, provided that such services are available within the agency or institution and report at least once every six months in writing concerning the progress of the family in receiving and accepting the services ordered.

Pursuant to Ch.C. Art. 782, the court shall enter into the record a written judgment of disposition and copies of the judgment of disposition shall be furnished to all parties.

Under Title VII, Chapter 13 Case Review Procedure; Reports; Review Hearings (FINS), there are currently no provisions for formal FINS review hearings. However, review hearings for adjudicated Families in Need of Services cases may be conducted as needed as authorized by the court. Such cases are supervised by the Jefferson Parish Department of Juvenile Services or the Louisiana Office of Community Services as assigned at the dispositional hearing.

C. Delinquency

(1) Law Enforcement

Pursuant to the La. Children's Code, law enforcement officers can conduct investigations on alleged delinquent activities. The Juvenile Intake Center is the primary entry point for juvenile arrests. Juvenile Arrest Reports (JARs) are processed by the Juvenile Intake Center for all youth arrests and subsequently submitted to the District Attorney's Office and an officer designated by the court pursuant to Ch.C. Art. 814(E).

In accordance with Ch.C. 814(E), the court hereby authorizes transmittal of the JAR to the L. Robert Rivarde Detention Home Manager, or his/her designee, and probation officers assigned to supervise or perform an investigation (Ch.C. 890(A)(1)). For the purpose of conducting pre-dispositional investigations pursuant to Ch. C Art. 890(A)(1), release of arrest histories to investigating probation officers is authorized by the court. Records included are "rap sheets", ARMMS, MOTION, and NCIC reports.

The Detention Assessment Instrument (DAI) is a valid and reliable tool for determining youths' appropriateness for detention. It is completed by Juvenile Intake Center staff for the purpose of detention population management. The DAI is provided only to the L. Robert Rivarde Detention Center intake staff for all detained youth, to the Juvenile Court, or an officer designated by the court to receive the report, and a copy is provided to the Department of Juvenile Services Assistant Director, or his/her designee, for data-collection purposes.

Any information obtained from law enforcement by any agency shall not be re-disclosed to a third party.

(2) Diversion

According to Ch.C. Art. 839, the District Attorney may authorize an informal adjustment agreement prior to filing a petition. In Jefferson Parish, this process occurs by the District Attorney referring charges to the Juvenile Diversion Program, which is administered by the District Attorney's Office. In order to

perform duties necessary to divert youth from formal processing, the court hereby authorizes the District Attorney's Juvenile Diversion Program to access the court case management computer system and the arrest history database pursuant to Ch.C. Art. 412(D)(6). This information is utilized only to obtain juvenile referral histories for eligibility and service provision purposes.

Information collected from youth, such as school records, assessment information, or other relevant information, is confidential under Ch.C. Art. 412(A). Re-release of this information to third parties is not authorized. Termination letters noting the reason for termination may be forwarded to prosecution for further case handling.

In accordance with Ch.C. Art. 841(A), evidence of an informal adjustment agreement shall not be used against the child in an adjudication hearing. Further, Ch.C. Art. 841(A) authorizes statements made during the course of pre-petition, diversionary counseling to be utilized in pre-sentence investigations after a criminal conviction. As such, diversion staff may release to probation officers conducting pre-sentencing investigations information relevant to case planning and disposition.

(3) Adjudication

a. Adjudicatory hearing

According to Ch.C. Art. 881, evidence for delinquency adjudication hearings shall be conducted according to the Code of Evidence applicable to criminal proceedings. Prosecutors and public defenders may present witnesses and physical evidence at the adjudication hearing. However, evidence of an Informal Adjustment Agreement shall not be used in an adjudication hearing. Ch.C. Art. 879(B) allows adjudication hearings to be open to the public when the case involves a crime of violence as defined in RS 14:2(13) or a delinquent act which is a second or subsequent felony-grade adjudication.

b. Pre-Disposition Report to the Court

A pre-disposition investigation is ordered by the Court to be performed by Department of Juvenile Services and, where applicable, Louisiana Office of Juvenile Justice probation officers pursuant to Ch.C. Arts. 773 and 888(B). Requirements for information collected for the pre-dispositional report for adjudicated delinquents are set forth in Ch.C. Art. 890 and are as follows:

- (1) The circumstances attending the commission of the offense; the attitudes of the child and his parents toward the offense, the prior offenses committed by the child, including other referrals or contacts not resulting in juvenile court petitions; and, when applicable, the disposition of companion cases arising out of this offense.
- (2) The impact of the victim, if a child is adjudicated

of or admits to a delinquent act involving a victim. The court shall require that a victim impact statement be included in the predisposition report. The victim impact statement shall include factual information as to whether the victim or his family has suffered, as a result of the offense, any monetary loss, medical expense, or physical impairment, and shall include any other information deemed relevant. The District Attorney may also file a victim impact statement with the court.

(3) The child's home environment and dynamics, stability, economic status, participation in community or religious activities, and any physical, mental, or emotional handicaps, substance abuse, or criminal history of any of its members.

(4) The child'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 child is registered and enrolled, employment or vocational interest, significant behavior patterns, or other personality traits relevant to his rehabilitation.

This information is obtained through a semi-structured interview performed by the probation officer with the guardian, youth, and representatives from any agency providing services for the youth or family. Such agencies include Jefferson Parish Human Services Authority, Jefferson Parish Juvenile Court; Department of Children and Family Services-Office of Community Services; Jefferson Parish Public School System; Jefferson Parish Sheriff's Office and/or municipal law enforcement agencies; District Attorney's Juvenile Diversion Program, if applicable; and, Jefferson Parish Juvenile Court – Informal FINS program. Information is provided to the investigating probation officer for the purpose of pre-dispositional investigation.

In accordance with the Family Educational Rights to Privacy Act (FERPA), 20 USC §1232g(b)(1), 34 CFR 99.38) the Jefferson Parish Public School System will allow access to Infinite Campus, the electronic student data program, by juvenile justice individuals designated in writing to access school records. Access to Infinite Campus by the juvenile justice system is solely for the purpose of coordinating services for youth. This information shall be accessed prior adjudication, as allowed by FERPA §99.38. Access to educational records after adjudication requires written consent from the student and parent/guardian. Upon receiving approval to access Infinite Campus, designated individuals will certify in writing to the school system that the information will not be redisclosed to third parties.

Information collected by probation officers conducting the pre-dispositional investigation includes the Massachusetts Youth Screening Inventory (MAYSI), Structured Assessment of Violence Risk in Youth (SAVRY), and, when applicable, psy-

chological and/or psychiatric evaluations. These screening and assessment instruments are collected for the purpose of identifying needs of the youth and their families. Data collected for the purpose of scoring these instruments shall not be disclosed. Summaries and conclusions shall only be disclosed to the Jefferson Parish Juvenile Court, the Louisiana Office of Juvenile Justice (according to R.S. 15:840.1), or any agency identified as providing services for the youth or family.

Pursuant to Ch. C. Arts. 775(D) and 412(D)(10), copies of the pre-dispositional reports are provided to agencies responsible for providing rehabilitative services identified in the pre-dispositional investigation after the disposition hearing. Such copies are to be used solely in case planning and coordination and shall not be disclosed to any third party. In addition, pre-dispositional reports are to be provided to the district attorney and counsel for the child for delinquency cases (Ch.C. Art. 891(A)). Disclosures of the pre-dispositional report to any agency or individual not identified as having responsibility for providing services is prohibited.

(4) Disposition Hearing

Pursuant to Ch.C. Art 893(B), the pre-dispositional report shall be used as evidence in disposition hearings. Pursuant to Ch.C. Art. 903(B) the judgment of disposition shall be entered into the record a written judgment. Any agency authorized to view the Court records have access to the disposition. Further, upon request, a copy of the judgment of disposition shall be furnished to the parent.

(5) Post-disposition Review Hearings

Review hearings are conducted for adjudicated delinquency cases supervised by the Jefferson Parish Department of Juvenile Services, the Louisiana Office of Juvenile Justice, or the Louisiana Office of Community Services assigned at the dispositional hearing.

For youth adjudicated as delinquent, Ch.C. Art. 905 states that any institution or agency to which a child is assigned, upon request, shall provide the court with any information concerning the condition, supervision, treatment, or rehabilitation program of the child. Further, any institution, agency, or person to which a child is assigned shall, not less than every six months, report in writing the whereabouts and condition of the child to the judge who rendered the judgment of disposition. Information required at review hearings for youth under supervision of the Office of Community Services are allowed under R.S. 46:56.

Information provided by these agencies includes probation reports, treatment progress reports, school reports, and assessment results. Recommendations for continued actions are

also made by agencies assigned at disposition. Reports are prepared and submitted to the Court in two ways. First, reports submitted in advance of the review hearing are submitted to the Clerk of Court for entry into the Court Record. Second, reports submitted at the time of the Review Hearing are submitted to either the presiding judge or Court Probation Officer. Reports are disseminated to both the prosecution and defense counsel.

Reports provided to the Court for review hearings should contain information regarding compliance to conditions of probation/supervision, including school attendance, behavior, assessments, and progress; treatment progress, results of screenings, assessments, evaluations and recommendations; or reports from residential treatment facilities. This information is provided for the sole purpose of informing the Court about the compliance of the youth and family to the conditions of supervision. Re-disclosure of the report to any agency not involved in the review hearing is not authorized.

(6) Service Coordination with the Jefferson Parish Public School System

To coordinate service provision between the juvenile justice and public school systems through the Academic/Behavioral Intervention Teams (A/BITs), and pursuant to Ch.C. Art. 412(D), the court authorizes release of the pre-dispositional report to the principals, or their designees, of four Jefferson Parish Public School system schools to be identified at a later date. Parameters for success of this pilot program will be established by parties from both entities with the goal of establishing further coordination between these systems.

(7) Placement Planning

Pursuant to Court orders and Louisiana R.S. 15:840.1, discussions between the Office of Juvenile Justice, Department of Juvenile Services, and Office of Community Services are held to determine appropriateness of out of home placements for youth who have met requirements of the Adoptions and Safe Families Act (ASFA). These discussions focus on determining eligibility for termination of parental rights and whether reasonable efforts were implemented to maintain the youth in the home. Information provided by the supervisory agency, predominantly the Department of Juvenile Services, includes results from screening/assessments, mental health evaluations, therapeutic treatment, probation supervision, school, and child welfare involvement. Recommendations target the needs of youth and abilities of families to provide an environment necessary for the proper development of the youth. Decisions regarding placement are made at the time of the discussion. Recommendations are made in writing to the Court regarding the most appropriate placement for the youth.

XI. ISSUES THAT THIS MOU DOES NOT COVER

It is not the intention of the MOU to supersede existing federal statutes, specifically HIPAA, FERPA, and 42CFR Part II, but rather, act as an adjunct to provide additional clarity to information that can and cannot be disclosed during juvenile justice proceedings for the purpose of case coordination and planning.

XII. ADMINISTRATION OF THE MOU

The administration of this Memorandum of Understanding will be the responsibility of the Interagency Coordination and Training Committee under direction from the Jefferson Parish Children & Youth Planning Board (CYPB). The CYPB is a multi-agency board established by Act 555, the Children & Youth Planning Board Act.

The interagency management committee operates in the following manner: Meetings occur on a monthly basis. Proceedings will be recorded via audio recording and minutes will document committee activities. The committee will be responsible for oversight activities, proposing alternative solutions, and resolving conflicts to a consensus of the committee. Roberts Rules of Order shall be used for committee approval. Committee membership is listed in the organizational chart of the Children & Youth Planning Board.

The following departments within each signatory are authorized to disclose information to and receive information from other signatories in compliance with the terms of this MOU and applicable federal and state laws:

Jefferson Parish Juvenile Court
Truancy Assessment and Service Center
Informal Families in Need of Services
Juvenile Drug Court
Parish of Jefferson
Department of Juvenile Services
Probation Department
L. Robert Rivarde Detention Center
Jefferson Parish District Attorney's Office
Juvenile Diversion Program
Juvenile Division-Prosecution
Jefferson Parish Human Services Authority
Jefferson Parish Sheriff's Office
Jefferson Parish School Board (aka the Jefferson Parish Public School System)
Louisiana Department of Children and Family Services-Office of Community Services
Louisiana Office of Juvenile Justice

Agency administrators and members of management teams will be responsible for monitoring their respective agencies' compliance with the terms of this MOU. Management team members shall insure compliance to the terms of this MOU by monitoring information-sharing requirements in existing

case audits. At a minimum, case audits shall be conducted quarterly. A written record of these audits shall be maintained by the agency administrator in accordance with internal record-keeping policies.

Agency administrators will be responsible for providing internal training to staff members in the use and applicability of this MOU. The CYPB Interagency Training and Coordination Committee will be responsible for providing multi-agency training on the use and implementation of this MOU.

The signatories of this MOU, or their designees, shall meet, at a minimum, quarterly via the Children & Youth Planning Board (CYPB) Interagency Training and Coordination Committee to review the progress and compliance to the terms of this MOU. Recommendations for revisions will be made pursuant to committee guidelines and, if approved, shall be included in the annual review of the MOU.

XIII. DISPUTE RESOLUTION PROCESS

Disputes arising from the terms and conditions of this MOU by signatories shall be registered with the Chairperson of the Interagency Training and Coordination Committee of the CYPB and the Chairperson of the Children & Youth Planning Board in writing. Within 60 days, the dispute shall be taken up by an ad hoc Dispute Resolution Committee, consisting of 5 members from the Children & Youth Planning Board. Meeting notices for the Dispute Resolution Committee shall be promulgated to the CYPB membership 30 days prior to the meeting. The Chairperson of the Interagency Training and Coordination Committee shall appoint five members from organizations that are not involved in the dispute for the DRC. Members shall vote on a chairperson. Agencies seeking dispute resolution shall present their position to the committee. The DRC shall hear the dispute from agency representatives and render a decision consistent with applicable federal and state laws. Decisions are based on a vote of DRC regular members, with the chairperson having the deciding vote in a tie. The decision of the DRC is final. The decision of the DRC shall be presented to the CYPB at the next regular CYPB meeting. It is the responsibility of agency administrators to adhere to the decision of the DRC when it is consistent with applicable federal and state laws. However, nothing contained herein shall prohibit any aggrieved party/stakeholder from pursuing any legal remedies available in the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana.

XIV. DURATION OF THE MOU

This MOU is in effect for one (1) year from the date of the last signature with an option to extend for a one (1) additional year upon 2/3rds vote of the Children & Youth Planning Board appointed members. Agencies may terminate their participation in this MOU by a letter to the Interagency Training and Coordination Committee of the Children & Youth Planning Board. _

XV. SIGNATORIES

In witness whereof the parties have hereto have executed this Memorandum of Understanding. Legal counsel for each signatory has reviewed and approved this MOU.

Ann Murry Keller, Chief Judge
Jefferson Parish Juvenile Court

Date

John F. Young, Jr., Chairman
Jefferson Parish Council

Date

Roy L. Juncker, Jr., Director
Jefferson Parish Department of Juvenile Services

Date

Paul D. Connick, Jr., District Attorney
Jefferson Parish District Attorney's Office

Date

Michael E. Teague, Executive Director
Jefferson Parish Human Services Authority

Date

Newell Normand, Sheriff
Jefferson Parish Sheriff's Office

Date

Gene Katsanis, President
Jefferson Parish School Board

Date

Kristy Nichols, Secretary
Louisiana Department of Children and Family Services

Date

Mary Livers, Ph.D., MSW, Deputy Secretary
Louisiana Office of Juvenile Justice

Date

ATTACHMENTS:

1. Combined consent form that is FERPA, HIPPA, and 42CFR compliant.

AUTHORIZATION TO RELEASE OR OBTAIN CONFIDENTIAL INFORMATION

(This form is compliant with HIPAA, 42 CFR Part 2, and FERPA)

*NOTE: A separate consent form is required when requesting "psychotherapy notes".

Name: _____

Request Date: _____

Mailing Address: _____

DOB: _____

City/State/Zip: _____

SSN: _____

| I authorize: | | | | | |
|--|---------|---|--|--|---------|
| Agency | Initial | Agency | Initial | Agency | Initial |
| Department of Health & Hospitals | | Department of Labor | | City, Parish, and other local public school boards | |
| Louisiana Office of Juvenile Justice | | Courts Exercising Juvenile Jurisdiction | | Truancy Assessment & Service Centers | |
| Department of Education | | Law Enforcement Agencies | | Families in Need of Services Offices | |
| Department of Children and Family Services <small>*(can only be released consistent with state and federal law)</small> | | District Attorney's Offices | | Parish Probation Departments | |
| Jefferson Parish Human Services Authority | | Other: _____ | | Other: _____ | |
| <input type="checkbox"/> To release information TO: | | | <input type="checkbox"/> To obtain information FROM | | |
| (Place an "x" in the box that indicates if the information is being released OR requested) | | | | | |
| Agency | Initial | Agency | Initial | Agency | Initial |
| Department of Health & Hospitals | | Department of Labor | | City, Parish, and other local public school boards | |
| Louisiana Office of Juvenile Justice | | Courts Exercising Juvenile Jurisdiction | | Truancy Assessment & Service Centers | |
| Department of Education | | Law Enforcement Agencies | | Families in Need of Services Offices | |
| Department of Children and Family Services <small>*(can only be released consistent with state and federal law)</small> | | District Attorney's Offices | | Parish Probation Departments | |
| Jefferson Parish Human Services Authority | | Other: _____ | | Other: _____ | |

Purpose of this Authorization: Coordination of services for the continuum of care

I authorize the release of the following specific confidential information:

(Place an "X" in the box(es) that apply to the information you want released or want to obtain)

- School Grades Behavior, and Attendance Records
 Legal History
 Medical History
 Treatment
 Evaluations/Assessments
 Medications
 Immunizations
 Hospital Records
 MR/DD Reports
 Other: _____

In compliance with state and/or federal laws which require special permission to release otherwise privileged information, please release the following records:

- Alcoholism
 Drug Abuse
 Vocational Rehabilitation
 HIV (AIDS)
 Sexually Transmitted Diseases
 Psychotherapy Notes*
 Arrest History
 Other: _____

If not revoked sooner, this authorization shall expire on _____ (date or event) and is needed for the period beginning _____ and ending _____.

I understand that if I do not specify an expiration date, this authorization will expire (12) months from the date on which it was signed. I acknowledge that I have read both pages 1 and 2 of this form.

Signature of Individual

Date

Signature of Legally Authorized Representative

Relationship to Individual

Date

Important Information About Authorization

Note: The Department of Children and Family Services-Office of Community Services' records are not subject to a waiver and shall not be released, except in accordance with state and federal law. This authorization is limited to the release of records to, not from, the Department of Children and Family Services-Office of Community Services.

You do not have to sign this form. If you agree to sign this authorization to release or obtain information, you will be given a signed copy of the form. Upon request, you will be provided with a copy of the records that are released. If you do not agree to release of information required to coordinate services, we may not be able to coordinate the most effective services and/or programs.

A separate signed authorization is required for the use and disclosure of health information for psychotherapy notes, employment-related determinations by an employer, and research purposes unrelated to your treatment.

When required by law or policy, child and youth service agencies may only obtain, use, and disclose your health information if the required written authorization includes all the elements of a valid authorization (pursuant to FERPA, HIPAA, and 42 CFR Part 2).

An authorization is voluntary. You will not be required to sign an authorization as a condition of receiving treatment, payment, enrollment in a health plan, or eligibility for health care services. If your authorization is required by law or policy, the children and youth service agencies will use and disclose your health information as you have authorized on the signed authorization form.

You may be required to sign an authorization before receiving research-related treatment.

You may be required to sign an authorization form for the purpose of creating protected health information for disclosure to a third party. For example, in a juvenile court proceeding where a parent is required to obtain a psychological evaluation on their minor by DHH, the parent may be required to sign an authorization to release the evaluation report (but not the psychotherapy notes) to DHH.

You may cancel an authorization in writing at any time. The Children and youth service agencies cannot take back any uses or disclosures already made before an authorization was cancelled.

Information used or disclosed by this authorization may be re-disclosed by the recipient and will no longer be protected by state and federal privacy policies.

To Recipient: This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

TEMPLATE FOR PREPARING A MEMORANDUM OF UNDERSTANDING REGARDING PROHIBITED AND PERMITTED DISCLOSURES AND USES OF PERSONALLY IDENTIFIABLE INFORMATION OF YOUTH IN THE JUVENILE JUSTICE SYSTEM

INSTRUCTIONS TO USERS:

This template is designed to assist stakeholders in developing a memorandum of understanding (MOU) for Category One information sharing. As with the other tools for Category One, the template tracks possible information sharing at three distinct phases of the juvenile court process – investigation/intake, adjudication, and disposition. It is designed for broad applicability and thereafter covers many possible types of information sharing; the user must determine which sections below are relevant to his/her particular information sharing project.

Note that text in italics within double brackets [[]] are instructions to the user, as distinguished from all other text which is sample language that can be used in the memorandum of understanding.

Note that federal confidentiality laws such as HIPAA (which governs health care records), FERPA (pertaining to education records) and the federal drug and alcohol treatment regulations have specific provisions regarding what information can and cannot be disclosed to various entities in the juvenile justice system and to third parties generally. (See the Federal law overview chapter in the main volume of the Tool Kit.) Various state statutes and court rules may also have similar provisions, including rules of evidence regarding the admissibility/inadmissibility of information at hearings. For this reason, it is highly recommended that stakeholders complete the mapping worksheet in the Tool Kit prior to and in preparation for developing an MOU.

This Memorandum of Understanding (MOU) is entered into by the following parties and represents the parties' agreement regarding information sharing at various decision points within the juvenile justice process.

I. PARTIES

The following parties are signatories to this Memorandum of Understanding:

[[Note to user: the needed signatories to an MOU will vary depending on the scope of the information sharing project (for example, whether it is at the state versus local level) as well as the configuration of agencies in your jurisdiction. The basic rule of thumb is that any agency that will be either disclosing or receiving information will be a necessary signatory, as well as the legal representatives of the youth and families whose information will be shared as part of the project. Below is a partial list of possible participants in information sharing project]]

Juvenile Court
Juvenile Probation Office
District Attorney's Office
Public Defender's Office
Mental Health Department (and/or Substance Abuse and/or Behavioral Health)
Juvenile Justice Department/Department of Youth Corrections
Social Services/Child Welfare Department
School District
Treatment Providers *[[note to user: this is a broad category that can include hospitals, behavioral health services, private residential providers for adjudicated youth, community providers for adjudicated youth, etc.]]*
Law Enforcement Agency

II. LEGAL AUTHORITY

The parties enter this agreement pursuant to authority granted in *[[note to user: insert here relevant state statutes; if none exist, indicate that the parties are acting pursuant to general authority vested in them, or other authority as applicable.]]*

III. PURPOSES

[[Note to user: the parties may describe the purposes of the MOU in a variety of ways and in different levels of detail; the following is simply one example.]]

WHEREAS, the privacy and confidentiality of information regarding a youth in the juvenile justice system is an important legal and ethical principle, and

WHEREAS, appropriate sharing of information can improve decision-making and care involving the youth, and

WHEREAS, the parties agree that information should be shared only when it presumptively will be to the youth's benefit, and

WHEREAS, the parties agree that information identifying the youth should be shared only to the degree it is necessary for the recipient of the information to perform his or her role, and

WHEREAS, youth who are charged with committing delinquent acts and/or criminal acts are guaranteed the rights against self-incrimination and to counsel pursuant to the Fifth and Sixth Amendments of the United States Constitution and our state constitution.

NOW, THEREFORE, the parties agree that this Memorandum of Understanding reflects their understanding and agreement as to the permitted and prohibited sharing and uses of information in the juvenile justice process.

IV. INVESTIGATION/INTAKE

This part describes the disclosure and use of information to and by *[[note to user: insert here the name(s) of the relevant law enforcement agency]]* and *[[note to user: insert here the name of the agency that performs the intake function.]]*

Law Enforcement

[[Note to user: describe here information that the other signatories to the MOU will provide to law enforcement conducting an investigation. This section should specify

- *Exactly what information shall and shall not be disclosed to law enforcement and under what circumstances (i.e., in response to a subpoena or court order);*
- *The legal authority that permits or prohibits the disclosure;*
- *The permitted and prohibited uses of the information by the law enforcement agency; and*
- *Any provisions regarding the future destruction of information gathered]]*

*[[Note to user: describe here information that the other signatories to the MOU **will seek** from law enforcement during or at the conclusion of an investigation. This section should specify*

- *Exactly what information shall and shall not be disclosed to the other party and under what circumstances (i.e., in response to a subpoena or court order);*
- *The legal authority that permits or prohibits the disclosure; and*
- *The permitted and prohibited uses of the information by the recipient agency and the legal provisions that govern such.]]*

Intake

The intake function is performed by *[[note to user: insert here the name of the agency that conducts intake of a youth at the front-end of the juvenile court pipeline.]]*

[[Note to user: describe here information that the other signatories to the MOU will provide to intake personnel. This section should specify exactly

- *What information shall and shall not be disclosed to intake personnel and under what circumstances (i.e., in response to a subpoena or court order or signed release by youth and/or his parents);*
- *The legal authority that permits or prohibits the disclosure;*
- *The permitted or prohibited uses of the information by intake personnel, and*
- *Any provisions regarding the future destruction of information gathered by intake personnel.]]*

*[[Note to user: describe here information that the other signatories to the MOU **will seek from** intake personnel during or at the conclusion of an investigation. This section should specify exactly*

- *What information shall and shall not be disclosed to the other party and under what circumstances (i.e., in response to a subpoena or court order);*
- *The legal authority that permits or prohibits the disclosure; and*
- *Permitted and prohibited uses of the information by the recipient agency.]]*

[[Note to user: to the extent that intake personnel are conducting any mental health, substance abuse, or risks/needs screening or assessment as part of the intake process, the MOU should specify the permitted and prohibited disclosure and use of that information by intake and other signatories.]]

V. ADJUDICATION

This part describes the disclosure and use of information for the adjudicatory hearing and, upon adjudication, the preparation of the pre-disposition study.

Adjudicatory Hearing

[[Note to user: describe here information that the other signatories to the MOU will provide to the court for the adjudicatory hearing. This section should specify exactly

- *What information shall and shall not be disclosed to the court, under what circumstances (i.e., in response to a subpoena or court order); and the timing of the disclosure (i.e., in pre-adjudication versus past-adjudication), including the legal authority that permits or prohibits disclosure.*
- *The circumstances and timing of disclosure of the information to the youth's defense counsel and the prosecution, including the governing legal authority;*
- *The legal authority governing the admissibility/inadmissibility of the information in an adjudicatory hearing, and*
- *Any provisions regarding the future destruction/expungement of information contained in the juvenile court record.]]*

[[Note to user: describe here whether and to what extent juvenile court proceedings and their records will be open to public inspection, including any relevant legal authority.]]

Pre-Disposition Study

The pre-disposition study is performed by *[[note to user: insert here the name of the agency that gathers information for and prepares the pre-disposition study.]]*

[[Note to user: describe here information that other signatories to the MOU will provide to the agency preparing the pre-disposition study. This section should specify exactly

- *What information shall and shall not be disclosed to the agency preparing the pre-disposition study and under what circumstances (i.e., in response to a subpoena or court order or signed release by youth and/or his parents), including the legal authority that permits the disclosure; and*
- *The circumstances and timing of disclosure of the pre-disposition study to the court, the youth's defense counsel and the prosecution, including the governing legal authority.]]*

[[Note to user: describe here information that other signatories to the MOU in addition to the court, defense counsel and prosecution will seek from the agency preparing the pre-disposition study. This section shall specify exactly

- *What information shall and shall not be disclosed to the other party and under what circumstances (i.e., in response to a subpoena or court order);*

- *The legal authority that permits or prohibits the disclosure, and*
- *The permitted and prohibited uses of the information by the recipient agency.]]*

[[Note to user: to the extent that the agency preparing the pre-disposition study is conducting any mental health, substance abuse, or risks/needs screening or assessment as part of the process, the MOU should specify the permitted and prohibited disclosure and use of that information by the signatories.]]

VI. DISPOSITION

Disposition Hearing

This part describes the disclosure and use of the pre-disposition study prepared for a youth who has been adjudicated delinquent.

[[Note to user: describe here how the pre-disposition report will be used at the disposition hearing including

- *The legal authority governing the admissibility/inadmissibility of the pre-disposition study in a disposition hearing, and*
- *Any provisions regarding the future destruction/expungement of the disposition report in the juvenile court record.]]*

[[Note to user: describe in details who shall receive the court's final disposition order and copies of the disposition report.]]

[[Note to user: describe here whether and to what extent juvenile court proceedings and their records will be open to public inspection, including any relevant legal authority.]]

Reports to Court/Post-Disposition Review Hearing

As part of a youth's disposition, the youth may be served by one or more of the following agencies: *[[note to user: insert here the various agencies to which youth can be ordered by the court as part of their disposition, i.e., juvenile probation, state and local correctional facilities, private residential facilities, treatment facilities or providers, community-based programs, etc.]]*. This part describes the disclosure and use of reports and evaluations regarding the youth and his or her progress in the program.

[[Note to user: describe here the reports that will be prepared by the service providers and submitted to the court and its designee. This section should specify

- *What agency will be designated to receive these reports on behalf of the court;*
- *The circumstances (i.e., by court order, subpoena, and/or released signed by youth and/or youth's family) and timing of disclosure of the reports to the court and its designee, the youth's defense counsel and the prosecution, including the governing legal authority;*

- *What information shall and shall not be included in the report, including the governing legal authority;*
- *The permitted and prohibited uses of the information by the recipients;*
- *The legal authority governing the admissibility/inadmissibility of the report contents in any post-disposition review hearing; and*
- *Any provisions regarding the future destruction/expungement of these reports in the juvenile court record.]]*

[[Note to user: to the extent that the service providers are conducting any mental health, substance abuse, or risks/needs screening, assessment or treatment as part of their program, the MOU should specify the permitted and prohibited disclosure and use of that information by the signatories.]]

VII. ISSUES THAT THIS MOU DOES NOT COVER

[[Note to user: describe here any specific issues which the terms of this MOU do NOT cover, including any terms that will be subject to negotiation by the MOU interagency management team responsible for administration of the MOU. See next part.]]

VIII. ADMINISTRATION OF THE MOU

This part describes the membership and operation of the interagency team that will oversee administration of the MOU.

An interagency management team consisting of the following individuals shall govern administration of this MOU *[[Note to user: list here the individuals by title who will serve on this team, or the already-existing body that will perform this function.]]*

The interagency management team shall operate as follows:

[[Note to user: describe here the protocol for the team including regular meetings and communications, mechanism for seeking amendment of the MOU, etc.]]

The following individuals or departments within each signatory are authorized to disclose information to and review information from other signatories in compliance with the terms of this MOU: *[[Note to user: list here the individuals by title or departments within each signatory that will be actually carrying out the information sharing described in the MOU]]*

The members of management team will be responsible for monitoring their respective agencies' compliance with terms of the MOU.

[[Note to user: this part could also describe any training that the signatories agree to hold and participate in any internal auditing activities that the signatories agree to undertake to monitor compliance with the MOU, etc.]]

IX. DISPUTE RESOLUTION PROCESS

This part describes dispute resolution mechanism that the signatories agree to follow in order to address any complaints about the interpretation or implementation of the requirements of the MOU.

[[Note to user: describe here the dispute resolution process including

- *The interagency entity that will review and resolve any disputes (this could be the interagency management team or a separate group);*
- *An agreement as to how this interagency entity will investigate disputes and formulate recommendations for their resolution; and*
- *The individual (names by title) within each agency who will be responsible for implementing the recommendations of the interagency entity to resolve the dispute.]]*

X. GRIEVANCE AND REVIEW PROCESS

This part describes the grievance process that youth and their families may pursue if they believe that there has been a violation of the terms of the MOU or applicable federal or state confidentiality laws; and the review process that allows youth and families to review records subject to sharing under the MOU and seek amendment of any inaccurate information.

[[Note to user: describe here the grievance process that youth and their families may pursue if they believe that there has been a violation of the terms of the MOU or applicable federal or state law governing the disclosure and use of information subject to the MOU. Include:

- *A process by which the individual (by title) within each signatory will be responsible for receiving and investigating complaints from youth and their families and reporting this information to the interagency management team;*
- *A description of how remediation will be developed and undertaken if a complaint is substantiated.]]*

[[Note to user: describe here a process by which youth and their families can review records subject to sharing under the MOU and can seek to amend inaccurate information contained therein.]]

XI. DURATION OF THE MOU

This MOU is in effect *[[Note to user: describe here the start date/event and end date/event, if of limited duration, of the MOU.]]*

XII. SIGNATORIES

In witness whereof the parties have hereto have executed this Memorandum of Understanding.

[[Note to user: if appropriate you may add a statement to the effect that legal counsel for each signatory has reviewed and approved the MOU.]]

Signature lines for each party

ATTACHMENTS

[[Note to user: it is recommended that you attach to the MOU any universal consent forms, model court orders or other documents that the signatories have agreed to use, as described in the text of the MOU, for the information sharing project.]]

SAMPLE FORMS

NOTICE TO APPEAR

OFFICE OF JUVENILE JUSTICE SERVICES
IN RE:
[INSERT JUVENILES NAME]

- STATE OF LOUISIANA
 - PARISH OF CALCASIEU
 -
-

To the Parent/Guardian of: [INSERT JUVENILES NAME]

A complaint has been filed with the Calcasieu Parish District Attorneys Office alleging that your child has committed a delinquent or status offense.

You and your child are hereby instructed to appear for a mandatory intake appointment at the Office of Juvenile Justice Services, located at 3615 E. Prien Lake Road, Lake Charles, La. 70615, on:

[INSERT APT DATE]
[INSERT TIME]

If you have any questions please contact Intake Officer: [INSERT OFFICER]

Please bring the following information to the hearing:

- Completed family history form (enclosed)
- Child's birth certificate
- Child's social security card
- Child's recent report card
- Child's immunization record

CALCASIEU PARISH POLICE JURY
OFFICE OF JUVENILE JUSTICE SERVICES
3615 E. PRIEN LAKE ROAD
LAKE CHARLES, LA 70615
Phone: (337) 721-3900 Fax: (337) 721-3907

LA. Children's Code, Article 307.B provides Juvenile Courts with jurisdiction over adults in proceedings involving the care, custody, or control of a child. In aid of its jurisdiction over children, a court exercising juvenile jurisdiction shall also have jurisdiction over any natural person who is a parent or caretaker of the child or other adult lawfully before it to secure his full cooperation and assistance in the entire rehabilitative program prescribed by the court for the child, including conditions or incidents of probation, supervision, protection, custody, or release on parole.

FAILURE TO APPEAR MAY RESULT IN FORMAL COURT ACTION

NOTICE TO APPEAR RELEASE AGREEMENT

DATE: _____

CHILD'S NAME: _____ #: _____

You are hereby directed and agree to appear with the person named above, before the _____ Court Juvenile Division, address, _____, Louisiana on _____, 20__ at 8:30 A.M. on the above mentioned case.

The District Attorney's office may refer your case to a special program. If this occurs, you will receive a notice by phone or by mail to bring the child named above to the program prior to the above date. If you appear with the child at the program, and the child is accepted into the program, you will be provided with a written notice that you do not have to appear in court on the above date and time. However, if at any time the child fails to comply with the terms of the program, the case will be returned to the District Attorney for filing in court. If you do not receive the written notice from the program, you must appear on the above date.

FAILURE TO APPEAR MAY RESULT IN AN ORDER BEING ISSUED TO TAKE THE ABOVE NAMED CHILD INTO CUSTODY AND YOUR BEING CITED FOR CONTEMPT OF COURT, WHICH COULD RESULT IN YOUR BEING PUNISHED BY A FINE OR JAIL OR BOTH.

You must notify the Clerk of the Court any time your address changes. By signing this agreement you waive the necessity of serving you with a summons for the above date.

(ATTACHED IS THE ARREST AFFIDAVIT WHICH INDICATES THE CHARGES)

Child's signature

Parent's or other responsible
Adult's signature and relationship

Officer's signature

I swear the information in this release
agreement is true and correct to the best
of my knowledge

Address

Dept.

I.D. Number

ATTACHED TO ARREST AFFIDAVIT

DIVERSION PROGRAM CONTRACT

Date: _____

Case #: _____

On _____, a citation was issued to _____ for violation of _____. If he/she agrees to the following requirements and satisfactorily completes them no delinquency petition will be filed with the court. If he/she does not agree or if he/she fails to complete the requirements, then a petition will be filed for prosecution and the above named youth will have an arrest record.

Requirements for completion:

- Complete a Weekly Progress Report at school.
- Complete _____ hours of Community Work Service
- Enroll in treatment at _____
- Enroll in _____ program.
- Other: _____

All documentation (e.g., Weekly Progress Reports, Certificate of Completion from a program) must be faxed to _____

I have read and understand the requirements listed above. If I complete these requirements, a delinquency petition **will not** be submitted to the Court. If I do not complete these requirements, the petition will be submitted for prosecution and I will have an arrest record.

Participant's Signature

Date

Parent's Signature

Date

District Attorney's Office Representative

Date

DIVERSION AGREEMENT (UNSUPERVISED)

An intake interview was held with you and your child, _____.

Your child was placed on an Informal Adjustment Agreement through the District Attorney's Office. The following Conditions of the Unsupervised Informal Adjustment Agreement were agreed upon by all parties on the _____ day of _____, 20____. Said Conditions will expire on the _____ day of _____, 20_____.

RECOMMENDATIONS

1. ___ Obey all local, state, federal, municipal and traffic laws
2. ___ Do not associate with anyone who has a criminal or juvenile record
3. ___ Maintain good school attendance, behavior and performance
4. ___ Obey all reasonable and lawful demands of parents
5. ___ Individual or Family Counseling at the Office of Juvenile Justice Services
6. ___ Submit to periodic drug screens at the Office of Juvenile Justice Services
7. ___ B.A.R.T.
8. ___ GIRLS Group
9. ___ CADET Program (\$_____ out of \$65.00)
10. ___ Community Service (\$_____ out of \$50.00) (_____ hours)
11. ___ Psychological evaluation
12. ___ Psychosocial evaluation
13. ___ Functional Family Therapy
14. ___ SASSI
15. ___ Addictive Disorders Clinic
16. ___ Restitution in the amount of \$_____. Due by _____
17. ___ Shoplifters Accountability Program (S.A.P.) Fee: \$25.00
18. ___ Anger Management through ETC
19. ___ Substance Abuse treatment through ETC
20. ___ Do not associate with the following persons:
 1. _____
 2. _____
 3. _____
 4. _____
21. ___ Notify Intake Officer immediately of any changes of address or telephone number

22. Special Conditions: _____

If the juvenile fails to adhere to the above Conditions of Unsupervised Informal Adjustment Agreement and is referred to the Office of Juvenile Justice Services for further violations of the law or for status offenses, a Petition will be filed on all outstanding charges/allegations and he/she will be referred directly to Juvenile Court.

PROBATION OFFICER

JUVENILE

DATE

PARENT (Father)

PARENT (Mother)

DIVERSION AGREEMENT

Requirements for Successful Completion

Date: _____

RE: CASE # _____

To the Parent/Guardian: _____

Your son/daughter was issued a Civil Citation for a criminal offense on _____. The State Attorney's Office has given him/her the opportunity to voluntarily participate in the Civil Citation Program (CCP) instead of having to appear in juvenile court. In order to complete the program and close your case successfully you must do the following:

- Call your case manager on agreed dates and times.
- Report any changes in your address, telephone and etc., to your case manager
- Fax, mail or bring in all proof of attendance or completion forms, report cards, progress reports, or any document the case manager should request.
- Provide current proof of improvement in areas that you were academically failing.
- Submit toxicology report (drug test) when requested by your worker.
- Complete Community Work Service (CWS) hours by the assigned date of _____.
- Submit proof of completion of CWS hours immediately upon completion.
- Proof of enrollment in night school/audit education
- Proof of therapy from a private physician.
- Other _____

Failure to complete any sanction or any of the above requirements will result in the unsuccessful termination of your case by referring it to court and having the charges filed into your record.

I have read and understand what has been explained to me by the Case Manager handling my case.

Participant's Signature

Date

Parent's Signature

Date

District Attorney's Office Representative

Date

MIRANDA RIGHTS FORM

Case Number: _____

Date: _____

Time: _____

YOUR RIGHTS:

BEFORE WE ASK YOU ANY QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS:

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN BE USED AGAINST YOU IN COURT.
3. YOU HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE WE ASK YOU ANY QUESTIONS AND TO HAVE HIM OR HER WITH YOU DURING QUESTIONING.
4. IF YOU CANNOT AFFORD A LAWYER, ONE WILL BE APPOINTED FOR YOU BEFORE ANY QUESTIONING IF YOU WISH.
5. IF YOU DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU WILL STILL HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME. YOU ALSO HAVE THE RIGHT TO STOP ANSWERING AT ANY TIME UNTIL YOU TALK TO A LAWYER.

WAIVER OF RIGHTS:

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

JUVENILE

PARENT/GUARDIAN

WITNESS

DECLINE TO PARTICIPATE IN DISTRICT ATTORNEY DIVERSION PROGRAM

I _____ as the parent/legal guardian of
_____ have voluntarily declined the Diversion program.

The program and its benefits were clearly explained to me by a representative of the District Attorney's Office. I understand that by declining this program, my child will have to be processed by the juvenile court and subsequently attend court proceedings.

Parent/Legal Guardian

District Attorney's Office Representative

Date

INTAKE INTERVIEW PACKET

PARENT/CARETAKER:

Legal Custodian: _____ Biological Parent Adoptive Parent Foster Parent Relative

Marital Status of Parents: Never Married Married-Living Together
 Single-Living Together Single-Living Apart, how long? _____
 Divorced, how long? _____ Married-Separated
 Widow (Father Deceased) When _____
 Widower (Mother Deceased) When _____

If parents are separated/divorced, how old was child when separation occurred? _____

If parents are separated/divorced does other parent have contact with child? _____
If Yes, describe contact. _____

Does non-custodial parent pay child support? YES NO
If No, has referral been made to Child Support Enforcement YES NO

Has custody ever been refused by a Family Court? YES NO
If Yes, why: _____

Describe biological parent's relationship _____

Has Father ever been arrested/convicted for a crime in last ten years? YES NO
If Yes: Type _____

Has Mother ever been arrested/convicted for a crime in last ten years? YES NO
If Yes: Type _____

Do siblings have rapp sheet? YES NO If yes: Who/Reason _____

Reliable Transportation? YES NO : _____

PARENT MENTAL / PHYSICAL HEALTH INFORMATION

Has Father ever received services from a mental health professional/ facility? YES NO Unknown
If Yes, who _____

Is Father suffering from any medical condition? YES NO
If Yes, specify _____ Meds: _____

Is Father currently using drugs or alcohol? YES NO
If Yes list Type/Frequency _____

Has Mother ever received services from a mental health professional/ facility? YES NO Unknown
If Yes, why _____

Is Mother suffering from any medical condition? YES NO
If Yes, specify _____ Meds: _____

Is Mother currently using drugs or alcohol? YES No
If Yes, list Type/Frequency _____

PARENT'S RELIGIOUS STATUS

Do the Parents Attend Church? YES NO If Yes, where _____

CHILD'S RELIGIOUS STATUS

Does the Child Attend Church? YES NO If Yes, where _____

How Often _____ Any Church Activities? YES NO

If Yes, explain _____

CHILD EMPLOYMENT STATUS

Child's employment status: Full-time Part-time/school Unemployed

Current employers name: _____ Telephone () _____

CHILD DEPENDENCY AND NEGLECT STATUS

Has Parent(s) been investigated by a child protection agency? YES NO Why? _____

Has Child ever been a victim of a crime? YES NO Explain: _____

Was Child Placed in Protective Custody or Foster Care? YES NO

If Yes, for how long _____

*****Have Parent Sign Release of Information for Office Community Services*****

CHILD EDUCATION INFORMATION

School: _____ Grade _____

Out of Zone? YES NO

Child's School Status: Regular Sp. Ed. Alternative Home Bound Home Schooled Expelled Other

Behavior/Performance Problems YES NO If Yes, explain _____

Has Child Failed a Grade(s)? YES NO If Yes, list Grade/Reason _____

SPECIAL EDUCATION TESTING

Has a School Building Level Committee (SBLC) meeting been held on child? YES NO

If yes, describe outcome? _____

Classroom Placement: Self-contained Resource class

Reason for Special

Reason for Special Education: _____

Is the child involved in sports or extra curricular activities: YES NO If yes, list _____

*****Have Parent Sign Release of Information for Calcasieu Parish School Board*****

CHILD HEALTH & HIGH RISK BEHAVIOR

Was birth and childhood development normal? YES NO If no, explain _____

Hearing: Normal Defective (name defect) _____ Vision: Normal Glasses Contacts

Child: braces, tattoo, piercing, scars or marks: _____

Is the child suffering from any medical conditions? YES NO
If yes specify _____

Is Child currently taking medication? YES NO
If yes list Type/Dosage _____

Name of Physician _____

Health Insurance? YES NO If yes name company: _____

Is Child on Medicaid? YES NO If yes Medicaid #: _____ Qualify for LaChip YES NO

Describe child's behavior _____

When did the child's behavior begin? _____

What do you think is the cause of your child's behavior? _____

What do you think is the solution to your current situation? _____

Does child have current charges pending? YES NO
If yes, what: _____

Describe the Family Life/Child's Relationship with family members: _____

Does Child have aggressive tendencies/you afraid? YES NO
If yes, specify: _____

Does Child display sexually deviant behaviors? YES NO
If yes, specify _____

Has Child received services from a mental health professional/Facility? YES NO
If yes, specify _____

Does Child display depression and/or suicidal tendencies? YES NO
If yes, specify _____

Does Child use tobacco products? YES NO
If yes, list Type/Frequency _____

Does Child consume alcohol? YES NO

If yes list Type/Frequency _____

Does Child use drugs? YES NO

If yes, specify _____

Is Child sexually active? YES NO Unknown

If yes, specify _____

Has Child Been a Member of a Gang? YES NO Suspect

If yes, Name of Gang _____ Date: _____

Describe Child's Friends _____

*****Have a Parent Sign Release of Information for Appropriate Service Agencies*****

CHILD SELF-REPORT RISK BEHAVIOR

Are you having any problems that causes your behavior (i.e. bad behavior of parents, fighting, others, etc.) YES NO

If yes, specify _____

Do you have a bad temper or violent tendencies? YES NO If yes, specify _____

Do you consume alcohol or use tobacco products? YES NO If yes, list Type/Frequency _____

Do you use drugs? YES NO If yes, list Type/Frequency _____

Do your parent(s) use drugs or excessive alcohol? YES NO If yes, specify _____

Have you ever been questioned by a child protection agency? YES NO If yes, specify _____

Have you ever received services from a mental health professional/Facility? YES N If yes, specify _____

Are you sexually active? YES NO Using Protection? YES NO SOMETIMES

Were you or are you being physically or sexually abused and neglected? YES NO If yes, by whom _____

Are you depressed or have thoughts or actions of suicide? YES NO If yes, specify _____

What are your interests/hobbies/plans for the future?

What solutions would solve your problems? _____

RISK FACTORS

- | | | |
|---|---|---|
| <input type="checkbox"/> Absentee Father | <input type="checkbox"/> Gang Involvement | <input type="checkbox"/> School – Special Ed |
| <input type="checkbox"/> Absentee Mother | <input type="checkbox"/> Homeless | <input type="checkbox"/> Sexual Perpetrator |
| <input type="checkbox"/> Abused | <input type="checkbox"/> Mental Health History-Child | <input type="checkbox"/> Sexually Abused – Non Relative |
| <input type="checkbox"/> Alcohol Involvement | <input type="checkbox"/> Mental Health History-Parent | <input type="checkbox"/> Sexually Active |
| <input type="checkbox"/> Alcohol Involvement/Family | <input type="checkbox"/> Neglected | <input type="checkbox"/> Sibling Rapp |
| <input type="checkbox"/> Developmentally Disabled | <input type="checkbox"/> Physical Abuse | <input type="checkbox"/> Suicide Risk |
| <input type="checkbox"/> Domestic Violence | <input type="checkbox"/> Parent Rapp | <input type="checkbox"/> Teen Pregnancy |
| <input type="checkbox"/> Drugs in Community | <input type="checkbox"/> School - Dropout | <input type="checkbox"/> Violent Tendencies |
| <input type="checkbox"/> Drugs in Family | <input type="checkbox"/> School – Expulsion | <input type="checkbox"/> Weapons in Community |
| <input type="checkbox"/> Drugs in School | <input type="checkbox"/> School – Failure | <input type="checkbox"/> Weapons in School |
| <input type="checkbox"/> Sexually Abused – Relative | <input type="checkbox"/> Failure to Appear in Court | <input type="checkbox"/> Verbal Threats |
| <input type="checkbox"/> Imminent Risk for Removal | <input type="checkbox"/> Delinquent Association | <input type="checkbox"/> Teen Parent |
| <input type="checkbox"/> Incarcerated Parent | | |

PARENT/CHILD DELINQUENCY INTERVIEW

- YES NO Was procedure explained to all parties?
- YES NO Was parent/child advised of the charge(s)?
- YES NO Was parent/child explained what the charge(s) mean?
- YES NO If no, did they request an attorney?
- YES NO Will they retain an attorney of their choice?
- YES NO Does child admit to the present allegations?

Reason for committing said allegation(s) _____

DISPOSITION

- | | |
|---|---|
| <input type="checkbox"/> Unsupervised Probation | <input type="checkbox"/> Community Service _____ hours |
| <input type="checkbox"/> Restitution \$ _____ | <input type="checkbox"/> Office of Addictive Disorders / Drug Court |
| <input type="checkbox"/> Teen Court | <input type="checkbox"/> CADET |
| <input type="checkbox"/> Shoplifters Accountability Program | <input type="checkbox"/> Warn and Release |
| <input type="checkbox"/> Family/Individual Counseling | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Was parent/child advised or procedure in the filing of the Petition, appearance for Arraignment and where to appear? | |

Date Packet completed: _____

JEOPARDY LETTER DIVERSION PROGRAM

DATE: _____

To the Parent/Guardian of:

Your son or daughter entered into the District Attorney Diversion Program on _____.
The District Attorney's Office has given him/her the opportunity to voluntarily participate in this program instead of having charges filed against them. Unfortunately, your son/daughter's case status is in jeopardy due to:

- Community Service Hours have not been completed
- Submit drug screen as requested
- Failure to enroll in or complete required program as stated on the Contract
- Other

It is required that the following information be submitted by _____, if the information is not submitted, the case will be turned over for additional legal action. Please fax or mail the information to _____, Fax: _____.

Sincerely,

District Attorney's Office Representative

CASE MANAGER INTRODUCTION LETTER

Date: _____

Case #: _____

To the parents of: _____

This letter is to inform you that _____ will be your new case manager. You will need to keep in contact with your case manager on a _____ basis. If contact is lost, the youth's diversion case is in jeopardy of being closed and sent back to the prosecutor for additional legal action.

- Complete _____ hours community work service. Deadline is due by: _____.
- Maintain passing grades.
- Pay Monetary Restitution in the amount of : \$ _____.
- Enroll in a GED program or obtain employment.
- Other: _____.

Please note that I am here to monitor your progress and your successful completion of the DA Diversion program. If you have any questions, please do not hesitate to contact me at the phone numbers listed below.

Thank you,

_____/Case Manager

_____/Office Number

_____/Fax Number

CASE MANAGER'S CHECKLIST

Student ID # _____

Client's Name _____ DOB _____

Address _____

Phone (H) _____ Phone (W) _____

Phone (Cell) _____ School _____

Contact Person _____ Relationship _____

Face to Face Appointment _____

SANCTIONS

Completed

Monetary Rest: \$ _____ (see SAO REC)

CWS: _____

CBO: _____

PSY. EVAL: _____

+1 /+3

DRUG TEST: _____

SCHOOL VISIT: _____

Comments: _____

NEW RELEASE: YES NO

50 DAYS

ORIGINAL: _____

50 DAYS

MEETING VERIFICATION NOTICE DISTRICT ATTORNEY DIVERSION PROGRAM

DATE: _____

To Whom It May Concern:

This letter serves as verification that _____ and his/her parent
was in my office on _____.

Sincerely,

District Attorney's Office Representative

COMMUNITY WORK SERVICE TIME SHEET

DISTRICT ATTORNEY DIVERSION PROGRAM

Name of Youth: _____ DOB: _____

Student ID Number: _____

Work Site: _____

| DATE WORKED | AMOUNT OF HOURS | NAME OF AGENCY SUPERVISORS |
|-------------|-----------------|----------------------------|
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| | | |

TOTAL HOURS _____

| |
|----------------------|
| Fax or Mail Form to: |
|----------------------|

Signature of Agency Supervisor

Telephone Number

Date

AUTHORIZATION TO RELEASE OR OBTAIN CONFIDENTIAL INFORMATION

(This form is compliant with HIPAA, 42 CFR Part 2, and FERPA)

*NOTE: A separate consent form is required when requesting "psychotherapy notes".

Name: _____

Request Date: _____

Mailing Address: _____

DOB: _____

City/State/Zip: _____

SSN: _____

| I authorize: | | | | | |
|--|---------|---|---|--|---------|
| Agency | Initial | Agency | Initial | Agency | Initial |
| Department of Health & Hospitals | | Department of Labor | | City, Parish, and other local public school boards | |
| Louisiana Office of Juvenile Justice | | Courts Exercising Juvenile Jurisdiction | | Truancy Assessment & Service Centers | |
| Department of Education | | Law Enforcement Agencies | | Families in Need of Services Offices | |
| Department of Children and Family Services <small>*(can only be released consistent with state and federal law)</small> | | District Attorney's Offices | | Parish Probation Departments | |
| Jefferson Parish Human Services Authority | | Other: _____ | | Other: _____ | |
| <input type="checkbox"/> To release information TO: | | | <input type="checkbox"/> To obtain information FROM | | |
| (Place an "x" in the box that indicates if the information is being released OR requested) | | | | | |
| Agency | Initial | Agency | Initial | Agency | Initial |
| Department of Health & Hospitals | | Department of Labor | | City, Parish, and other local public school boards | |
| Louisiana Office of Juvenile Justice | | Courts Exercising Juvenile Jurisdiction | | Truancy Assessment & Service Centers | |
| Department of Education | | Law Enforcement Agencies | | Families in Need of Services Offices | |
| Department of Children and Family Services <small>*(can only be released consistent with state and federal law)</small> | | District Attorney's Offices | | Parish Probation Departments | |
| Jefferson Parish Human Services Authority | | Other: _____ | | Other: _____ | |

Purpose of this Authorization: Coordination of services for the continuum of care

I authorize the release of the following specific confidential information:

(Place an "X" in the box(es) that apply to the information you want released or want to obtain)

- School Grades Behavior, and Attendance Records
 Legal History
 Medical History
 Treatment
 Evaluations/Assessments
 Medications
 Immunizations
 Hospital Records
 MR/DD Reports
 Other: _____

In compliance with state and/or federal laws which require special permission to release otherwise privileged information, please release the following records:

- Alcoholism
 Drug Abuse
 Vocational Rehabilitation
 HIV (AIDS)
 Sexually Transmitted Diseases
 Psychotherapy Notes*
 Arrest History
 Other: _____

If not revoked sooner, this authorization shall expire on _____ (date or event) and is needed for the period beginning _____ and ending _____.

I understand that if I do not specify an expiration date, this authorization will expire (12) months from the date on which it was signed. I acknowledge that I have read both pages 1 and 2 of this form.

Signature of Individual

Date

Signature of Legally Authorized Representative

Relationship to Individual

Date

SELECTED JUVENILE STATUTES

Art. 305. Divestiture of juvenile court jurisdiction; original criminal court jurisdiction over children; when acquired

A. (1) When a child is fifteen years of age or older at the time of the commission of first degree murder, second degree murder, aggravated rape, or aggravated kidnapping, he is subject to the exclusive jurisdiction of the juvenile court until either:

- (a) An indictment charging one of these offenses is returned.
- (b) The juvenile court holds a continued custody hearing pursuant to Articles 819 and 820 and finds probable cause that he committed one of these offenses, whichever occurs first.

(2) Thereafter, the child is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and the child shall be transferred forthwith to the appropriate adult facility for detention prior to his trial as an adult.

B. (1) When a child is fifteen years of age or older at the time of the commission of any of the offenses listed in Subparagraph (2) of this Paragraph, he is subject to the exclusive jurisdiction of the juvenile court until whichever of the following occurs first:

- (a) An indictment charging one of the offenses listed in Subparagraph (2) of this Paragraph is returned.
- (b) The juvenile court holds a continued custody hearing and finds probable cause that the child has committed any of the offenses listed in Subparagraph (2) of this Paragraph and a bill of information charging any of the offenses listed in Subparagraph (2) of this Paragraph is filed.

(2)(a) Attempted first degree murder.

(b) Attempted second degree murder.

(c) Manslaughter.

(d) Armed robbery.

(e) Aggravated burglary.

(f) Forcible rape.

(g) Simple rape.

(h) Second degree kidnapping.

(i) Repealed by Acts 2001, No. 301, § 2.

(j) Aggravated battery committed with a firearm.

(k) A second or subsequent aggravated battery.

(l) A second or subsequent aggravated burglary.

(m) A second or subsequent offense of burglary of an inhabited dwelling.

(n) A second or subsequent felony-grade violation of Part X or X-B of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950 involving the manufacture, distribution, or possession with intent to distribute controlled dangerous substances.

(3) The district attorney shall have the discretion to file a petition alleging any of the offenses listed in Subparagraph (2) of this Paragraph in the juvenile court or, alternatively, to obtain an indictment or file a bill of information. If the child is being held in detention, the district attorney shall make his election and file the indictment, bill of information, or petition in the appropriate court within thirty calendar days after the child's arrest, unless the child waives this right.

(4) If an indictment is returned or a bill of information is filed, the child is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction for all subsequent procedures, including the review of bail applications, and the child shall be transferred forthwith to the appropriate adult facility for detention prior to his trial as an adult.

C. Except when a juvenile is held in an adult jail or lockup, the time limitations for the conduct of a continued custody hearing are those provided by Article 819.

D. The court exercising criminal jurisdiction shall retain jurisdiction over the child's case, even though he pleads guilty to or is convicted of a lesser included offense. A plea to or conviction of a lesser included offense shall not revert jurisdiction in the court exercising juvenile jurisdiction over such a child.

E. (1) If a competency or sanity examination is ordered, except for the filing of a delinquency petition, no further steps to prosecute the child in a court exercising criminal jurisdiction shall occur until:

(a) Counsel is appointed for the child and notified in accordance with Article 809; and

(b) The court determines mental capacity to proceed in accordance with Chapter 7 of Title VIII.

(2) When a child has been charged with one or more of the crimes listed in Article 857, has reached twenty-one years of age and is incompetent, the court on its own motion or on the motion of the district attorney may conduct a hearing to consider whether to transfer the child for further proceedings to the appropriate court exercising criminal jurisdiction.

Art. 306. Places of detention; juveniles subject to criminal court jurisdiction

A. Prior to the divesting events specified in Paragraphs A through D of Article 305, [FN1] the child shall be held in custody in a juvenile detention center, except as hereinafter provided.

B. If a detention facility for juveniles is not available, he may be held in an adult jail or lockup for identification or processing procedures or while awaiting transportation only as long as necessary to complete these activities for up to six hours, except that in nonmetropolitan areas, he may be held for up to twenty-four hours if all of the following occur:

(1) The child meets the age and offense criteria set out in Article 305.

(2) A continued custody hearing in accordance with Articles 820 and 821 is held within twenty-four hours after his arrest.

(3) There is no acceptable alternative placement to the jail or lockup in which he is being held.

(4) The sheriff or the administrator of the adult jail or lockup has certified to the court that facilities exist providing for sight and sound separation of the juvenile from adult offenders and that he can be given continuous visual supervision while placed in the jail or lockup.

C. If an indictment has not been returned, a bill of information filed, or a continued custody hearing not held within twenty-four hours, the child held in an adult jail or lockup in a nonmetropolitan area shall be released or removed to a juvenile detention facility.

D. If at the conclusion of the continued custody hearing, the court determines that the child meets the age requirements and that there is probable cause that the child has committed one of the offenses enumerated in Article 305, the court shall order him held for trial as an adult for the appropriate court of criminal jurisdiction. The child shall thereafter be held in any facility used for the pretrial detention of accused adults and shall apply to the appropriate court of criminal jurisdiction for a preliminary hearing, bail, and for any other rights to which he may be entitled under the Code of Criminal Procedure.

E. If for any reason the court determines that the child is not subject to the jurisdiction of the criminal courts, it may continue him in custody only in those places authorized by Article 822.

F. The court authorizing the detention of the child in an adult jail or lockup pursuant to Paragraph B or D of this Article shall submit a written report delineating appropriate reasons for the continued custody to the judicial administrator of the supreme court for review and shall submit copies to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice and to the sheriff or chief of police of the facility in which the child is being detained within seven working days of the court's decision.

[FN1] Acts 1994, 3rd Ex.Sess., Nos. 15 and 39 amended Ch.C. art. 305 by combining the subject matter of former pars. B to D into a newly designated par. B and redesignating former pars. E and F as pars. C and D. A corresponding amendment of the reference to Paragraph A through D of Article 305 was not made in this article.

Art. 306.1. Transmission of order; transcripts

A. If the child has been ordered held for trial as an adult as a result of a continued custody hearing convened pursuant to Article 305(A)(1)(b) or Article 305(B)(1)(b), the court shall transmit the order rendered after the hearing, or a certified copy thereof, without delay, to the clerk of the court having jurisdiction of the offense.

B. Any party may request the court to provide a complete or partial transcript of the testimony of the witnesses; however, neither the record of the hearing nor the reasons for the transfer shall be admissible in evidence in any subsequent criminal proceedings, except for the purpose of impeachment of a witness.

Art. 805. Venue

A. A delinquency proceeding shall be commenced in the parish in which the offense complained of took place. The juvenile court shall conduct the adjudication hearing and may also conduct the disposition hearing unless it decides to transfer the case as provided for in Paragraph B of this Article.

B. Upon motion of the district attorney, the child, or upon the court's own motion, after the confection of an informal adjustment agreement or an adjudication that the child is delinquent, the court may transfer the proceeding to the parish in which the child is domiciled.

Art. 806. Change of venue; improper venue

When a petition is filed in a court of improper venue, on the court's own motion or upon written motion of a party and after contradictory hearing, the court may dismiss the petition or transfer the proceedings to a court of proper venue.

Art. 807. Change of venue; proper venue

A. A request for change of venue must be made by written motion of the district attorney or the child, sworn to by mover or his counsel, before jeopardy begins. The motion shall contain allegations of facts upon which the motion is based and a statement that the motion is not made for the purpose of delay but to obtain a fair and impartial trial. The motion must be resolved after a contradictory hearing unless waived by the district attorney and the child.

B. A change of venue shall be granted if the court finds that, because of undue influence of an adverse party, prejudice existing in the public mind, or for any other reason, a fair and impartial trial cannot be obtained. The court shall consider whether the reasons are such that they will effect the testimony of witnesses at the trial.

C. The court may order a change of venue in accordance with Articles 623 through 627 of the Code of Criminal Procedure, except that the proceedings may be transferred to any parish.

Art. 808. Constitutional rights of accused delinquents

All rights guaranteed to criminal defendants by the Constitution of the United States or the Constitution of Louisiana, except the right to jury trial, shall be applicable in juvenile court proceedings brought under this Title.

Art. 809. Right to counsel

A. At every stage of proceedings under this Title, the accused child shall be entitled to counsel.

B. No child shall be admitted in accordance with this Title to a public or private mental institution or institution for the mentally ill nor shall proceedings in accordance with Chapter 7 of this Title or Article 869 go forward unless he has been represented by retained private counsel who represents only the child's interest or by an attorney from the Mental Health Advocacy Service, unless its executive director has determined that its attorneys are unavailable. Any attorney from the Mental Health Advocacy Service so appointed shall continue to represent the child in any proceeding relating to admission, change of status, or discharge from the mental hospital or psychiatric unit. Upon modification of the disposition to placement other than a mental hospital or psychiatric unit, the Mental Health Advocacy Service's attorney shall be relieved of representation of the child upon request of the Mental Health Advocacy Service or the child.

C. If the court finds that the parents of the child are financially unable to afford counsel for the child, the court shall appoint counsel, or refer the child for representation by the district public defender.

D. If the court finds that the parents of the child are financially able, it may order the parents to pay some or all of the costs of the child's representation.

E. If the court finds that the interests of the child and his parent or caretaker conflict, or if required in the interests of justice, the court shall appoint an attorney to represent the child or refer him for representation by the district public defender.

F. The clerk of court shall promptly send notice of appointment to any attorney appointed in accordance with this Article.

Art. 810. Waiver of right to counsel

A. The court may allow a child to waive the assistance of counsel if the court determines that all of the following exists:

(1) The child has consulted with an attorney, parent, or, if no parent, a caretaker as defined in Children's Code Article 728.

(2) That both the child and the adult consulting with the child as provided in Subparagraph (A)(1) of this Article have been instructed by the court about the child's rights and the possible consequences of waiver.

(3) That the child is competent and is knowingly and voluntarily waiving his right to counsel.

B. Such waiver may be accepted at any stage in the proceedings and shall be evidenced by a writing reciting the requirements contained in Paragraph A of this Article and signed by the child and the adult consulting with the child and filed in the record or by a verbatim transcript of the proceedings which demonstrates compliance with Paragraph A of this Article.

C. The court shall appoint an attorney in any case in which the interests of the child and the adult consulting with the child conflict or whenever appointment of counsel is otherwise required in the interests of justice.

D. The child shall not be permitted to waive assistance of counsel in the following circumstances:

(1) In proceedings in which it has been recommended to the court that the child be placed in a mental hospital, psychiatric unit, or substance abuse facility, nor in proceedings to modify said dispositions.

(2) In proceedings in which he is charged with a felony-grade delinquent act.

(3) In probation or parole revocation proceedings.

Art. 811. When jeopardy begins

When a child enters a denial to the petition, jeopardy begins when the first witness is sworn at the adjudication hearing. When he enters an admission to the petition, jeopardy begins when a valid disposition is made the judgment of the court.

Art. 812. Taking child into custody

A. A child may be taken into custody pursuant to an order of the court under this Title or pursuant to the laws governing arrest.

B. The taking of a child into custody is not an arrest, except for the purpose of determining its validity under the Constitution of the United States or the Constitution of Louisiana.

Art. 813. Taking child into custody with a court order; filing of verified complaint; execution

A. The court may issue an order directing that a child be taken into custody upon presentation to the court of a written statement of facts sworn to before an officer authorized by law to administer oaths, by a peace officer, probation officer, district attorney, or other person designated by the court alleging facts showing that there is probable cause to believe either that:

- (1) The child has committed a delinquent act.
- (2) The child has violated the terms of his probation or otherwise has violated the terms of his release.

B. The verified complaint shall be filed with the clerk of court. If it is filed after the child has been taken into custody, the complaint shall indicate whether the child was released to his parents or continued in custody.

C. An order directing that a child be taken into custody may be executed by a peace officer or the child's probation officer having territorial jurisdiction over the child. The officer shall promptly notify the child's parents that their child has been taken into custody. The officer shall also promptly conduct the child to the appropriate facility in accordance with Article 815.

Art. 814. Taking child into custody without a court order; duties of the officer; duties of the court

A. A child may be taken into custody without a court order or warrant by a peace officer or probation officer if the officer has probable cause to believe that the child has committed a delinquent act.

B. If a child is taken into custody without a court order or warrant, the officer shall have the responsibility to either:

(1) Counsel and release the child to the care of his parents upon their written promise to bring the child to court at such time as may be fixed by the court.

(2) Promptly escort the child to the appropriate facility in accordance with Article 815.

C. If the officer does not release the child to the care of his parents, the officer shall promptly notify the child's parents that he has been taken into custody.

D. The officer shall immediately execute a written statement of facts, sworn to before an officer authorized by law to administer oaths, supporting the existence of probable cause to believe either that the child committed a delinquent act or that the child has violated the terms of his probation or otherwise has violated the terms of his release. This affidavit shall be submitted to the juvenile court. Within forty-eight hours after the child has been taken into custody, including legal holidays within the time computation, the court shall review the affidavit, and if it determines that probable cause exists, the child shall be held for a continued custody hearing pursuant to Article 819. If the court determines that probable cause does not exist, the child shall be released from custody. The provisions of this Paragraph shall not be construed to require the officer who executed the written statement to personally appear in court for any determination of probable cause in connection with the child being taken into custody.

E. The officer shall submit a report to the district attorney or an officer designated by the court to receive such reports. The report shall include:

- (1) The name, address, date of birth, sex, and race of the child.
- (2) The name and address of the parents, or spouse, if any, of the child.
- (3) A plain and concise statement of the facts and circumstances of the officer's taking the child into custody.
- (4) A plain and concise statement of facts and circumstances showing probable cause that the child committed a delinquent act.
- (5) A statement indicating whether the child was released, or escorted to a juvenile detention center, or placed in a shelter care facility.

F. If the child is released pursuant to Paragraph B or D of this Article, the report shall be submitted by the officer within seven days from the child's release. If the child is not so released, the report shall be submitted within twenty-four hours of the child being taken into custody.

Art. 815. Child taken into custody; place of detention

A. The peace officer or an appropriate representative of the arresting agency shall have the authority and responsibility to transport the child to the appropriate place of detention specified in Paragraphs B and C of this Article, unless the child has been released to the care of his parents pursuant to Article 814(B)(1).

B. If the child has been taken into custody for the commission of a felony-grade delinquent act or of a misdemeanor-grade delinquent act based upon an offense against the person of another, the child shall be taken to a juvenile detention center.

C. For the commission of any other misdemeanor-grade delinquent act, the child shall be taken to either a shelter care facility or a juvenile detention center.

D. Notwithstanding any other provision of this Code or other provision of law to the contrary, no judge shall order that a youth taken into custody for a felony-grade delinquent act or for a misdemeanor-grade delinquent act based upon an offense against the person of another be placed in a shelter care facility.

E. The governing authority of the parish or municipality requesting placement of a juvenile in either a regional detention center or a shelter care facility shall be responsible to the regional detention center or shelter care facility for the cost of confinement in accordance with a schedule which may be adopted by the regional detention center or shelter care facility.

Art. 816. Record of detention center; access

A. Every juvenile detention center shall maintain a permanent record of certain information as to each child received. The record shall include:

- (1) The child's name, age, sex, race, and address.
- (2) The reason the child is being taken into custody.
- (3) The date and time of the child's entry into and exit from the juvenile detention center.
- (4) The name of the officer and the law enforcement agency employing the officer who brings the child to the juvenile detention center.

B. The record in which such information is kept shall not be open for public inspection. Peace officers, probation officers, counsel representing the child, the district attorney, persons collecting statistical information, and authorized officers of the court shall have access to the record.

Art. 817. Release from custody

A. As soon as practicable after a child is received by a juvenile detention center or shelter care facility, the court or a probation officer employed and authorized by the court, upon determining it to be appropriate, shall release the child to the care of his parents or other relatives upon their written promise to bring him to court at such times as may be fixed by the court. The court may also impose reasonable restrictions upon the child's travel, place of abode, association with other people, or employment during the period of this release.

B. If the court finds that these conditions are insufficient to assure the presence of the child at later proceedings, the court may require the posting of bail in accordance with Chapter 6 of this Title.

C. If the court finds that release under neither Paragraph A or B of this Article is appropriate, it may authorize the continued custody of a child pending a hearing in accordance with Chapter 5 of this Title.

D. If custody is continued, an appropriate representative of the arresting agency shall be responsible for transporting the child to the adjudication or dispositional hearing, or both, and transporting the child back to the juvenile detention center or to such state or local facility as determined by the court through its order or judgment or disposition.

Art. 818. Identification Procedures

A. A child may be photographed or fingerprinted in connection with being taken into custody for the commission of either:

- (1) A felony-grade delinquent act.
- (2) A misdemeanor-grade delinquent act.

B. Upon motion of the district attorney, the court in its discretion can order any child to submit to other reasonable identification procedures, such as to provide handwriting exemplars or to stand in a lineup.

C. Fingerprints and photographs taken pursuant to Paragraph A of this Article shall be maintained and indexed separately from those of adults. They shall be made available only to law enforcement and correctional agencies for purposes related to their official functions. Fingerprints taken pursuant to Paragraph A of this Article shall be submitted to the central fingerprint repository maintained by the Louisiana Bureau of Criminal Identification and Information as specified under R.S. 15:590 et seq., and to the fingerprint repository, if any, maintained by the local law enforcement agency.

Art. 854. Appearance to answer petition; time

A. If the petition is filed prior to or during the hearing to determine continued custody, the court may order the child to answer the petition upon completion of the hearing. If not so ordered and the child is continued in custody, he shall be ordered to appear to answer the petition within five days after the filing of the petition.

B. In all other cases, the child shall be ordered to appear to answer the petition within fifteen days after the filing of the petition.

C. For good cause, the court may extend such period.

Art. 842. Authority to file petition

A delinquency proceeding shall be commenced by a petition. The district attorney may file a petition without leave of court. Any person authorized by the court may file a petition if there are reasonable grounds to believe that the child is a delinquent child.

Art. 839. Availability of an informal adjustment agreement

A. Prior to the filing of a petition, the district attorney or the court with the consent of the district attorney may authorize an informal adjustment agreement.

B. After the filing of a petition but before the attachment of jeopardy pursuant to Article 811, the court may authorize the district attorney or probation officer to effect an informal adjustment agreement if the child and district attorney have no objection. The court may, with concurrence of the district attorney, dismiss the petition or allow the petition to remain pending during the period of informal adjustment.

C. When entering an informal adjustment agreement, the court may, with concurrence of the district attorney, utilize or initiate a teen or youth court program and may assess a fee to a participant in the program to offset costs.

Art. 840. Form of agreement

A. An informal adjustment agreement shall set forth in writing the terms and conditions of the child's supervision during the term specified in the agreement. It shall be signed by the district attorney or the probation officer and by the child and his parents.

B. It must demonstrate that the child and his parents understand the child's right to an adjudication hearing on the offense. It must also demonstrate that they consent to the terms of the adjustment agreement with knowledge that their consent is not obligatory and with knowledge of the effect of the agreement as set out hereinafter in Article 841.

C. The initial period of informal adjustment shall not exceed six months; however, the court may extend the agreement for additional periods of six months, not to exceed a total of two years.

D. If a petition has been filed, the adjustment agreement shall be filed in the record.

Art. 841. Effect of agreement

A. An informal adjustment agreement shall not be considered an adjudication. Evidence of the existence of such an agreement shall not be used against the child over objection in any adjudication hearing or criminal trial. Such evidence may be used in a disposition hearing in the juvenile court or for the purpose of a presentence investigation after a criminal conviction.

B. An informal adjustment agreement suspends the proceedings on the delinquent acts charged in the complaint or petition. If any of the terms of the agreement are violated, the case may proceed to an adjudication hearing on the charges. If the child satisfies the terms of the agreement, he shall be discharged from further supervision, and the pending complaint or petition shall be dismissed with prejudice.

C. Any incriminating statement made by the child to the person giving counsel or advice and in the discussions or conferences incident to the informal adjustment agreement shall not be used against the declarant, over objection, in an adjudication hearing or criminal trial. Any such statement may be used in a disposition hearing in the court or for the purpose of a presentence investigation after a criminal conviction.

Art. 843. Time for filing of petition; child in custody

A. If a child is continued in custody prior to adjudication, the delinquency petition shall be filed within forty-eight hours of the hearing to determine continued custody.

B. If no petition is filed within the applicable time period, the child shall be released.

Art. 844. Form of petition

A. The petition shall contain a caption setting forth the name of the court and the title of the action. The petition shall be entitled, "The State of Louisiana in the Interest of ...".

B. Allegations of fact shall be simple, concise, and direct and shall be set forth in numbered paragraphs. As far as practicable, each paragraph shall be limited to a single set of circumstances.

C. The petition shall be verified. Allegations of fact may be made on information and belief.

D. Failure to comply with formal requirements of this Article shall not be grounds for dismissal of a petition or invalidation of the proceedings unless it results in substantial prejudice.

Art. 845. Contents of petition

A. The petition shall set forth with specificity:

(1) The name, date, and place of birth, sex, race, address, and present location of the child.

(2) The names and addresses of the parents and spouse, if any, of the child. If the parents are not within the state or cannot be located, the name and address of the child's closest adult relative within the state, or, if there be none, the known adult relative residing nearest to the court.

(3) Facts which show that the child is a delinquent child.

(4) The statute or ordinance which the child is alleged to have violated.

B. If the information required by Paragraph A(1) or (2) of this Article is unknown, the petition shall so allege. Any defects in the allegations required by Paragraphs A(1) and (2) of this Article and in the citation of the statute or ordinance required by Paragraph A(4) of this Article shall be considered defects of form.

C. Two or more delinquent acts may be charged in the same petition in a separate count for each act if the acts charged, whether based upon felony or misdemeanor offenses, are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

D. The petition shall conclude with a request that the court adjudicate the child to be delinquent.

Art. 846. Amendment of petition

A. With leave of court, the petitioner may amend the petition at any time to cure defects of form.

B. With leave of court, prior to the adjudication hearing, the petitioner may amend the petition to include new allegations of fact or requests for adjudication. However, if such leave is granted, the child may request a continuance of the adjudication hearing. A continuance may be granted for such period as is required in the interest of justice.

C. After jeopardy begins pursuant to Article 811, a petition shall not be amended to include new allegations of fact or requests for adjudication.

Art. 847. Service of petition

A. A copy of the petition and the right to counsel form specified in Article 848 shall be served upon the child.

B. A copy of the petition and the right to counsel form specified in Article 848 shall also be served upon every parent whose address is known or can be determined after due diligence.

Art. 848. Notice of right to counsel; form

[FN1] "NOTICE OF RIGHT TO COUNSEL

Under the laws of Louisiana, every child accused of delinquency is entitled to have a lawyer to be present and to assist the child to answer the attached petition. A child is entitled to be represented by a lawyer at every stage of proceedings in the juvenile court, including the right to appeal from any judgment of disposition which might be ordered by the court.

If the parents of an accused child are completely financially unable to afford to employ a lawyer, the court will appoint a lawyer and the state will pay for his services.

If the parents are found to be financially able to afford to employ a lawyer but fail to employ one, the juvenile court may appoint a lawyer for the child and require the parents to pay for the lawyer's services.

The financial ability or inability of the parents to employ a lawyer will be determined by the court after a hearing. The court may require the parents to pay for some or all of the costs of lawyer's services on behalf of the child.

After consulting with parents or other adult interested in the child's welfare, the child may be permitted by the court to proceed without the assistance of a lawyer. This decision can be made at any time during the proceedings in the juvenile court."

[FN1] Absence of introductory paragraph is as appears in enrolled bill.

Art. 849. Service and return; resident parent

A. If a parent resides within the state, service shall be made personally or by domiciliary service or by certified mail as soon as possible and not less than forty-eight hours prior to commencement of the adjudication hearing on the matter.

B. The person effecting service shall execute a return and, if service was made by certified mail, the return receipt shall be attached thereto.

Art. 850. Summons; child and resident parent

A. Except as provided in Paragraph B of this Article, when a delinquency petition involves a child whose parent is a resident, the court shall issue a summons commanding that the child, his parents, and such other persons as the court deems proper appear before the court at a designated time and place.

B. In its discretion the court may decline to issue a summons to appear at any hearing for the parents of any child who is eighteen years of age or older.

Art. 851. Failure to appear as summoned

If a properly served person fails to appear in response to a summons, the court may order that such person be taken into custody and immediately brought before the court.

Art. 852. Service; nonresident parent

A. If a parent does not reside within this state, service shall be made by personal service or by certified mail to the address indicated in the petition, return receipt requested, not less than five days prior to the commencement of the adjudication hearing on the matter.

B. The person effecting the service shall file the return receipt as proof of service.

Art. 853. Effect of nonappearance by a parent

If it appears from the record that the parent has been served in accordance with Article 849 or 852 and summoned to any hearing, or cannot be found, and the parent fails to appear, the hearing may be held in the parent's absence. Should the court decide to proceed, it may appoint a Court Appointed Special Advocate in accordance with Article 424 for the child. The court shall appoint counsel for the child if neither parent appears.

Art. 855. Advice of rights at appearance to answer

A. When the child appears to answer the petition, the court shall first determine that the child is capable of understanding statements about his rights under this Code.

B. If the child is capable, the court shall then advise the child of the following items in terms understandable to the child:

- (1) The nature of this delinquency proceeding.
- (2) The nature of the allegations of the petition.
- (3) His right to an adjudication hearing.
- (4) His right to be represented by an attorney, his right to have counsel appointed as provided in Article 809, and his right in certain circumstances authorized by Article 810 to waive counsel.

(5) His privilege against self-incrimination.

(6) The range of responses authorized under Article 856.

(7) The possible consequences of his admission that the allegations are true, including the maximum and minimal dispositions which the court might impose pursuant to Articles 897 through 900.

Art. 856. Answer to petition

A. After the child has been advised pursuant to Article 855, the court shall inquire how the child responds. The child may:

(1) Deny the allegations of the petition, in which case the court shall set the matter for an adjudication hearing.

(2) Deny the allegations of the petition and contest the request for adjudication due to insanity as defined in this Title, in which case the court shall not adjudicate the child without a hearing, at which time the child has the burden of establishing this defense.

(3) Admit the allegations of the petition, in which case the court shall further inquire to determine whether there is a factual basis for adjudication. If so, the court may then adjudicate the child delinquent.

(4) With the court's permission, enter a response of nolo contendere. If, in its discretion, the court accepts such response, the court shall further inquire to determine whether there is a factual basis for adjudication, and it may then adjudicate the child delinquent.

B. A child shall plead when called upon to answer. If he stands mute, refuses to plead, or pleads evasively, a denial of the petition shall be entered of record.

Art. 877. Adjudication hearing; time limitations

A. If the child is continued in custody pursuant to Chapter 5 of this Title, the adjudication hearing shall commence within thirty days of the appearance to answer the petition.

B. If the child is not continued in custody, the adjudication hearing shall commence within ninety days of the appearance to answer the petition.

C. If the hearing has not been commenced timely, upon motion of the child, the court shall release a child continued in custody and shall dismiss the petition.

D. For good cause, the court may extend such period.

Art. 878. Order of adjudication hearing

A. The normal order of an adjudication hearing shall be:

- (1) Presentation of evidence offered by the state.
- (2) Presentation of evidence offered on behalf of the child.
- (3) Presentation of evidence to rebut evidence offered on behalf of the child.
- (4) Closing arguments of counsel.

B. With consent of counsel, the order may be varied. When the child is not represented by counsel, the order may not be varied.

C. The court may permit opening statements of the state and of counsel representing the child.

Art. 879. Presence at adjudication hearing; exclusion of witnesses

A. The child, his parents, counsel, the district attorney, authorized officials of the court, and witnesses called by the parties may be present at the adjudication hearing.

B. All proceedings in a juvenile delinquency case involving a crime of violence as defined in R.S. 14:2(B) or a delinquent act which is a second or subsequent felony-grade adjudication shall be open to the public.

C. On its own motion the court may, and on the request of a party the court shall, order that the witnesses, other than parties, be excluded from the courtroom or from a place where they can see or hear the proceedings, and refrain from discussing the facts of the case with anyone other than counsel in the case. In the interest of justice, the court may exempt any witness from its order.

Art. 880. Right to present evidence and examine witnesses

A. Among other rights guaranteed by Chapter 3 of this Title, at the adjudication hearing the child may introduce evidence, call witnesses, be heard on his own behalf, and cross-examine witnesses called by the state.

B. When a child has contested an adjudication based on his insanity, the members of the sanity commission may be called as witnesses by the court, the child, or the district attorney. Regardless of who calls them as witnesses, the members of the commission are subject to cross-examination by the child, by the district attorney, and by the court.

C. Other evidence pertaining to the defense of insanity at the time of the offense may be introduced at the adjudication hearing by the child and by the district attorney.

Art. 881. Evidence

A. The adjudication hearing in delinquency proceedings shall be conducted according to the provisions of the Code of Evidence applicable to criminal cases.

B. The child shall not be required to testify, and evidence obtained in violation of the child's rights under the Constitution of the United States or the Constitution of Louisiana shall not be admitted over objection.

Art. 882. Adjudication by the court

The adjudication hearing shall be held before the court without a jury.

Art. 883. Burden of proof

In order for the court to adjudicate a child delinquent, the state must prove beyond a reasonable doubt that the child committed a delinquent act alleged in the petition.

Art. 884. Adjudication order

A. Following the adjudication hearing, the court shall immediately declare whether the evidence warrants an adjudication that the child is delinquent. In exceptional circumstances, the court may take the matter under advisement.

B. If the evidence demonstrates that the child's family is in need of services, the court may adjudicate the child's family to be in need of services and proceed to a disposition in accordance with Chapters 10 and 12 of Title VII.

C. If the court finds that the evidence does not warrant any requested or authorized adjudication, it shall dismiss the petition.

Art. 885. Denial of driving privileges; restricted driver's license

A. Without any further hearing, whenever any child over the age of thirteen is adjudicated delinquent for the commission of any offense involving the possession, use, or abuse of alcohol or one or more controlled dangerous substances, any offense in violation of the Uniform Controlled Dangerous Substances Law [FN1], or any offense in violation of any provision of the Louisiana Drug Racketeering Act [FN2], the court shall order the child to relinquish his driver's license, if any, and shall order a denial of driving privileges, including the right to apply for driving privileges, by the child for a period of not less than thirty days but not more than one year.

B. In addition to any other authority granted by this Article, the court may issue an order which authorizes the Department of Public Safety and Corrections to issue a restricted driver's license to the child after the first thirty days of the suspension period upon a demonstration to the court's satisfaction that a hardship would result from the child being unable to commute to either school or work. In its discretion, the court shall deter-

mine the appropriate restrictions which shall last for the term of the suspension of driving privileges.

C. (1) In addition to any other authority granted by this Article, the court may order that upon the expiration of the first thirty days of the suspension period, the terms of the restricted driver's license include permission during the term of the suspension for the child to operate a motor vehicle for the purpose of going to and from meetings of Alcoholics Anonymous, approved group therapy, or special education courses for or about the disease of alcoholism, alcohol abuse, or drug use in a suitable public or private institution or state approved program if either:

(a) Bail was forfeited by the child for an offense of operating or being in actual physical control of a motor vehicle while under the influence of intoxicating beverages.

(b) The adjudication was the child's first adjudication of an offense involving the possession of any controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Law.

(2) If ordered by the court, a medical evaluation and recommendation is submitted which demonstrates that the child is pathologically addicted to alcohol or is a habitual alcoholic or other drug offender; or

(3) If ordered by the court, the child agrees to submit to medical treatment or medically approved group therapy or special education courses for or about the disease of alcoholism, alcohol abuse, or drug abuse, in a suitable public or private institution or state-approved program.

D. The privilege of driving with a restricted driver's license authorized by Paragraph B or C of this Article may be allowed only once to each child. A copy of the order containing the restrictions authorized by Paragraph B or C of this Article shall be attached to the license of the child and shall be in his possession whenever he is operating a motor vehicle.

E. A subsequent adjudication of delinquency for the offenses set out in Paragraph A of this Article or a violation of the restrictions imposed pursuant to either Paragraph B or C of this Article during the period of suspension shall result in the extension of the period of suspension for one year from the date upon which the child would otherwise have been able to apply for a new license. Such an adjudication or violation shall also constitute contempt of court.

F. The court shall prepare and send a copy of the order of denial of driving privileges, together with any special restrictions, to the Department of Public Safety and Corrections within ten days of the adjudication.

G. Any period of suspension imposed pursuant to this Article shall begin upon receipt by the Department of Public Safety and Corrections of the child's driver's license.

[FN1] Controlled Dangerous Substances Law, see R.S. 40:961 et seq.

[FN2] Drug Racketeering and Related Organizations (Louisiana Racketeering Act), see R.S. 15:1351 et seq.

Art. 886. Continued custody pending disposition; bail; places of detention

A. At the conclusion of the hearing if the child has been adjudicated delinquent, the court shall consider whether the child should be released or held in custody pending a disposition hearing.

B. If the adjudication was based upon a misdemeanor-grade delinquent act, the child shall have a right to bail in accordance with the procedures established in Chapter 6 of this Title.

C. If the adjudication was based upon a felony-grade delinquent act, there is a presumption in favor of the child's right to bail unless the court has reason to believe, based upon competent evidence, that the release of the child will pose a danger to any other person or the community. If the child is to be released, the court shall set bail according to the procedures established in Chapter 6 of this Title.

D. If the child is held in custody, the court may place him in a juvenile detention center, in a public or private facility for juveniles, in a private home subject to the supervision of the court, or in any other suitable facility for juveniles authorized by the court.

Art. 888. Physical and mental examination for disposition; costs

A. Following the adjudication, the court may order such physical and mental examination and evaluation of the child as may be helpful in determining a fair and just disposition.

B. In conjunction with such an examination or evaluation, the court may order the preparation of a social summary and case history about the child, including otherwise confidential information within the court's records, for submission to the evaluator.

C. The court may, after due notice to the parent, order the parent to pay all or part of the expense of any evaluation or examination. The court shall make a determination of the parent's ability to pay according to the procedures of Article 406.

Art. 889. Disclosure of resulting evaluation report

Copies of any reports of findings submitted to the court pursuant to Article 888 shall be made available to the district attorney and counsel for the child.

Art. 890. Predisposition report; contents

A. In making the investigation, the probation officer shall investigate and report to the court regarding:

(1) The circumstances attending the commission of the offense; the attitudes of the child and his parents toward the offense; the prior offenses committed by the child, including other referrals or contacts not resulting in juvenile court petitions; and, when applicable, the disposition of companion cases arising out of this offense.

(2) The impact on the victim, if a child is adjudicated of or admits to a delinquent act involving a victim. The court shall require that a victim impact statement be included in the predisposition report. The victim impact statement shall include factual information as to whether the victim or his family has suffered, as a result of the offense, any monetary loss, medical expense, or physical impairment, and shall include any other information deemed relevant. The district attorney may also file a victim impact statement with the court.

(3) The child's home environment including his family's composition and dynamics, stability, economic status, participation in community or religious activities, and any physical, mental, or emotional handicaps, substance abuse, or criminal history of any of its members.

(4) The child'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 child is registered and enrolled, employment or vocational interest, significant behavior patterns, or other personality traits relevant to his rehabilitation.

B. The report shall contain a list of all persons contacted in completing the investigation and their relationship to the child.

C. The report shall contain a brief statement of the child's identified behavioral problems and the probation officer's assessment of cause and potential for rehabilitation, indicating specifically those resources available in the community or within the child's extended family which could provide needed assistance to the child and his family.

D. The report shall contain recommendations for suggested disposition, including, if applicable, special conditions of supervision.

Art. 891. Disclosure of predisposition report

A. Copies of the predisposition report shall be made available to the district attorney and counsel for the child at least three days in advance of any scheduled disposition hearing. Such period may be extended for good cause.

B. The court may order that the predisposition report be edited to protect the identity of confidential sources or to exclude the recommendations of the probation officer. In addition, the court may caution the district attorney or counsel for the child not to disclose any such information contained within the report which may prove harmful to the child.

C. If the child is unrepresented by counsel, the court shall disclose to the child the factual contents of the predisposition report.

D. After August 15, 1993, and within thirty days after receiving a predisposition report, the sentencing court shall order the release of any portion of a predisposition report containing and limited to the instant arrest, conviction, adjudication, or disposition of a child in grades nine through twelve, who is arrested, charged, or adjudicated a delinquent for committing a felony-grade delinquent act or a misdemeanor-grade delinquent act involving distribution or possession with intent to distribute a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Law, to the principal of the school in which the child is registered and enrolled or registered and enrolled but suspended.

Art. 892. Disposition hearing; time

Prior to entering a judgment of disposition, the court shall conduct a disposition hearing. The disposition hearing may be conducted immediately after the adjudication and shall be conducted within thirty days after the adjudication. Such period may be extended for good cause.

Art. 893. Disposition hearing; evidence

A. At the disposition hearing, unless the child waives the presentation, the court shall hear evidence as to whether the child is in need of treatment or rehabilitation and shall make and file its findings.

B. All evidence helpful in determining the proper disposition, including oral and written reports, the report of the predisposition investigation, any reports of mental evaluation, and all other evidence offered by the child or the state shall be received by the court and may be relied upon to the extent of its probative value even though not admissible at the adjudication hearing. Upon motion of the district attorney or the child, the court may hear testimony from the victim of the offense.

C. Counsel for the state and for the child shall be afforded an opportunity to present evidence and to examine and controvert written reports so received and to cross-examine individuals preparing the reports or other witnesses who give testimony at the hearing. Sources of confidential information need not be disclosed.

D. If the court finds that the child is in need of treatment or rehabilitation as a delinquent child, the court shall proceed immediately to make any appropriate disposition authorized by Articles 895 through 899.

Art. 894. Disposition after finding of insanity

In cases in which a child has not been adjudicated a delinquent and has been found to be insane at the time of the offense, the court may either:

(1) Place the child in the custody of his parents or other suitable person under such terms and conditions as deemed in the best interests of the child and the public.

(2) Place the child on probation in the custody of his parents or other suitable person under such terms and conditions as deemed in the best interests of the child and the public.

<Par. (3) effective until July 1, 2010, upon approval of implementation plan. See italic note, post.>

(3) Commit the child to the Department of Health and Hospitals, office of mental health or a private mental institution or an institution for the mentally ill pursuant to Article 895.

<Par. (3) effective July 1, 2010, upon approval of implementation plan. See italic note, post.>

(3) Commit the child to the Department of Health and Hospitals, office of behavioral health or a private mental institution or an institution for the mentally ill pursuant to Article 895.

CHANGE IN TERMINOLOGY; EFFECTIVE DATE;
IMPLEMENTATION PLAN APPROVAL--ACTS 2009, NO. 384

<Sections 5 and 7 of Acts 2009, No. 384 provide:>

<"Section 5. The Louisiana State Law Institute is hereby authorized and requested to review all statutes which contain phrases being changed by this Act and in all locations it deems appropriate change said references, particularly those to the office of mental health and office for addictive disorders.">

<"Section 7. Sections 2, 3, 4, and 5 of this Act shall become effective July 1, 2010, upon approval of the implementation plan submitted by the secretary of the Department of Health and

Hospitals to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare, meeting jointly, as provided in R.S. 28:4. If the Senate Committee on Health and Welfare and the House Committee on Health and Welfare, meeting jointly, fail to approve the implementation plan then these Sections shall be null and void.">

Art. 895. Commitment to mental institution

A. In cases in which a child has been adjudicated a delinquent, the court may commit him to a public or private mental institution or institution for the mentally ill if the court finds, based on psychological or psychiatric evaluation, that the child has a mental disorder, other than mental retardation, which has a substantial adverse effect on his ability to function and requires care and treatment in an institution.

B. This finding shall not be made unless the child is accorded his right to special counsel in accordance with Article 809(B).

Art. 896. Deferred dispositional agreement

A. At any time after the entry of an adjudication order, the court may, on motion of the district attorney or of counsel for the child, suspend further proceedings and place the child on supervised or unsupervised probation, with or without any of the conditions authorized by Article 897(B)(1) or Article 899(B)(1).

B. The child and his parent must consent to this special type of disposition. If the child has waived counsel, the court must advise the child and his parent concerning the consequences of a deferred dispositional agreement and of the child's right to have a disposition imposed by the court in accordance with Articles 897 through 900.

C. A deferred dispositional agreement order shall comply with all the requirements of Article 903.

D. A deferred dispositional agreement shall remain in force for six months unless the child is discharged sooner by the court. Upon application of the district attorney or by any agency supervising the child made before the expiration of the six-month period, a deferred dispositional agreement order may be extended by the court for an additional period not to exceed six months, or for such period in which the child is a full-time participant in a juvenile drug court program operated by a court of this state, whichever period is longer.

E. If prior to the expiration of the order a new petition alleging the commission of a delinquent act is filed against the child, or the child otherwise fails to fulfill the express terms and conditions of the order, the court may proceed to impose any disposition authorized by this Title and the child may be held accountable as if the deferred dispositional agreement order had never been entered.

F. If the child satisfactorily completes the court ordered period of supervision, the court shall discharge the child from any further supervision or conditions, set aside the adjudication, and dismiss the petition with prejudice.

G. Pursuant to the provisions of this Article, the court has the authority to utilize or initiate a teen or youth court program and may assess a fee to a participant in the program to offset costs.

Art. 896.1. Alternative disposition

<Article effective upon appropriation of funds. See italic note, post.>

In addition to any other disposition which may be ordered as a result of adjudication, the court may recommend that the child, if eligible, participate in the pilot program established pursuant to the provisions of Part VI of Chapter 7 of Title 15, R.S. 15:971 et seq.

CONTINGENT EFFECT--ACTS 2009, NO. 170

<Section 3 of Acts 2009, No. 170 (§ 1 of which enacted this article and § 2 of which enacted R.S. 15:971 to 15:974) provides:>

<"Section 3. The provisions of this Act shall take effect and become operative if and when sufficient funds are appropriated for such purposes.">

Art. 897. Disposition after adjudication of a felony-grade delinquent act

A. After adjudication of any felony-grade delinquent act other than those described in Article 897.1, the court may:

(1) Reprimand and warn the child and release him into the custody of his parents either unconditionally or subject to such terms and conditions as deemed in the best interests of the child and the public.

(2) Reprimand and warn the child and release him into the custody of some other suitable person either unconditionally or subject to such terms and conditions as deemed in the best interests of the child and the public. The court shall, whenever practicable, select a person of the same religious faith as the child or his parents.

(3) Place the child on probation in the custody of his parents or other suitable person.

B. As conditions of probation, if ordered pursuant to Subparagraph A(3) of this Article:

(1) The court shall impose all of the following restrictions:

(a) Prohibit the child from possessing any drugs or alcohol.

(b) Prohibit the child from engaging in any further delinquent or criminal activity.

(c) Prohibit the child from possessing a firearm or carrying a concealed weapon, if he has been adjudicated for any of the following offenses and probation is not otherwise prohibited: first or second degree murder; manslaughter; aggravated battery; aggravated, forcible, or simple rape; aggravated crime against nature; aggravated kidnapping; aggravated arson; aggravated or simple burglary; armed or simple robbery; burglary of a pharmacy; burglary of an inhabited dwelling; unauthorized entry of an inhabited dwelling; or any violation of the Uniform Controlled Dangerous Substances Law which is a felony or any crime defined as an attempt to commit one of these enumerated offenses.

(2) The court may impose any other term and condition deemed in the best interests of the child and the public, including:

(a) A requirement that the child attend school, if the school admits the child.

(b) A requirement that the child perform court-approved community service activities.

(c) A requirement that the child make reasonable restitution to any victim for any personal or property damage caused by the child in the commission of the delinquent act.

(d) A requirement that the child participate in any program of medical or psychological or other treatment found necessary for his rehabilitation.

(e) A requirement suspending or restricting the child's driving privileges, if any, for all or part of the period of probation. In such cases, a copy of the order shall be forwarded to the Department of Public Safety and Corrections, which shall suspend the child's driver's license or issue a restricted license in accordance with the order of the court.

(f) A requirement prohibiting the child from possessing a firearm or carrying a concealed weapon.

(g) A requirement that the child pay a supervision fee of not less than ten nor more than one hundred dollars per month, payable to the Department of Public Safety and Corrections or other supervising agency, to defray the costs of supervision. The amount of the fee shall be based upon the financial ability of the payor to pay such a fee. The court may order a parent, tutor, guardian, or other person who is financially responsible for the care of the child to be responsible for payment of all or part of any supervision fee imposed.

C. Except as provided for in Article 897.1, the court may commit the child to the custody of a private or public institution or agency. When commitment is to be made to a private institution or agency, the court shall:

(1) Select one that has been licensed under state law, if licensure is required by law for such an institution or agency.

(2) Whenever practicable, select an agency or institution of the same religious faith as the child or his parents.

D. Except as provided in Article 897.1, the court may commit the child to the custody of the Department of Public Safety and Corrections, with or without a recommendation that the child be placed in alternative care facilities through the department's client placement process, or be referred to appropriate placement resources in the state available through other public or private agencies.

E. Except as provided for in Article 897.1, the court may impose but suspend the execution of the whole or part of any order of commitment and place the child on probation subject to any of the terms and conditions authorized under Paragraph B of this Article.

Art. 897.1. Disposition after adjudication of certain felony-grade delinquent acts

A. After adjudication of a felony-grade delinquent act based upon a violation of R.S. 14:30, first degree murder; R.S. 14:30.1, second degree murder; R.S. 14:42, aggravated rape; or R.S. 14:44, aggravated kidnapping, the court shall commit the child who is fourteen years or older at the time of the commission of the offense to the custody of the Department of Public Safety and Corrections to be confined in secure placement until the child attains the age of twenty-one years without benefit of parole, probation, suspension of imposition or execution of sentence, or modification of sentence.

B. After adjudication of a felony-grade delinquent act based upon a violation of R.S. 14:64, armed robbery, the court shall commit the child who is fourteen years of age or older at the time of the commission of the offense to the custody of the Department of Public Safety and Corrections to be confined in secure placement for the length of the term imposed by the court at the disposition hearing without benefit of parole, probation, suspension of imposition or execution of sentence, or modification of sentence.

C. At least six months prior to the release of the child, the department shall prepare an individualized and thorough transitional plan that identifies the techniques, programs, personnel, and facilities that will be used to assist the child in achieving a successful return to his family and the community. A copy of

the transitional plan shall be mailed to the court that ordered the disposition of commitment.

Art. 898. Duration of a disposition based on a felony-grade adjudication

A. No judgment of disposition shall remain in force for a period exceeding the maximum term of imprisonment for the felony forming the basis for the adjudication. The court shall give a child credit for time spent in secure detention prior to the imposition of disposition.

B. When modification and parole is not prohibited by Article 897.1, if an order of commitment to custody of the Department of Public Safety and Corrections is subsequently modified and the child is placed on parole, the maximum term of parole shall be the remainder of the sentence originally imposed.

C. These maximums do not apply if:

(1) The child was under thirteen at the time of a commitment to custody of the Department of Public Safety and Corrections, in which case the judgment shall terminate upon the child's reaching age eighteen.

(2) A portion of an order of commitment was suspended, when permitted by law, in which case the term of parole shall end when the time period so suspended has elapsed.

(3) The child is tried as an adult and is convicted of, or pleads guilty to a felony after having been committed to the Department of Public Safety and Corrections. In this instance, after sentencing, the department shall have the authority to keep the offender in custody according to terms of the juvenile disposition, or to transfer him to serve his adult sentence. The department shall retain such authority until the expiration of the juvenile commitment when, if not effected earlier, the individual will be transferred to begin serving the adult sentence.

(4) The judgment expires by its own terms, is modified when permitted by law, or is vacated.

(5) The child reaches age twenty-one.

(6) The child is ordered to participate in a juvenile drug court program operated by a court of this state, as a condition of probation, so long as the child is a full-time participant in such juvenile drug court program.

Art. 899. Disposition after adjudication of a misdemeanor-grade delinquent act

A. After adjudication of a misdemeanor-grade delinquent act, the court may:

(1) Reprimand and warn the child and release him into the custody of his parents either unconditionally or subject to such

terms and conditions as deemed in the best interests of the child and the public.

(2) Reprimand and warn the child and release him into the custody of some other suitable person either unconditionally or subject to such terms and conditions as deemed in the best interests of the child and the public. The court shall, whenever practicable, select a person of the same religious faith as the child or his parents.

(3) Place the child on probation in the custody of his parents or other suitable person.

B. As conditions of probation, if ordered pursuant to Subparagraph A(3) of this Article:

(1) The court shall impose all of the following restrictions:

(a) Prohibit the child from possessing any drugs or alcohol.

(b) Prohibit the child from engaging in any further delinquent or criminal activity.

(2) The court may impose any other term and condition deemed in the best interests of the child and the public, including:

(a) A requirement that the child attend school, if the school admits the child.

(b) A requirement that the child perform court-approved community service activities.

(c) A requirement that the child make reasonable restitution to any victim for any personal or property damage caused by the child in the commission of the delinquent act.

(d) A requirement that the child participate in any program of medical or psychological or other treatment found necessary for his rehabilitation.

(e) A requirement suspending or restricting the child's driving privileges, if any, for all or part of the period of probation. In such cases, a copy of the order shall be forwarded to the Department of Public Safety and Corrections, which shall suspend the child's driver's license or issue a restricted license in accordance with the order of the court.

(f) A requirement prohibiting the child from possessing a firearm or carrying a concealed weapon.

(g) A requirement that the child pay a monthly supervision fee of not less than ten nor more than one hundred dollars per month, payable to the Department of Public Safety and Correc-

tions or other supervising agency, to defray the cost of supervision. The court may order a parent, tutor, guardian, or other person who is financially responsible for the care of the child to be responsible for payment of all or part of any supervision fee imposed.

C. The court may commit the child to the custody of a private or public institution or agency. When commitment is to be made to a private institution or agency, the court shall:

(1) Select one that has been licensed under state law, if licensure is required by law for such an institution or agency.

(2) Whenever practicable, select an agency or institution of the same religious faith as the child or his parents.

D. If the child is thirteen years of age or older at the time of the commission of the delinquent act, the court may commit the child to the custody of the Department of Public Safety and Corrections, with or without a recommendation that the child be placed in alternative care facilities through the department's client placement process, or be referred to appropriate placement resources in the state available through other public or private agencies.

E. The court may impose but suspend the execution of the whole or part of any authorized order of commitment and place the child on probation subject to any of the terms and conditions authorized under Paragraph B of this Article.

Art. 900. Duration of a disposition based on a misdemeanor-grade adjudication

A. No judgment of disposition shall remain in force for a period exceeding the maximum term of imprisonment for the offense which forms the basis for the adjudication, except that if the child is placed on probation, the term of probation may extend for a maximum of two years, or for such longer period of time as the child is a full-time participant in a juvenile drug court program operated by a court of this state, if such participation has been ordered by the court as a condition of the child's probation. The court shall give a child credit for time spent in secure detention prior to the imposition of disposition.

B. If an order of commitment to the custody of the Department of Public Safety and Corrections is subsequently modified and the child is placed on parole, the maximum term of parole shall be the remainder of the sentence originally imposed.

C. These maximums do not apply if:

(1) A portion of an order of commitment was suspended, in which case the term of parole shall end when the time period so suspended has elapsed.

(2) The child commits a felony after having been committed to the custody of the Department of Public Safety and Corrections or while on probation and is tried as an adult and convicted or pleads guilty, in which case the judgment of disposition in the juvenile court shall terminate as of the date of conviction. The child shall earn no diminution of his felony sentence based upon time served under the order of disposition.

(3) The judgment expires by its own terms, is modified, or is vacated.

(4) The child reaches age twenty-one.

Art. 901. Disposition guidelines; generally

A. In considering dispositional options, the court shall not remove a child from the custody of his parents unless his welfare or the safety and protection of the public cannot, in the opinion of the court, be adequately safeguarded without such removal.

B. The court should impose the least restrictive disposition authorized by Articles 897 through 900 of this Title which the court finds is consistent with the circumstances of the case, the needs of the child, and the best interest of society.

C. Commitment of the child to the custody of the Department of Public Safety and Corrections may be appropriate if any of the following exists:

(1) There is an undue risk that during the period of a suspended commitment or probation the child will commit another crime.

(2) The child is in need of correctional treatment or a custodial environment that can be provided most effectively by his commitment.

(3) A lesser disposition will deprecate the seriousness of the child's delinquent act.

(4) The delinquent act involved the illegal carrying, use, or possession of a firearm.

D. The following grounds, while not controlling the discretion of the court, shall be accorded weight in its determination of suspension of the disposition or probation:

(1) The child's delinquent conduct neither caused nor threatened serious harm.

(2) The child did not contemplate that his delinquent conduct would cause or threaten serious harm.

(3) The child acted under strong provocation.

(4) There were substantial grounds tending to excuse or justify the child's delinquent conduct, though failing to establish a defense.

(5) The victim of the child's delinquent conduct induced or facilitated its commission.

(6) The child or his family has compensated or will compensate the victim of his delinquent conduct for the damage or injury that the victim sustained.

(7) The child has no history of prior delinquency or has led a law-abiding life for a substantial period of time before the commission of the instant delinquent act.

(8) The child's delinquent conduct was the result of circumstances unlikely to recur.

(9) The character and attitudes of the child indicate that he is unlikely to commit another delinquent act or crime.

(10) The child is particularly likely to respond affirmatively to probationary treatment.

(11) The commitment of the child would entail excessive hardship to himself or his family.

E. The general disposition guidelines set forth in Paragraphs A through D of this Article do not apply when a child has been adjudicated a delinquent for the violation of R.S. 14:30, first degree murder; R.S. 14: 30.1, second degree murder; R.S. 14:42, aggravated rape; R.S. 14:44, aggravated kidnapping; or R.S. 14:64, armed robbery in accordance with Article 897.1.

F. State agencies shall fully cooperate with any court which has authority with respect to the placement of a child in foster care for the purpose of locating a parent of the child. Such cooperation shall include making available all information obtained from the Federal Parent Locator Service.

Art. 901.1. Probation and parole supervision fees

A. When the court suspends the imposition or execution of sentence and places the child or his parent or both on supervised probation or grants the child supervised parole, and the probationer or parolee is to be supervised by the Department of Public Safety and Corrections or any other agency, the court shall order payment, as a condition of probation or parole, of a monthly supervision fee. The supervision fee imposed shall be not less than ten nor more than one hundred dollars per month and shall be payable to the department or other supervising agency to defray the costs of supervision. These funds are only to supplement the level of funds that would ordinarily be available from regular state or other appropriations.

B. The parent is responsible for payment of any supervision fee imposed and is subject to contempt of court for failure to pay such fees. The parent shall not be subject to judicial sanctions for failure to pay supervision fees if the failure was due to financial inability to pay based upon reasonable expenses for the necessities of life.

Art. 902. Presence at disposition

All parties shall be present when the court enters a judgment of disposition. Witnesses need not be present.

Art. 903. Judgment of disposition

A. (1) Before entering a judgment of disposition, the court shall orally inform the child and shall state for the record the considerations taken into account and the factual basis therefor in imposing the particular disposition chosen.

(2) In every case or proceeding involving a judgment of disposition of a child, the court shall refrain from manifesting by any words or conduct, bias or prejudice based on race, sex, religion, national origin, age, or disability.

B. The court shall enter into the record a written judgment of disposition specifying all of the following:

(1) The offense for which the child has been adjudicated a delinquent.

(2) The nature of the disposition.

(3) The agency, institution, or person to whom the child is assigned.

(4) The conditions of probation, if applicable.

(5) Any other applicable terms and conditions regarding the disposition.

(6) The maximum duration of the disposition and, if committed to the custody of the Department of Public Safety and Corrections, the maximum term of the commitment.

C. The order of commitment may require the department to take physical custody of a child adjudicated a delinquent, committed to its custody pursuant to Article 897(D) or Article 899(D), and recommended by the court or the department for assignment to a secure program or facility, within fourteen days from the date of the court's signing of the judgment of disposition when the child is in or is going to be placed in the physical custody of a parish juvenile facility. If a court modifies a judgment of disposition, in accordance with Chapter 17, and gives the department custody of the adjudicated delinquent, the provisions of this Article and R.S. 15:901 apply.

D. An extract of the minutes of court specifying the information required by Paragraph B of this Article and signed by the court shall be considered a written judgment of disposition.

E. The date of entry of the judgment of disposition shall be recorded on the judgment.

F. Upon request, a copy of the judgment of disposition shall be furnished to the parent.

Art. 904. Court transmission of reports

If the child is assigned to the custody of the Department of Public Safety and Corrections or to the custody of a public or private institution or agency, the court shall transmit with the judgment of disposition all relevant reports concerning the child.

Art. 905. Progress reports to court

A. Any institution or agency to which a child is assigned, upon request, shall provide the court any information concerning the condition, supervision, treatment, or rehabilitation program of the child.

B. Any institution, agency, or person to which a child is assigned shall, not less than once every six months, report in writing the whereabouts and condition of the child to the judge who rendered the judgment of disposition.

Art. 906. Required review hearings; commitment to mental institution

A. The medical staff of a mental institution to which a child is committed or placed by the Department of Health and Hospitals after the child has been found not guilty by reason of insanity or after a court determines that the child lacks mental capacity to proceed shall review the child's record after the first sixty days, again after one hundred twenty days of commitment, and every one hundred eighty days thereafter.

B. The purpose of these reviews is to determine the child's present mental condition and whether he is presently capable of being discharged, conditionally or unconditionally, or being placed on probation, without being a danger to others or himself, or is presently capable of proceeding.

C. The department or the superintendent of the private institution shall make such recommendations to the court as provided in Article 835 or Article 838.

Art. 907. Permanency planning for children committed to the Department of Public Safety and Corrections

If the Department of Public Safety and Corrections makes a placement of a child committed to its legal custody in a foster home or child care institution for which the department claims funding under 42 U.S.C. § 672(c), it shall be subject to the per-

manency planning requirements of Chapters 13, 15, and 16 of Title VI, except that the time limitations for the preparation of case plans, and administrative and judicial reviews shall date from the time when such an initial placement is made.

Art. 908. Care and treatment by Department of Public Safety and Corrections

A. Except as provided in Article 906, the Department of Public Safety and Corrections shall have sole authority over the placement, care, treatment, or any other considerations deemed necessary from the resources that are available for children judicially committed to the department.

B. When care and treatment are to be provided by the department, either through facilities and programs operated by it or through contractual arrangements or through purchase of ser-

vice arrangements for which the department provides funding, the child shall be committed to the department rather than to a particular institution or facility.

C. The court shall not divide legal and physical custody of a child when assigning custody to the department in accordance with this Article or in accordance with any other statute or provision of law.

Art. 908.1. AIDS and sexually transmitted diseases; victim's testing and services

When a juvenile is adjudicated a delinquent for a sexual offense as defined in R.S. 14:42 through 43.3, the provisions of R.S. 15:535(C) and (D) shall apply.

DA DIVERSION PROGRAM CONTACT INFORMATION

Louisiana District Attorneys Association Juvenile Justice Task Force

2012 Members

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SERVICE PROVIDERS

SERVICE REFERRAL MATRIX – DEFINITIONAL VERSION FOR USE IN PROBATION – LOUISIANA

YOUTH RISK/NEED AREA

| Disruptive Behavioral Problems | Mental Health/Emotional Stability | Substance Abuse Alcohol/Drugs | Family | Education/Employment | Pro-Social Activities/Peer Relations | Community |
|--------------------------------|-----------------------------------|-------------------------------|--------|----------------------|--------------------------------------|-----------|
|--------------------------------|-----------------------------------|-------------------------------|--------|----------------------|--------------------------------------|-----------|

NOTE: Low Risk indicates low probability of future violence and/or delinquent behavior. Enhance protective factors by actively recognizing strengths and strategically building upon pre-existing strengths. Remember, **increased exposure to the juvenile justice system increases risk** of low risk juveniles.

NEED LEVEL

| | | | | | | |
|------|--|--|--|--|--|--|
| Low | | | | | | |
| Mod | | | | | | |
| High | | | | | | |

Try to keep plans to a maximum (not minimum) of the 3 major need areas that score Moderate or High risk. If a youth scores high in 3 or more need areas and required services are not attainable, a referral should be made for an ISC. Consider EMP for those at highest supervision level with multiple high risk areas. Additional Need Areas and Level of Need

1.

2.

SERVICE REFERRAL MATRIX – DEFINITIONAL VERSION FOR USE IN PROBATION – LOUISIANA

YOUTH RISK/NEED AREA

| Disruptive Behavioral Problems | Mental Health/Emotional Stability | Substance Abuse Alcohol/Drugs | Family | Education/Employment | Pro-Social Activities/Peer Relations | Community |
|--|--|--|---|--|---|---|
| <p>NEED LEVEL</p> <p>NOTE: Low Risk indicates low probability of future violence and/or delinquent behavior. Enhance protective factors by actively recognizing strengths and strategically building upon pre-existing strengths. Remember, increased exposure to the juvenile justice system increases risk of low risk juveniles.</p> | | | | | | |
| <p>Promote parent supervision and support adult role models/mentors working with child. Refer for parenting skills training/support if needed. CSW, \$REST, Supervised Victim Apology. Recommend prosocial activity (sports teams, church groups, community programs) [NOTE- for those that said "Report problems to PO" I suggest only if needed...we want to promote the parent's self-efficacy and not a reliance on PO. This is a low risk area]</p> | <p>Recommend prosocial activity (sports teams, church groups, community programs). [NOTE: Maybe use family physician to promote exercise, nutrition, and other wellness factors that support mental health. with low risk mental health / emotional stability, general physicians/pediatricians and school counselors are appropriate referrals as needed]</p> | <p>Promote parent supervision and support adult role models/mentors working with child. Refer for parenting skills training/support if needed. CSW, \$REST, Supervised Victim Apology. Recommend prosocial activity (sports teams, church groups, community programs) [NOTE- for those that said "Report problems to PO" I suggest only if needed...we want to promote the parent's self-efficacy and not a reliance on PO. This is a low risk area]</p> | <p>Promote parent supervision and support adult role models/mentors working with child. Refer for parenting skills training/support if needed. Recommend daily activity with parent(s) / mentor (meal, supervised homework, game)</p> | <p>Parent is to maintain contact with teachers & school. PO may check-in with youth's school / work as needed.</p> | <p>Recommend prosocial activity (sports teams, church groups, community programs, scouts). Reduce affiliation with delinquent peers by increasing opportunities with non-delinquent peers. Parental monitoring-youth and peers supervised via home based activities, scheduled pick-up/drop off, etc. (limit unsupervised time)</p> | <p>Neighborhood accountability boards are an emerging service idea for minor interventions and monitoring. Community service as a means to repay/reunite to the community and apology letters are appropriate. A critical factor is that the youth connects whatever they are being asked to do to an understanding of restoring their connection to their community (i.e. it is reintegrating and not just shaming or "work" with no connection to their offense).</p> |
| <p>Low</p> | | | | | | |

SERVICE REFERRAL MATRIX – DEFINITIONAL VERSION FOR USE IN PROBATION – LOUISIANA

YOUTH RISK/NEED AREA

| Disruptive Behavioral Problems | Mental Health/Emotional Stability | Substance Abuse Alcohol/Drugs | Family | Education/Employment | Pro-Social Activities/Peer Relations | Community |
|--|--|--|--|--|--|--|
| <p>Refer for behavioral assessment. Possible Cognitive-Behavioral treatment to target specific behaviors and include the youth's parent/family or school-based interventions for behavior management, skills development. May need Parent skills training and supervised practice.</p> | <p>If available, have a more in depth mental health screen and/or assessment done. For example, obtain a current MAYSI-2 report or refer for MAYSI-2 if more than 30 days since last screen. Refer for psychosocial assessment, and, if indicated, psychiatric evaluation. Promote family education and development of parent advocacy for treatment services. Service referral to cognitive-behavioral based tx with strong family component. [NOTE: Some said "refer to state MH / OMH" however this is likely to be too low of a level for the state to offer services. This can cause families that do need some level of intervention to get frustrated and assume they cannot get served.]</p> | <p>Refer to Substance Abuse for further screening and assessment. If needed, brief targeted treatment (e.g. Cannabis Youth Treatment), Drug Court, or other individual/family, motivational engagement based treatment is recommended. Random drug screening may be warranted at this level. [Note: AA/NA and peer group therapies are not particularly effective with adolescent substance abusers. The exception is when the group is used as a skills teaching and practice time and more personalized therapy is done in indiv/family sessions.]</p> | <p>Refer to an evidence-based family/parent skills development program (e.g. Strengthening Families, Active Parenting of Teens) Consider family therapy, such as MST, FFT, BSFT, if available. Family-based interventions might look at problem solving, conflict resolution skills, communication methods, substance abuse, trauma etc.</p> | <p>Obtain educational evaluations, if available. Recommend tutoring through community or school-based program. PO to monitor school behavior and attendance with disciplinarian, teacher, or school counselor. Consider using a daily behavior checklist. Refer to after-school tutoring program, obtain IEP, & speak/coordinate with counselor at school. If out of school, refer to employment training and placement services, GED or Vocational Technical education.</p> | <p>Possible services include life skills, social skills training, and mentoring (e.g. MRT, ART, Boys/Girls Clubs). Increase positive social interactions by referring to faith-based organizations, youth groups, or youth community centers. If social skills issues and not peer associations, consider also referring to cognitive-behavioral treatment that can target interpersonal skills. Increase leisure activities and pro-social activities. Strongly encourage or consider assigning parent/guardian to engage juvenile in community recreational opportunities, faith-based organizations, an after-school program, volunteerism, or other suitable pro-social activity. Reduce barriers to participation by finding groups willing to supplement, reduce or waive fees for sports, activities, etc. Assign a mentor if adequate parent figure is unavailable or involve in mentored activities through the boys/girls club or other such entities.</p> | <p>With high disruptive behavior scale refer for individual/family therapy to address neighborhood influences on behavior. May also refer for mentoring. Increase exposure to opportunities outside immediate neighborhood, via CSW, jobs, sports and/or youth group activities.</p> |
| <p>Med</p> | | | | | | |

NOTE: Low Risk indicates low probability of future violence and/or delinquent behavior. Enhance protective factors by actively recognizing strengths and strategically building upon pre-existing strengths. Remember, **increased exposure to the juvenile justice system increases risk** of low risk juveniles.

NEED LEVEL

SERVICE REFERRAL MATRIX – DEFINITIONAL VERSION FOR USE IN PROBATION – LOUISIANA

YOUTH RISK/NEED AREA

| Disruptive Behavioral Problems | Mental Health/Emotional Stability | Substance Abuse Alcohol/Drugs | Family | Education/Employment | Pro-Social Activities/Peer Relations | Community |
|--------------------------------|-----------------------------------|-------------------------------|--------|----------------------|--------------------------------------|-----------|
|--------------------------------|-----------------------------------|-------------------------------|--------|----------------------|--------------------------------------|-----------|

NOTE: Low Risk indicates low probability of future violence and/or delinquent behavior. Enhance protective factors by actively recognizing strengths and strategically building upon pre-existing strengths. Remember, **increased exposure to the juvenile justice system increases risk** of low risk juveniles.

NEED LEVEL

| | | | | | | |
|---|--|--|---|--|---|---|
| <p>Indicates need for behavioral specific psychosocial evaluation if mental health scale is moderate. Use individual/family cognitive-behavioral therapy with strong contingency management, FFT, MST, MRT, or ART if available. If community-based services fail, evaluate and consider out-of-home placement with a strong family and reintegration/aftercare component. Psychiatric evaluation, hospitalization, relative placement, or other out-of home placement may be necessary as last resort. [Note: some said "contempt" as a service, this is not a service, it is a consequence]</p> | <p>Indicates need for a psychosocial assessment and plan targeting both mental health and delinquency risk factors. If diagnosed with mental illness, refer to a psychiatric rehabilitation provider, or MST if available. Combine any psychopharmacological intervention with individual cognitive-behavioral based treatment (medication alone will have limited effectiveness as does mental health treatment that does not address delinquency risk behaviors) If outpatient services fail, refer to inpatient/residential services with strong aftercare/reintegration components. State mental health services may be available at this level of need.</p> | <p>Refer to Substance Abuse Services for substance abuse assessment, and referral to an appropriate level of treatment (Drug Court, MI/CBT/Relapse Prevention tx provider). Conduct random/routine drug tests (if in treatment, UDS results should be handled in consult with tx provider. Even with a positive UDS, youth may be progressing in tx). Refer to outpatient treatment provider, ATR service, or as a measure of last resort, inpatient tx with strong aftercare/re-entry services. [Note: some said "contempt" as a service, this is not a service, it is a consequence]</p> | <p>Refer for FFT, MST, or BSFT if available. Family therapy that targets skills teaching and problem solving as a unit is acceptable. If services are ineffective, consider an evaluation assessing the level of violence, abuse, neglect that might necessitate out of home placement OCS referrals may be needed at this point. Respite services offer some relief to families as long as reintegration and problem solving is done during and after respite.</p> | <p>Engage youth in school-related services to target improving learning, study skills, classroom skills. Consider possible changes in classroom and/or school settings (including homebound). After hour treatment for mod/high scores in other risk areas may interfere with completion of homework, so be mindful in referring. Consider adult ed., YCP, and/or alternative schools. Assist in managing admissions and other processes that may be a barrier to the youth and family. Consider GED/Adult Ed./Voc Tech where appropriate.</p> | <p>Consider more intensive services such as FFT, MST, MRT, ART or other cognitive-behavioral or systems treatment to target social skills and improve interpersonal relationships. For girls, be particularly aware of delinquent boyfriends. This is a particular risk factor for females. Require increased structured pro-social activities. Establish a mentor for the youth. Link to after-school activities when possible to increase access.</p> | <p>Engage parent/guardian in housing assistance programs, when available. Facilitate community programs that can do outreach to the family. Involve the family in community services beyond their neighborhood. Utilize CSW, job training programs, and activities to expose the youth to things outside of their neighborhood.</p> |
| <p>High</p> | | | | | | |

Try to keep plans to a maximum (not minimum) of the 3 major need areas that score Moderate or High risk. If a youth scores high in 3 or more need areas and required services are not attainable, a referral should be made for an ISC. Consider EMP for those at highest supervision level with multiple high risk areas. Additional Need Areas and Level of Need

LOUISIANA MENTAL HEALTH PROVIDER SURVEY

If you would like to obtain an electronic copy,
please contact KRISTI@LDAA.ORG.

The Institute for Public Health and Justice (IPHJ) is the Lead Entity for the John D. and Catherine T. MacArthur Foundation's Louisiana Models for Change Initiative. IPHJ is a research, education and outreach institute within the LSU Health Sciences Center in New Orleans. Its mission includes disseminating and sustaining the successful outcomes of the Initiative.

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