

## CHAPTER 6. Juvenile Services in Community

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<b>CHAPTER: Juvenile Services in Community</b>		
<b>SUBJECT: Definitions</b>		
<b>POLICY NUMBER: 600</b>		
<b>TOTAL PAGES: 5</b>		
<b>EFFECTIVE DATE: 1/04/2016</b>		
<b>APPROVAL: Bob D. Hayter</b>		<b>COMMISSIONER</b>

**I. POLICY**

The following definitions shall apply in the Department of Juvenile Justice Policy and Procedures Manual Chapters 601 through 623.

**II. DEFINITIONS**

- A. “Absent Without Leave (AWOL)” means a youth that leaves an approved placement without advanced approval from the supervising authority or is absent from an approved community setting for more than three (3) hours without notification.
- B. “Case Management” means a collaborative process to coordinate services and supervision for the family unit. Components of case management include assessment, case planning, resource linkage, monitoring, documentation, advocacy, promoting family strengths, and engaging the family.
- C. “Case Management Needs Assessment (CMNA)” means an assessment tool utilized to identify treatment needs to be addressed in the case plan and treatment plan.
- D. “Case Plan” means a written document that builds a plan for supervision and services which targets the risk and need factors identified in the youth’s Case Management Needs Assessment and involves the youth, family, service providers, and natural supports . The plan shall include the goals to be pursued, the specific roles of the participants in carrying out the plan, and the specific timetable for completion of the plan.
- E. “Commissioner’s Warrant” means a document issued by the Department of Juvenile Justice directing that a youth be taken into custody.
- F. “Community Placement Transfer” means the youth’s caregiver changes from parent to parent, parent to another relative or family friend, parent to any non-Classification placement, or any change between non-Classification placements.
- G. “Community Supervision” means supervision by Department of Juvenile Justice staff who monitor conditions awaiting placement, conditions of probation, or conditions of supervised placement. Community supervision shall include assessment of the youth’s risk and needs, as well as graduated responses to address compliance with conditions.

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- H. “Conditions Awaiting Placement” means a written enumerated set of rules indicating areas of supervision, restriction, limitation, or treatment needs to be met by a youth while awaiting placement.
- I. “Conditions of Probation” means a written enumerated set of rules indicating areas of supervision, restriction, limitation, or treatment needs to be met by a youth after an order of probation by the court.
- J. “Conditions of Supervised Placement” means a written enumerated set of rules indicating areas of supervision, restriction, limitation, or treatment needs to be met by a youth after commitment to the Department of Juvenile Justice, while residing with the parent, legal guardian, other approved relative or friend of the family, or emergency residence or hospital setting arranged by the caregiver.
- K. “Conditions of Supervision” means the generic referenced set of conditions depending on the legal status of the youth, to include: Conditions Awaiting Placement, Conditions of Probation, or Conditions of Supervised Placement.
- L. “Contraband” means any item that a youth, on conditions of supervision, is prohibited from obtaining, possessing, or exercising control over; either by statute, Department of Juvenile Justice regulation, or special condition imposed by the Department of Juvenile Justice. Reference KRS 520.010(1).
- M. “Day Release” means both staff escorted, and unescorted, leaves into the community of less than twenty-four (24) hour duration from a placement.
- N. “Department” means the Department of Juvenile Justice.
- O. “Discharge Planning Conference” means a meeting of the treatment team to finalize the aftercare plan and facilitate the transition of the youth to a lower level placement.
- P. “Drug Screen” means the preliminary screening of a urine specimen for the presence of selected categories of drugs.
- Q. “Drug Test” means processing a urine specimen for confirmation of the presence of drugs.
- R. “Emergency Furlough” means a furlough that may be granted as a result of a crisis or urgent situation.
- S. "Escape" is defined by KRS 520.010(5) and includes the departure from custody or the detention facility in which a person is held or detained when the departure is unpermitted, or failure to return to custody or detention following a temporary leave granted for a specific purpose or for a limited period.
- T. “Furlough” means an approved unescorted leave of absence granted to a youth extending beyond a twenty-four (24) hour period from a placement.
- U. “Graduated responses” are a continuum of incentives and sanctions to address the youth’s conduct.
- V. “Human Trafficking” means criminal activity whereby one (1) or more persons are subjected to engaging in:
  - (a) Forced labor or services; or
  - (b) Commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is under the age of eighteen (18), the

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commercial sexual activity need not involve force, fraud, or coercion.

- W. “Incident” means unusual event or occurrence in which youth behaviors compromise the health, safety, or security of youth or staff including:
1. Use of Isolation;
  2. AWOL or escape;
  3. Assault by youth on youth;
  4. Assault by youth on staff;
  5. Major property destruction;
  6. Possession of contraband;
  7. Death of resident;
  8. Major injury;
  9. Suicide Attempt;
  10. Use of restraint;
  11. The taking of hostages;
  12. Medication error; or,
  13. Other.
- X. “Individual Client Record” means the electronic case file, sometimes referred to as “Juvenile Offender Records Index (JORI),” and hard case file of an individual youth by which information and documentation is maintained.
- Y. “Individual Treatment Plan” means a written document that takes into consideration the severity of the current offense, the risk and need factors identified in the youth’s CMNA, and any additional assessments which identify the treatment goals to be pursued, specifies the roles of the participants in carrying out the plan, and specifies a timetable for completion of the plan.
- Z. “Internal Review Panel” means a group of Department of Juvenile Justice employees, appointed by the Commissioner, to review the death of a probated, committed, or sentenced youth to determine whether policies and procedures were followed in regard to the youth.
- AA. “Juvenile Intensive Supervision Team Program” means a cooperative program between Department of Juvenile Justice and local law enforcement agencies. Juvenile Intensive Supervision Team is a short-term intervention program for youth identified as in need of the most intense level of supervision.
- BB. “Mandatory Benefits” means funds from various government programs a youth may be eligible to receive.
- CC. “Monitoring Device” means an electronic device or apparatus which is capable of recording, tracking, or transmitting information as to the person’s location, or verifying the person’s presence or non-presence in the home, or both. The devices shall be minimally intrusive.
- DD. “Natural Supports” means personal associations and relationships typically developed in the community that enhance the quality and security of life for people, including family relationships, friendships reflecting the diversity of the neighborhood and the community, association with fellow students or

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employees in regular classrooms and work places, and associations developed through participation in clubs, organizations, and other civic activities.

- EE. “Placement” means the assigned residence of a youth in the placement continuum that ranges from Level 0 through Level V, with Level 0 being community placement under conditions of supervised placement, and Level I through V placements being out-of-home placements determined by the Division of Placement Services, Classification Branch.
- FF. “Predisposition Investigation Report (PDI)” means a report based on an investigation concerning the nature of the specific act complained of, and any surrounding circumstance which suggests the future care and guidance which should be given to the youth. This investigation shall be provided to the court in a written format. Reference KRS 610.100.
- GG. “Presentencing Investigation Report” means a report by which relevant information on the youth and family is collected to assist the Circuit Court in determining a sentencing recommendation for a youthful offender, following conviction. Reference KRS 640.010.
- HH. “Probation” means cases in which youth are placed on court-ordered supervision to the Department of Juvenile Justice.
- II. “Risk and Criminogenic Needs Assessment” (RCNA) means a standardized method of data collection that estimates the likelihood that continued delinquent behaviors will occur without intervention and guides intervention planning
- JJ. “Qualifying Offender” means a person who is subject to DNA collection pursuant to applicable state law.
- KK. “Shock Probation” means order of the sentencing court per KRS 439.265 to suspend further execution of the sentence, and place the youth on probation upon terms the court determines.
- LL. “Special Incident” means an act in which the health or welfare of a resident is harmed or threatened with harm by an offender, including if an offender:
1. Uses inappropriate or excessive force that results in injury;
  2. Uses inappropriate or excessive force that could result in an injury;
  3. Engages in any sexual activity to include any contact or interaction, which uses or allows, permits or encourages the use of a resident for the sexual gratification of the offender or another person;
  4. Uses inappropriate consequences as punishment such as exercise, harsh physical labor, or other physical consequences outside accepted practices.
- MM. “Supervised Placement” means the assigned residence of a committed youth in Level 0 community placement.
- NN. “Supervised Placement Revocation Hearing” means an administrative hearing conducted by a hearing officer to determine if the conditions of supervised placement have been violated.
- OO. “Title IV-E”—Public Law 96-272, 42 USC 670-679b, the Adoption Assistance and Child Welfare Act of 1980, became effective June 17, 1980. It amended Title IV of the Social Security Act to establish a new Part E, which provides

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for Federal payments to the states for foster care maintenance and adoption assistance payments made on behalf of certain eligible youth.

PP. “Trust Fund or Conserved Funds” means the accumulation of excess benefits not used to cover the cost of the youth’s care.

QQ. “Youth” means a person who is under the custody, control, or supervision of the Department of Juvenile Justice as a result of a court order or interstate supervision.

RR. “Youth Counselor” means the Department of Juvenile Justice staff who is responsible for coordinating treatment within a day treatment, group home, youth development center, or detention facility.

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<b>CHAPTER: Juvenile Services in Community</b>		<b>AUTHORITY: KRS 15A.0652</b>
<b>SUBJECT: Initial Contact &amp; Court Support for Public Offenders</b>		<b>KRS 610.100</b>
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#### **I. POLICY**

Department of Juvenile Justice (DJJ) community services staff shall provide a Risk and Criminogenic Needs Assessment (RCNA) to the courts on all youth adjudicated on a Public Offense in order to determine the most appropriate dispositional alternative based upon the risk and needs of the youth, while promoting public safety. In the provision of case management, all youth, regardless of race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status shall have equal access to agency programs and activities.

#### **II. APPLICABILITY**

This policy and procedure shall apply to all community service staff.

#### **III. DEFINITIONS**

Refer to Chapter 600.

#### **IV. PROCEDURES**

- A. The Juvenile Services District Supervisor (JSDS) shall ensure that a Juvenile Service Worker (JSW) attends district court on all juvenile public offender proceedings.
- B. The JSW shall complete a RCNA following adjudication on all public offenders.
  - 1 If the court adjudicates and intends to dispose of the public offense case on the same date, the JSW shall complete and submit the RCNA to the Court, Prosecutor, and Defense Attorney prior to disposition.
  - 2 If the Court schedules a separate disposition date for the public offense case, but does not order a Predisposition Investigation Report (PDI), the JSW shall complete and submit the RCNA to the Court, Prosecutor, and Defense Attorney three (3) business days prior to disposition.

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- 3 If the Court schedules a separate disposition date for the public offense and orders a PDI, the JSW shall complete and submit the RCNA and PDI to the Court, Prosecutor, and Defense Attorney three (3) business days prior to the disposition, pursuant to KRS 610.100.
- C. The JSW shall be prepared to provide testimony to the court from the RCNA on the overall risk level and specific individual risk areas as it relates to the service needs of the youth and family and available services in the community to address those needs.
  - D. The JSW shall utilize the dispositional matrix for recommended case disposition. Reference DJJPP Chapter 2 “Classification and Placement Manual”.
  - E. The JSW shall establish an electronic record for each RCNA within ten (10) business days following completion of the tool. The JSW shall update the RCNA to include the dispositional outcome within ten (10) business days following disposition.
  - F. Pre-disposition Process
    1. If court orders a PDI, the case responsibility shall be assigned by the JSWS within ten (10) days and case status shall be entered as “Pending” into the Individual Client Record (ICR).
    2. Charges originating outside youth’s county of residence:
      - a. The youth’s county of residence shall be the determining factor when deciding case responsibility for a youth not currently under the supervision of the DJJ.
        - i. When a non-DJJ youth appears in court for public charges in a county other than the county in which he or she resides, the JSW of the youth’s county of residence is required to complete a RCNA and a PDI report. The JSW and JSWS in the county where the youth’s charges originate, shall make all court documentation pertaining to the youth and charges and demographic information available to the JSW and respective JSWS in the youth’s county of residence.
        - ii. The JSWS in the county of residence shall assign to a JSW for assistance in completion of the RCNA and PDI report.
        - iii. The assigned JSW in the county of residence shall complete the RCNA and PDI report and forward to the JSW and respective JSWS in the county where charges originated.
        - iv. The receiving JSW shall review the RCNA and PDI report for necessary changes or requirements pertaining to their county.
        - v. All documentation in the Individual Client Record shall be the responsibility of the JSW in the youth’s county of residence.

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- b. County of residence is determined by residence of the youth at any time between adjudication and disposition.
  - i. For a youth who relocates outside the original county of residence during the completion of the RCNA and PDI report, the JSW in the original county of residence shall complete and forward the historical information to the receiving county JSW and JSDS and allow the receiving JSW and JSDS the opportunity to make appropriate recommendations based on historical data or information, while taking into consideration the services and dispositional options available in the receiving county.
  - ii. For youth who are probated or committed without a PDI being completed, the JSW located in the county of disposition shall forward all court documentation and completed RCNA to the JSW and JSDS in the county of residence. The JSW in the county of residence shall enter all information into the ICR and provide case management services.
- c. For a youth currently probated or committed to the Department, the responsibility to complete the RCNA and PDI shall be that of the JSW with case management responsibility.
- 3. The JSW shall provide the youth and family with information regarding service complaints in accordance with Civil Rights Act, Section 504 of the Rehabilitation Act, American with Disabilities Act 1990, and Health Insurance Portability and Accountability Act (HIPAA), and Title IV-B, IV-E, and XX of the Social Security Act. Reference DJJPP 603 (Service Complaints).
- 4. The assigned JSW shall secure the youth and parent or caregiver's written consent for each collateral service agency to be contacted for release of information necessary for the completion of the Predisposition Investigation Report.
- 5. If the youth is adjudicated on a sexual offense under KRS 635.505(2), the JSW shall make a referral for a Juvenile Sexual Offender assessment to the Regional Psychologist within three (3) business days following adjudication.
- 6. The PDI Report shall include the following:
  - a. Nature of the specific act complained of and any surrounding circumstances which suggest the future care and guidance to be given;
  - b. An interview with the youth and parent or caregiver;
  - c. Inquiry into the youth's age, habits, school record, prior legal history, employment history, general reputation, home

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- environment and life, prior abuse or neglect, and the character of the person or persons having custody of the youth;
- d. An assessment of the ability of parents or caregiver to pay all or part of the cost of care and treatment when the youth is to be placed into a residential program. Reference KRS 610.100;
  - e. The result of the investigation, including the result of the RCNA; and
  - f. The date of report completion and the disposition date.
7. In order to complete the PDI Report, the JSW shall:
    - a. Obtain and review the following official or professional records:
      - i. Educational records;
      - ii. Legal and criminal history;
      - iii. Psychological, psychiatric, treatment records (in-patient, out-patient treatment); and,
      - iv. Other behavioral assessments, ratings or checklists.
    - b. Conduct interviews with:
      - i. The youth; and
      - ii. The youth's parents or caregiver.
    - c. Conduct collateral contacts, as appropriate, such as extended family members, treatment providers, and staff from other agencies with whom the youth may have been involved.
    - d. The JSW shall use the results of the RCNA and dispositional matrix to determine recommendations. Reference DJJPP Chapter 2 "Classification and Placement Manual".
    - e. The JSW shall submit recommendations to the JSDS for the approval prior to submission to the courts.
  8. When a dispositional recommendation includes fines, restitution, or an alternative mode of payment, the youth's ability to fulfill the obligation shall be noted in the PDI.
  9. The JSW shall recommend to the court that the parent or guardian be ordered to cooperate and actively participate in the youth's treatment, per KRS 610.160, in all dispositional orders resulting in probation or commitment to the Department.
  10. If the youth is adjudicated guilty of an offense pursuant to KRS Chapter 510 which has sexual intercourse or deviate sexual intercourse as an element, or has sexual contact as an element, the PDI recommendation shall request that the court order the youth to submit to medical tests for sexually transmitted diseases (STDs), to include human immunodeficiency virus (HIV) test, if such tests have not already been completed as required by KRS 635.110 and KRS 510.320. The JSW shall request the court to write a separate

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and specific order for STDs and an Order for Human Immunodeficiency Virus (HIV) Testing (AOC-499.1).

11. The JSDS shall provide final approval of the PDI Report.
  12. The RCNA and PDI shall be submitted, in writing, to the court, prosecutor, and counsel for the youth no less than three (3) days prior to the dispositional hearing (Reference KRS 610.100). The report shall become a part of the court record and the youth's ICR.
- G. If a youth is committed, a request shall be made to the court to confirm the Affidavit of Efforts and award child support to the Department. Court ordered Child Support shall be made payable to the Kentucky State Treasurer. Reference KRS 610.170.
- H. The JSW shall obtain a certified and attested copy of the AOC-JV-31, Juvenile Status or Delinquency Disposition, from the court clerk to be included in the ICR and duplicated for use in referrals for placement when applicable.
- I. If disposition was waived resulting in probation or commitment, the JSW shall recommend to the court that the parent or guardian be ordered to cooperate and actively participate in the youth's treatment, per KRS 610.160, in all dispositional orders resulting in probation or commitment to the Department.
- J. The JSW shall ensure that DNA is collected pursuant to applicable state law. Reference KRS 17.170. If the youth was at least age fourteen (14) at the time of the commission (not disposition) of the offense and adjudicated delinquent, DNA collection shall be conducted for the following offenses:
1. A felony under KRS Chapter 510;
  2. Incest as is defined in KRS 530.020;
  3. Criminal attempt or criminal conspiracy to commit a felony under KRS Chapter 510;
  4. Criminal attempt or criminal conspiracy to commit Incest under KRS 530.020; or
  5. Youth declared a juvenile sexual offender under KRS 635.510.
- K. Services following disposition shall include:
1. If a PDI was not ordered by the court and the disposition resulted in probation or commitment, the JSDS shall assign case management to the JSW no later than the next business day. The JSW shall open an ICR.
  2. The JSW shall provide the youth and family with information and obtain the required signatures regarding consent for services and service complaints in accordance with Civil Rights Act, Section 504 of the Rehabilitation Act, Americans with Disabilities Act (HIPAA), and Title IV-B, IV-E, and XX of the Social Security Act.

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3. Community Services staff shall have contact with youth in non-DJJ detention centers and county adult detention centers at least one (1) time per week until they exit detention.
4. If the youth is probated to DJJ, the JSW shall develop and implement the Conditions of Probation at the point of disposition. The youth and parent or caregiver shall sign and be provided a copy of the Conditions of Probation.
5. If the youth is to remain in the community after commitment, the JSW shall develop and implement the Conditions of Supervised Placement at the point of the dispositional hearing. The youth and parent or caregiver shall sign and be provided a copy of the Conditions of Supervised Placement. The youth shall be afforded the opportunity to make any objections to community placement transfers.
6. The JSW shall provide the Prison Rape Elimination Act of 2003 educational brochure to youth and parent or guardian following a disposition of probation or commitment to DJJ and obtain youth's signature acknowledging receipt of information.
7. If the youth is committed and being considered for out of home placement, the JSW and Juvenile Services District Supervisor (JSDS) shall utilize the initial placement matrix to determine the appropriateness for submission of placement referral to Classification.
8. If an out-of-home placement referral is appropriate, the JSW shall be responsible for forwarding a complete referral packet in compliance with the Classification and Placement Manual.
9. If the youth is awaiting placement in the community or is released from detention prior to placement, the JSW shall develop and implement the Conditions Awaiting Placement. Violation of any condition while the youth is awaiting placement may result in a request to the court for the immediate removal of the youth from their temporary placement and placement in detention. The youth and parent or caregiver shall sign and be provided a copy of the Conditions Awaiting Placement. The JSW shall notify the Classification Branch of any violations. Upon notification by the JSW to the JSDS that a youth is AWOL, a Commissioner's Warrant shall be requested by the JSDS unless a pick up order has been issued by the court.
10. For youth on Conditions Awaiting Placement, the youth shall be supervised according to the identified risk level on the RCNA as outlined in Chapter 6 (Community Supervision).
  - a. High risk equates to Level III supervision;
  - b. Moderate risk equates to Level II supervision;

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- c. Low risk equates to Level I supervision;
  - d. Electronic monitoring shall be used in all cases for the duration youth is on conditions awaiting placement, unless consideration should be given to the age and Intelligence Quotient (IQ) of youth targeted for electronic monitoring. Young, immature youth (eleven (11) to twelve (12) years of age), or low functioning youth may not respond well to electronic monitoring, therefore, lessening the effectiveness. In these situations, it is suggested that the Juvenile Service Worker (JSW) discuss the appropriate actions with the Juvenile Services District Supervisor (JSDS);
  - e. The JSW shall make referrals for community based services based on the youth's identified needs so interventions can begin; and
  - f. If the youth exhibits appropriate behavior while on conditions awaiting placement, the JSW shall consult with JSDS and Classification Branch Manager to determine if an out of home placement is needed or if the youth's treatment needs can be met in the community setting while maintaining public safety.
11. The Classification Branch shall ensure youth detained subsequent to commitment as Public Offenders are removed from detention placement within thirty-five (35) days. Reference KRS 635.060(4).
- L. Interstate Compact Youth
- 1. The JSW shall open an ICR and provide case management on all cases from sending states that are accepted for courtesy supervision by the Interstate Compact.
  - 2. The JSW shall complete the RCNA at the same time as the Interstate Compact home evaluation.
  - 3. The JSW shall provide the youth and family with information and obtain the required signatures regarding consent for services and service complaints in accordance with Civil Rights Act, Section 504 of the Rehabilitation Act, Americans with Disabilities Act (HIPAA), and Title IV-B, IV-E, and XX of the Social Security Act.
- M. Cases shall not be opened for the following circumstances:
- 1. Information and referral requests;
  - 2. Transient interstate youth (such as runaways or absconders); or
  - 3. Home evaluations for Interstate purposes if the youth is not in the home or will not reside in the home.

**V. STAFF TRAINING**

- A. The Juvenile Services District Supervisor shall ensure that all community staff are trained as needed to complete Predisposition

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Investigation Reports and receive training annually on the Classification and Placement Manual.

- B. The Division of Placement Services shall provide training regarding Interstate Compact annually.
- C. The Division of Professional Development staff shall provide individual training of the RCNA and other approved assessment or screening tools as needed.
- D. The Quality Assurance Branch staff shall provide training on the electronic record data (JORI) entry into the Individual Client Record.

## **VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee and the Quality Assurance Branch shall develop monitoring protocols to be used by the Juvenile Services District Supervisor or Juvenile Services Specialist that review the administration of the following requirements:

- A. Assure that community staff are trained on how to gather information and compose the Predisposition Investigation Reports;
- B. Coordinate annual training for community staff regarding the Classification and Placement Manual;
- C. Review and approve all Predisposition Investigation Reports;
- D. Review the adjudicated offense to assure the youth qualifies for DNA collection and seek approval from the Juvenile Services Regional Manager in all qualifying offenses;
- E. Register all new community staff for the RCNA training; and
- F. Register all new community staff for the electronic record training.



**JUSTICE AND PUBLIC SAFETY  
CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
KRS 15A.0652  
505 KAR 1:130  
KRS 640.040  
KRS 640.120  
2-JPAS-2-7142,7189**

<b>CHAPTER:</b> Juvenile Services in Community	<b>KRS 640.010</b>
<b>SUBJECT:</b> Initial Contact & Court Support for Youthful Offenders	<b>KRS 532.050</b>
<b>POLICY NUMBER:</b> DJJ 601.1	
<b>TOTAL PAGES:</b> 6	
<b>EFFECTIVE DATE:</b> 1/04/2016	
<b>APPROVAL:</b> Bob D. Hayter	<b>,COMMISSIONER</b>

**I. POLICY**

Department of Juvenile Justice (DJJ) community services staff shall provide services throughout the District Court and Circuit Court process for Youthful Offenders in order to determine the most appropriate sentencing alternative based upon the risk and needs of the youth, while promoting public safety.

**II. APPLICABILITY**

This policy and procedure is applicable to all community service staff.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. The Juvenile Service Worker (JSW) shall attend all District Court and Circuit Court for all Youthful Offender proceedings.
- B. At arraignment, the District Court shall assure the youth's rights have been explained and followed per KRS 610.060.
- C. The District Court shall determine how a youth is to be tried, and determine whether the youth meets the criteria to be proceeded against as a Youthful Offender, per KRS 635.020.
- D. Per KRS 640.010, the District Court shall, upon motion by the County Attorney, and after the County Attorney has consulted with the Commonwealth Attorney, proceed against a youth as a Youthful Offender where probable cause exists to transfer the case to Circuit Court. A preliminary hearing shall be conducted to determine if the youth shall be transferred to Circuit Court as a Youthful Offender. The JSW may be called to testify at the preliminary hearing. The preliminary hearing shall be conducted in accordance with the Rules of Criminal Procedures.
- E. If a youth is transferred to Circuit Court under KRS 640.010, and the grand jury does not find that there is probable cause to indict the youth as a

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- Youthful Offender, as outlined in KRS 635.020 (2), (3), (5), (6), (7) and (8), but does find that there is probable cause to indict the youth for another criminal offense, the youth shall not be tried as a Youthful Offender in Circuit Court, but shall be returned to District Court to be dealt with as provided in KRS Chapter 635.
- F. At the time the court orders a Presentence Investigation Report (PSI), the case responsibility shall be assigned to the JSW by the JSDS within ten (10) days and case status shall be entered as “Pending” into the Individual Client Record (ICR).
  - G. Regardless of the youthful offender’s age at the time of sentencing, the PSI shall be completed by community services staff.
  - H. The JSW shall provide the youth and family with information regarding service complaints in accordance with Civil Rights Act, Section 504 of the Rehabilitation Act, American with Disabilities Act 1990, and Health Insurance Portability and Accountability Act (HIPAA), and Title IV -B, IV-E, and XX of the Social Security Act. Reference DJJPP Chapter 6 (Service Complaints).
  - I. The assigned JSW shall secure the youth and parent or guardian’s written consent for each collateral service agency to be contacted for release of information necessary for the completion of the PSI.
  - J. The JSW shall complete the PSI using the Risk and Criminogenic Needs Assessment (RCNA) and dispositional matrix to provide recommendations to the court. Reference DJJPP Chapter 2 “Classification and Placement Manual”.
  - K. Charges originating outside the youth’s county of residence:
    - 1. The youth’s county of residence shall be the determining factor when deciding case responsibility for a youth not currently under the supervision of the DJJ.
      - a. When a non-DJJ youth appears in court for youthful offender charges in a county other than the county in which he or she resides, the JSW of the youth’s county of residence is required to complete a RCNA and PSI. The JSW and JSDS in the county where the youth’s charges originate shall make all court documentation pertaining to the youth and charges and demographic information available to the JSW and respective JSDS in the youth’s county of residence.
      - b. The JSDS in the county of residence shall assign a JSW to complete the RCNA and PSI.
      - c. The assigned JSW in the county of residence shall complete the RCNA and PSI and forward to the JSW and respective JSDS in the county where charges originated.
      - d. The receiving JSW and JSDS shall review the RCNA and PSI for necessary changes or requirements pertaining to their county.

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- e. All documentation in the ICR shall be the responsibility of the JSW in the youth's county of residence.
  2. County of residence is determined by residence of the youth's home at the time of sentencing.
  3. During the completion of the RCNA and PSI, if a youth relocates outside the county of residence, the JSW shall complete and forward the historical information to the receiving county JSW and JSDS. The receiving JSW shall complete the PSI based on the historical data or information, while taking into consideration the services and sentencing options available in the receiving county.
  4. For a youth currently probated or committed to the Department, the responsibility to complete the RCNA and PSI shall be that of the JSW in the youth's county of residence and with case management responsibility.
- L. Presentence Investigation Report (PSI)
1. The PSI shall not be waived; however, the completion of the PSI may be delayed until after sentencing upon the request of the youth and Counsel. Reference KRS 532.050(1).
  2. Following conviction, the assigned JSW shall complete a PSI on convicted Youthful Offenders and enter the information in the Individual Client Record (ICR). (Reference KRS 640.030 and 532.050(2)) The JSW shall enter the case status as "Pending" into the client record.
  3. The JSW shall do the following to complete the PSI:
    - a. Complete the RCNA.
    - b. Obtain and review the following official or professional records:
      - i. Educational records;
      - ii. Legal and criminal history;
      - iii. Psychological, psychiatric, treatment records (in-patient, out-patient treatment); and
      - iv. Other behavioral assessments, ratings or checklists as they are available.
    - c. Conduct interviews with:
      - i. The youth; and,
      - ii. The youth's parents or caregiver.
    - d. Conduct collateral contacts, as appropriate, such as extended family members, treatment providers, or staff from other agencies with whom the youth may have been involved.
  4. The JSW shall obtain and include the following in the PSI:
    - a. Results of the RCNA;
    - b. Analysis of the youthful offender's history of delinquency or criminality;
    - c. Physical and mental condition;

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- d. Family situation and background;
  - e. Economic status;
  - f. Education;
  - g. Occupation;
  - h. Personal habits;
  - i. A preliminary calculation of the credit allowed the youth for time spent in custody prior to commencement of a sentence under KRS 532.120;
  - j. The counseling treatment, educational, and rehabilitation needs of the youth;
  - k. Community and correctional based programs to meet those needs;
  - l. The lack of programs and resources to meet those needs; and
  - m. Any other matters that the court directs to be included.
5. If the youth has been convicted of a sex crime refer to DJJPP Chapter 8 and the “Standard Operating and Procedures Manual for the Treatment of Juvenile Sexual Offenders”.
  6. If the youth is adjudicated guilty of an offense pursuant to KRS Chapter 510 which has sexual intercourse or deviate sexual intercourse as an element, or has sexual contact as an element, the Presentence Investigation Report recommendation shall request that the court order the youth to submit to medical tests for sexually transmitted diseases (STDs), to include human immunodeficiency virus (HIV) test, if such tests have not already been completed as required by KRS 635.110 and KRS 510.320. The JSW shall request the court to write a separate and specific order for STDs and an Order for Human Immunodeficiency Virus (HIV) Testing (AOC-499.1).
  7. The results of the RCNA and PSI shall be reviewed and approved by the JSDS in preparation for the sentencing report.
  8. When the Commonwealth Attorney’s recommendation requires fines, restitution, or an alternative mode of payment, the youth’s ability to fulfill the obligation shall be noted in the PSI.
  9. The JSDS or designee shall approve the final PSI.
  10. The approved PSI shall be filed with the Circuit Court Clerk’s office and a copy submitted to the judge, prosecutor, and youth’s attorney within the court-ordered time frame, but not less than five (5) days prior to sentencing if a filing date is not court-ordered.
  11. Following sentencing when the case remains under DJJ jurisdiction, the JSDS shall assign case management to the JSW no later than the next business day.
  12. The JSW shall provide the Prison Rape Elimination Act of 2003 educational brochure to youth and parent or guardian following a

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disposition of probation or commitment to DJJ and obtain youth's signature acknowledging receipt of information.

13. The Commonwealth Attorney is responsible for assuring that the sentencing orders and a concise statement of facts at the trial accompany the Youthful Offender to the residential facility. Reference KRS 640.060.
- M. If the youth is sentenced to confinement the JSW and Juvenile Services District Supervisor (JSDS) shall utilize the initial placement matrix to submit the placement referral to the Classification Branch in compliance with the Classification and Placement Manual.
- N. The Classification Branch shall ensure youth sentenced as Youthful Offenders are removed from the detention facility within sixty (60) days. Reference KRS 640.030(2).
- O. Detention of Youthful Offenders
1. Any youth proceeded against as a Youthful Offender under the provisions of KRS Chapter 640 who is younger than eighteen (18) years of age shall be detained in a secure juvenile detention facility if he or she is unable to meet the conditions of release or bail as established pursuant to KRS Chapter 431 and the Kentucky Rules of Criminal Procedure.
  2. Any youth proceeded against as a Youthful Offender under the provisions of KRS Chapter 640 who is eighteen (18) years of age or older shall be lodged as an adult if he or she is unable to meet the conditions of release or bail established pursuant to KRS Chapter 431 and the Kentucky Rules of Criminal Procedure.
  3. A JSW shall have contact with youth in non-DJJ detention centers and county adult detention centers at least one (1) time per week.
- P. Any youthful offender, regardless of age, convicted of a felony offense under KRS is required to have DNA collected. The JSW or JSS shall ensure that DNA is collected pursuant to applicable state law. Reference KRS 17.170.
- Q. Interstate Compact Youth
1. The JSW staff shall open an ICR and provide case management on all cases from sending states that are accepted for courtesy supervision by the Interstate Compact.
  2. The JSW shall complete the RCNA at the same time as the Interstate Compact home evaluation.
  3. The JSW shall provide the youth and family with information regarding service complaints in accordance with Civil Rights Act, Section 504 of the Rehabilitation Act, American with Disabilities Act 1990, and Health Insurance Portability and Accountability Act (HIPAA), and Title IV-B, IV-E, and XX of the Social Security Act. Reference DJJPP Chapter 6 (Service Complaints).

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## **V. STAFF TRAINING**

- A. The JSDS shall ensure that all community staff are trained as needed to complete Presentence Investigation Reports and receive training annually on the Classification and Placement Manual.
- B. The Division of Placement Services shall provide training regarding Interstate Compact training annually.
- C. The Division of Professional Development staff shall provide individual training of the RCNA and other approved assessment or screening tools as needed.
- D. The Division of Program Services staff shall provide training on the electronic record data entry into the Individual Client Record.

## **VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee and the Quality Assurance Branch shall develop monitoring protocols to be used by the JSDS or JSS that review the administration of the following requirements:

- A. Assure that community staff are trained on how to gather information and compose the PSI Reports;
- B. Coordinate annual training for community staff regarding the Classification and Placement Manual;
- C. Review and approve all PSI Reports;
- D. Review the convicted offense to assure the youth qualifies for DNA collection and seek approval from the Juvenile Services Regional Manager in all qualifying offenses;
- E. Register all new community staff for the RCNA training; and
- F. Register all new community staff for the electronic record training.



**JUSTICE CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**REFERENCES:  
KRS 529.010**

**CHAPTER: Juvenile Services in Community**

**AUTHORITY: KRS 15A.0652**

**SUBJECT: Case Management Screens and  
Assessments**

**POLICY NUMBER: 601.2**

**TOTAL PAGES: 3**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**, COMMISSIONER**

**I. POLICY**

The Department of Juvenile Justice shall conduct screenings and assessments on all probated, committed, and sentenced youth to assist in developing appropriate services for youth.

**II. APPLICABILITY**

This policy shall apply to all Community and Mental Health Services.

**III. DEFINITIONS**

Refer to Chapter 600.

**IV. PROCEDURES**

**A. Risk and Crimniogenic Needs Assessment (RCNA)**

1. The JSW shall complete the initial RCNA following adjudication on all public offense cases to guide dispositional recommendations to the Court.
2. The JSW shall complete a RCNA reassessment during case management on probated, committed or sentenced youth:
  - a. at the time of a new adjudicated public offense, and
  - b. in preparation for case closure.

**B. Youth on community supervision who are assessed as High Risk on the RCNA shall be referred by the JSW for Functional Family Therapy (FFT) or an equivalent treatment service within seven (7) business days and assisted by the JSW in accessing a mentoring program or other pro-social activity and vocational training or opportunities.**

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- C. Case Management Needs Assessment (CMNA)
  - 1. The JSW shall complete the assessment within five (5) business days following disposition.
  - 2. The JSW shall complete the re-assessment in preparation for case closure.
- D. If the youth is a declared juvenile sex offender one of the top three (3) needs shall be sex offender treatment.
- E. If the Case Management Needs Assessment indicates a youth who is remaining in the community having scored for any noted substance abuse, other than experimentation, the JSW shall refer to a community based service provider for further assessment and treatment recommendations within seven (7) business days.
- F. If the Case Management Needs Assessment indicates a youth who is remaining in the community having scored as having a minor need or chronic/major need in Trauma, the JSW shall make the community based service provider aware of this need indicator for further assessment within seven (7) business days.
- G. Human Trafficking Screening
  - 1. The Juvenile Service Worker (JSW) shall complete a human trafficking screening on each youth within five (5) business days of disposition resulting in probation, commitment, or sentence to DJJ.
  - 2. If the juvenile scores a “yes” for any item on the screening tool or self-reports anytime thereafter, the JSW conducting the screening or receiving the report shall:
    - a. Immediately notify the Cabinet for Health and Family Services (CHFS) via the Child Protective Services hotline at 1-877-KYSAFE1 or the Kentucky Online Child/Adult Protective Services Reporting System at <https://prd.chfs.ky.gov/ReportAbuse/home.aspx>;
    - b. Notify the juvenile’s attorney that the youth may be a victim of human trafficking no later than the next business day via fax or email;
    - c. If the juvenile is a resident of or has resided in another state or country within the last year, call the National Human Trafficking Hotline at 1-888-373-7888 and notify the DJJ Interstate Compact Office;
    - d. If the youth is a foreign national, contact the Catholic Charities of Louisville at 502-974-4947 to request assistance with an eligibility letter and coordinating support services; and
    - e. Up-line to the next line supervisor and DJJ Office of Legal Services.
  - 3. A copy of the screening shall be maintained in the juvenile’s ICR.
  - 4. The JSW shall collaborate with CHFS to access or provide the appropriate community based treatment services.

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**V. STAFF TRAINING**

The JSDS shall ensure that all community staff are trained the RCNA reassessment process, CMNA assessment and reassessment process, and the Human Trafficking screener.

**VI. MONITORING MECHANISM**

- A. The Division Director of Community and Mental Health Services or designee and the Quality Assurance Branch shall develop monitoring protocols to be used by the JSDS or JSS that review the administration of the registration all community staff for CMNA and Human Trafficking screeners.
- B. DJJ shall implement a RCNA inter-rater reliability plan to support scoring fidelity, to ensure RCNA users are scoring the same risk level and response to questions on the tool, demonstrating correct manual scoring and data entry, and facilitating validation of the RCNA tool.



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POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130  
KRS 15A.0652  
2-JPAS-7070,7071,7072,7128,  
7171**

**CHAPTER: Juvenile Services in Community**

**SUBJECT: Individual Client Record**

**POLICY NUMBER: DJJ 602**

**TOTAL PAGES: 6**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**Commissioner**

**I. POLICY**

Community staff shall establish an Individual Client Record (ICR) for all probated, committed, or sentenced youth. Individual client records shall maintain factual and accurate documentation regarding all aspects of each youth's treatment.

**II. APPLICABILITY**

This policy and procedure shall apply to all community service staff.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. All hard case files of the ICR shall be clearly marked "Confidential", and secured in a locked area at the work site to ensure confidentiality is maintained. File cabinets containing youth records shall be marked "Confidential."
- B. Hard case files in staff offices shall be under the direct control of the assigned staff, and placed out of sight of the youth and the public who may be in the office.
- C. Staff shall not take the hard case files off the premises except when transferring case management responsibility to another location, for audit purposes, when subpoenaed by the court, or required for Parole Board hearings.
- D. All requests from persons outside the Department of Juvenile Justice (DJJ) for copies or reviewing of ICRs shall be forwarded to the Office of Ombudsman for review and consultation before any action is taken. Reference DJJPP Chapter 1(Records Requests).
- E. Department staff shall maintain appropriate, accurate documentation regarding all aspects of each youth's case. If another youth must be

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identified in a youth's ICR for any reason, that youth's initials shall be used.

- F. The ICR shall be maintained in the electronic case file or in the hard case file as required. Each youth's hard case file shall be maintained according to the following outline:
1. Section One (1)
    - a. Photo of youth and completed identification information
    - b. Case Plan and signature pages for the case plan and reviews
    - c. Case Management Documentation – Graduated Responses
      - i. Drug Screening Results
      - ii. Curfew Logs
      - iii. Electronic Monitoring Reports
      - iv. The electronic monitoring agreement
      - v. House restriction documentation
      - vi. Graduated Response Plan, including utilized sanctions and incentives,
      - vii. Incident Reports
    - d. DPP -1294 Rehabilitative Services Monthly Progress Report
    - e. Individual Treatment Plan created by private service provider or treatment program.
    - f. Copies of private service provider treatment plans and reviews.
  2. Section Two (2)
    - a. Conditions of Supervised Placement, Probation, or Conditions Awaiting Placement
    - b. Information Letter Related to Placement in Therapeutic Foster Care (FTC). Private Child Care. Hospital by Classification.
    - c. Predisposition Investigation Report (PDI)
    - d. Presentence Investigation Report
    - e. Case Planning Needs Assessment, Human Trafficking Screener, and Risk and Criminogenic Needs Assessment interview
    - f. Pre Parole Evaluation Report
    - g. Parole Board Information
    - h. Furlough agreement
  3. Section Three (3)
    - a. Referrals to DJJ mental health and external providers
    - b. Relative home, or supervised placement evaluations
    - c. Educational information – grades, discipline or progress reports, attendance records

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- d. Records of the youth from other programs or other service providers
- e. Interstate forms
- f. Request for Out of State Travel
- g. Juvenile Intensive Supervision Team (JIST) forms and reports
- 4. Section Four (4)
  - a. Psychological, psychiatric, sexual offender assessment
  - b. Medical information and history, including immunization record
  - c. Medical Assistance Card or Insurance Card
  - d. Children's Benefits Information
  - e. Permanency plan
  - f. Visitation schedule
  - e. Copy of Social Security card
  - f. Birth Verification
  - g. Release of Information forms
  - h. DJJ 1A – Consent for Services
  - i. Youth and parent rights and responsibilities
  - j. HIPAA Notification
  - k. Community phase handbook signature sheet
  - l. PREA acknowledgement
- 5. Section Five (5)
  - a. Classification documentation including ATR notice, ATR request, Out of Home Justification
  - b. Juvenile Sexual Offender Tracking Part I and Part II
  - c. DNA Collection Form and supporting correspondence
  - d. AOC 499.1(Order for Human Immunodeficiency Virus (HIV Testing) and supporting correspondence
  - e. Special Expense Request
  - f. Transportation Form
  - g. Notification of placement change
  - h. Correspondence to or from parent or caregiver
  - i. Correspondence with the court or judge
  - j. Miscellaneous or Professional Correspondence
- 6. Section Six (6)
  - a. Termination of commitment form, if applicable
  - b. Discharge Report
  - c. Sex Offender sixty (60) day reviews
  - d. Probation, Commitment, or Judge's Orders

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- e. Petitions and Court Calendars (chronological order)
  - f. Probation or Supervised Placement Violation Report
  - g. Commissioner's Warrants
  - h. National Crime Information Center (NCIC) information
  - i. Revocation and probation violation reports with supporting documentation
  - j. Administrative Office of the Courts or Court Designated Worker Information or forms
  - k. Other legal documents
- G. Each subsection listed 602 IV. G. 1-6 shall be maintained in chronological order.
- H. Contact Documentation:
- 1. All contacts made by staff with, or on behalf of, a youth for the provision or attempted provision of services shall be documented in the electronic running record.
  - 2. The format and content of the running records section of the electronic case file shall be directed by the Division Director of Community and Mental Health Services.
  - 3. The printing or release of the running records shall be consistent with DJJPP Chapter 1 (Records Requests).
  - 4. All entries into the running record shall be completed within ten (10) business days of the contact, excluding holidays and weekends, and shall reflect progress towards progression in treatment, and compliance with expectations or conditions of supervision, if applicable.
  - 5. Entries shall be in chronological order by date of service. Delayed entries shall be clearly marked.
  - 6. Entries shall include:
    - a. The name of the recorder, title, and district.
    - b. Factual information. The personal opinion of the Juvenile Service Worker (JSW) or others involved in the treatment or supervision of the youth shall not be documented in the running records.
- I. Case Transfers
- 1. Transfers of case responsibility within the region shall be audited by the sending Juvenile Services District Supervisor (JSDS) and routed to the receiving JSDS to include the transfer summary, hard case file, and completed audit.
  - 2. Transfers of case responsibility outside the region shall be audited by the sending JSDS and the Juvenile Services Regional Manager (JSRM) and routed to the receiving JSRM. A transfer summary shall be entered into running records as a narrative that summarizes the case

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management services to date. The transfer shall include the transfer summary, hard case file and completed audit.

3. The written notification of the transfer and case file shall be sent to the receiving Juvenile Services Regional Manager by the sending Juvenile Services Regional Manager.
- J. Case File Archives: All ICRs shall be archived in accordance with the approved retention policy.
- K. Case file archiving shall be completed by the JSDS and Administrative Specialist. Hard case files may be sent to the Division of Placement Services as often as needed, but at least once per year. The following process shall be followed:
1. Place the folders alphabetically in the archive box(es).
  2. Develop an alphabetical list of contents for each box.
  3. Complete box labels describing the content of each box and place the label on the outside of each respective box.
  4. Complete the transmittal form.
  5. Send a copy of the box list with the original transmittal form to the Division of Placement Services for approval.
  6. Once approved, the notice of transfer for the archived material will be sent from the Division of Placement Services.
- L. Juvenile Services District Supervisors (JSDS) shall conduct case audits as follows:
1. The JSDS shall randomly audit one (1) case from each worker's caseload each month. After reviewing the case, the Supervisor will conference with the JSW regarding each case and make any recommendations or follow-up in writing. A notation shall be made in the individual case file documenting only the date of the audit and the name of the staff person conducting the audit.
  2. In reviewing the case files, the Supervisor shall review the information entered into the ICR, to include both the electronic and hard copy records, for all reporting requirements, as established in Departmental policy.
  3. Results of the audit or any actions taken regarding the individual staff shall not be recorded or documented in the youth's individual file.
  4. The JSW shall correct any non-compliant standards noted as a result of the case audit within ten (10) business days.
  5. The JSDS shall electronically deposit the completed audits for each month and provide a report to the Juvenile Services Regional Manager each month summarizing the conferences regarding any written follow-up plans for each worker.

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**V. STAFF TRAINING**

- A. The Juvenile Services District Supervisor, in conjunction with the Division of Program Services, shall ensure that all community staff are trained annually on the standards of case documentation for both electronic and hard copy files, and maintenance of Individual Client Records.
- B. The Division of Placement Services shall provide training, as needed, with the Juvenile Services District Supervisor and the Administrative Specialist on archiving procedures.

**VI. MONITORING MECHANISM**

- A. The Division Director of Community and Mental Health Services or designee and the Quality Assurance Branch shall develop monitoring protocols to be used by the Juvenile Services District Supervisor in the review of Individual Client Records.
- B. Each Juvenile Services District Supervisor shall annually review paperwork functions for efficiency.



**JUSTICE AND PUBLIC  
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POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130  
KRS 15A. 0652  
2-JPAS-2-7174,7149**

**CHAPTER: Juvenile Services in Community**

**SUBJECT: Service Complaints**

**POLICY NUMBER: DJJ 603**

**TOTAL PAGES: 5**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**COMMISSIONER**

**I. POLICY**

A probated, committed, or sentenced youth or their parent or caregiver may file a service complaint with the Department of Juvenile Justice (DJJ) when that individual believes services were improperly rendered or denied.

**II. APPLICABILITY**

This policy and procedure shall apply to the Division of Community and Mental Health Services in collaboration with the Office of the Ombudsman.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. Each youth and their parent or caregiver shall be given written notice of their right to file a service complaint during initial contact or at the treatment planning conference.
- B. The youth and their parent or caregiver and Juvenile Service Worker (JSW) shall be requested to sign and date the written notice. If the youth, parent, or caregiver refuses to sign, such refusal shall be indicated in the signature section.
- C. A copy of the notice shall be provided to the youth and parent or caregiver and the original retained by the Department.
- D. The youth and their parent or caregiver shall be informed they shall not suffer retaliation or sanction as a result of filing a service complaint.
- E. An individual may file a service complaint with DJJ on the following actions:
  1. A denial, reduction, material modification, suspension, discontinuance, exclusion, or termination of a service;
  2. Dissatisfaction with a service received, inappropriate or inadequate treatment, placement, or visitation;

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3. Failure of the Department to act upon a request for service with reasonable promptness;
  4. Failure of the Department to take into account an individual's choice of service or a determination that the individual shall participate in a service program against his wishes, except where required by law; or
  5. Discrimination against an individual by Department staff on account of race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status.
- F. A service complaint shall be filed in writing within thirty (30) days after the alleged act or notice of a decision affecting services to the Office of the Ombudsman. If the notice is mailed, the date of the notice shall be the date mailed; otherwise, it shall be the date of delivery. In cases where the request is filed after the thirty (30) day period, a decision as to acceptance or denial of the complaint for action shall be made by the Office of the Ombudsman.
- G. The Ombudsman shall forward the complaint to the Deputy Commissioner of Community and Mental Health Services who shall review and assign for investigation, and possible local resolution.
- H. Local Resolution
1. Within five (5) business days of the receipt of the complaint, the complainant shall be notified of the receipt of the request and the Department's policy regarding local resolution. The investigator shall schedule a meeting with the complainant to attempt to resolve the issues that led to the complaint.
  2. All staff shall be required to cooperate with the investigation in an attempt for local resolution.
  3. The local resolution process shall be utilized to address service complaints. The Commissioner or designee may make an exception to the local resolution process, if deemed appropriate.
  4. The investigator shall forward to the Division Director of Community and Mental Health Services a summary of the results of their efforts to achieve local resolution of the complaint. This summary shall be forwarded not more than forty-five (45) days after assignment of the complaint. The report shall contain:
    - a. Nature of the complaint, with specific issues;
    - b. Date of resolution conference;
    - c. Persons present at the conference;
    - d. Efforts taken to resolve or investigate the allegations in the complaint;

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- i. Determine the validity of the allegations contained in the complaint;
    - ii. Make a determination regarding the quality of the case work and effectiveness of the services provided utilizing Departmental policies and procedures;
    - iii. Identify barriers to achieving goals;
    - iv. Assist in identifying resources; and
    - v. Make recommendations regarding the case or program.
    - vi. The results of the conference.
  5. The Division Director of Community and Mental Health Services shall send the findings to the Deputy Commissioner of Community and Mental Health Services.
  6. The Deputy Commissioner of Community and Mental Health Services shall send the final findings to the staff named in the complaint. The Deputy Commissioner shall also send an acknowledgement letter to the complainant. If the complainant agrees with the resolution, the complainant shall sign an acknowledgement to be attached to the letter. If the complainant refuses to sign an acknowledgement, but verbally confirms the complaint is resolved, acknowledgement shall be noted in the letter to the complainant.
  7. The Deputy Commissioner of Community and Mental Health Services shall complete a summary of the findings and resolution of the complaint and forward to the Office of the Ombudsman. If the Deputy Commissioner concludes that corrective action is warranted, the corrective action shall be included in the summary sent to the Office of the Ombudsman.
- I. Complaint Resolution
1. If the complaint is not resolved by local resolution, the Ombudsman shall be contacted by the Deputy Commissioner of Community and Mental Health Services or designee, or directly by the complainant or his representative. Complaint resolution shall be completed by the Ombudsman within thirty (30) days of initiation of the investigation unless otherwise directed by the Deputy Commissioner or designee.
  2. The Ombudsman shall have access to all documents necessary for investigation. All staff shall be required to cooperate on an inquiry being made by the Ombudsman.
  3. The Ombudsman shall conduct interview(s) by telephone or by face-to-face interviews with the complainant, witnesses and staff involved.

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4. The Ombudsman may review all case records and recordings relating to the complaint.
  5. If appropriate, the Ombudsman may contact collateral sources to complete the complaint resolution process. A release of information form may be utilized in obtaining pertinent information from these sources.
  6. The complainant shall be notified by the Ombudsman of the findings and conclusions of the complaint resolution. Appropriate Departmental staff may also receive notice of the decision. If it is determined that corrective action is warranted, a memorandum shall be forwarded by the Ombudsman to the Deputy Commissioner of Community and Mental Health Services advising that corrective action is indicated. The Deputy Commissioner or designee shall notify the Director of Community and Mental Health Services to submit a written report on the planned corrective action within ten (10) business days.
- J. Youth in residential facilities, detention facilities, group homes, or day treatment programs operated by the Department who make a complaint to the JSW regarding an alleged violation of Departmental policy or procedure, or violation of facility rules or procedures, shall be directed to address their complaint through the internal grievance procedure at the facility. Exceptions are as follows:
1. Allegations of abuse or neglect perpetrated by a DJJ staff member, volunteer, or contractor, including special incidents shall be reported to the Internal Investigations Branch (IIB) by the JSW immediately following disclosure of such an incident. A toll-free number shall be accessible to staff for use in the reporting of special incidents. Calls to IIB may be left on an answering machine that is checked regularly, including weekends and holidays.
  2. Allegations of abuse and neglect perpetrated by family members are reported to the Department of Community Based Services (DCBS) and local police.
  3. Complaints adjudged to be of a serious nature, but not in the category of a special incident may be reported to the Ombudsman for investigation or referral.
- K. Any allegation of abuse or neglect perpetrated by program staff, a volunteer, or contractor including special incidents reported by youth placed in private child caring facilities, therapeutic foster care, or hospitals shall be reported to IIB and Classification. Allegations of abuse and neglect perpetrated by family members shall be reported to the Department of Community Based Services (DCBS) and local police.

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**V. STAFF TRAINING**

The Juvenile Services District Supervisor shall ensure that staff is trained in the proper protocol of handling service complaints. The training shall be provided by the Office of the Ombudsman annually.

**VI. MONITORING MECHANISM**

The Director of Community and Mental Health Services, Office of the Ombudsman, and the Deputy Commissioner of Community and Mental Health Services shall monitor these activities.



**JUSTICE AND PUBLIC  
SAFETY CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130  
KRS 15A.0652  
KRS 620.230  
42U.S.C.675  
2-JPAS-7137,7175,7180**

**CHAPTER: Juvenile Services in Community**

**SUBJECT: Case Planning and Participation in  
Treatment Planning**

**POLICY NUMBER: DJJ 604**

**TOTAL PAGES: 7**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**COMMISSIONER**

**I. POLICY**

An individualized Case Plan shall be developed for each youth probated, committed, or sentenced to the Department of Juvenile Justice (DJJ). The youth, their family, service providers, and natural supports shall be a part of the case planning process to ensure all treatment and supervision needs are being met. Youth and families shall be allowed to initiate a review of the youth's progress and program status.

**II. APPLICABILITY**

This policy shall apply to all Community and Mental Health Services.

**III. DEFINITIONS**

Refer to Chapter 600.

**IV. PROCEDURES**

- A. The Juvenile Service Worker (JSW) or designee having case management responsibilities shall facilitate the scheduling of, chair, and participate in the Case Plan meeting on all youth within ten (10) business days of court disposition resulting in an order of probation, commitment, or sentence, regardless of the youth's residence, including detention.
- B. Youth detained pending placement shall have a Case Plan completed prior to placement. The JSW shall make contact with the detention counselor and request input regarding the completion of the Case Plan.
- C. Initial Case Plan Team members shall include the youth, parent or guardian, JSW, and service providers. Case plan reviews shall include Initial Case Plan Team members in addition to school representatives,

natural supports, and any others that provide support or pro-social strengths for youth and family.

D. Case Planning Requirements:

1. The Case Plan shall contain the following information:

- a. Concise statement of reason why the youth is probated, committed, or sentenced to DJJ;
- b. Current placement;
- c. Projected placement level;
- d. Disabilities, including but not limited to physical, mental, and developmental disabilities;
- e. Current medications;
- f. Activity limitations;
- g. Educational status;
- h. Completed assessments;
- i. Special case planning needs;
- j. Community protection concerns;
- k. Youth and Family strengths and supports;
- l. Proposed actions to address the youth's treatment needs:
  - i. need statement,
  - ii. measureable tasks with identifying timeframes and responsible parties,
  - iii. identified natural supports and service providers,
  - iv. description of evidenced based practices identified at case reviews being used for the youth and family to meet the identified area of Need,
  - v. date assigned for completion,
  - vi. target completion date,
  - vii. review of all needs and tasks every thirty (30) days noting progress as either, making progress, not making progress, or completed.
- m. Provide the youth and family documentation of their rights and responsibilities;
- n. Establish a permanency planning goal and the date for the periodic review for the youth placed in a group home, foster home, or private child care;

- o. Establish a plan for visitation and development of a visitation agreement with the parent or caregiver for youth placed in a group home, foster home, or private childcare:
    - i. DJJ staff shall make every reasonable attempt to facilitate and maintain contact between the family and the youth by mail, telephone, or in person.
    - ii. Teleconferencing may be used as a means of visitation if transportation to the facility is not reasonable due to extenuating circumstances.
    - iii. Parents shall have responsibility for providing their own transportation for visits. If transportation is provided by the JSW, it shall be provided in a state vehicle with approval from Fleet Management.
    - iv. Consideration may be given to ensuring visits between the youth and siblings, and between the youth and other relatives who have been a significant and positive force in the youth's life.
    - v. Visitation between the parent or caregiver and youth at DJJ operated or contracted programs shall be encouraged within established visiting hours, or with approval of special visitation by the program's Superintendent.
    - vi. Running recordings shall denote compliance with the visitation agreement.
2. The Case Plan shall be based on the three (3) highest areas of need identified by the Case Management Needs Assessment (CMNA). Other assessments such as the Risk and Criminogenic Needs Assessment (RCNA) and Juvenile Sexual Offender (JSO) Assessment, if applicable, shall be reviewed as part of the case planning process.
3. If additional treatments needs exist or arise beyond the top three identified needs, the supervision length for the youth shall not be impacted.
4. Special Case Planning needs, including court ordered treatment and youth who are declared JSO, shall be addressed on the Case Plan.
5. All youth on conditions of supervision shall be referred to community based service providers (or DJJ Mental Health) to address the top three needs identified on the case plan.
6. Youth on community supervision who scores on the CMNA as having a minor need or chronic/major need in trauma, the JSW shall make the community based service provider aware of this

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need indicator for further assessment within seven (7) business days.

7. Youth on community supervision who scores on the CMNA for any noted substance abuse, other than experimentation, the JSW shall refer to a community based service provider for further assessment and treatment recommendations within seven (7) business days.
8. Youth on community supervision who are assessed as High Risk on the RCNA shall be referred by the JSW for Functional Family Therapy (FFT) or an equivalent treatment service within seven (7) business days and assisted by the JSW in accessing a mentoring program or other pro-social activity and vocational training or opportunities.
9. Case Plan reviews shall be conducted no later than every thirty (30) days following the initial case plan meeting on all youth who are on conditions of supervision. If the thirtieth (30th) day falls on a weekend or holiday, the conference shall be held prior to the thirtieth (30th) day. The first thirty (30) day review for youth placed in the Community starts from the date of probation or commitment.
10. The Case Plan review meeting shall be coordinated by the JSW with invitation to all case planning team members to participate in person or by phone. Actions during the case plan review shall include, but not be limited to, tracking progress on action steps, assessing whether the plan is working, making changes to the plan, if needed, and celebrating successes both large and small.
11. The JSWS, or Juvenile Services Specialist (JSS) in the absence of the JSWS, shall approve and sign all initial case plans and all subsequent reviews within ten (10) business days of completion. A copy of the initial case plan and subsequent reviews shall be given to the youth and the parent or guardian.

**E. Participation in Treatment Planning Conferences:**

1. Youth on conditions of supervision and receiving treatment services by a community based service provider or DJJ mental health, the JSW shall participate in the initial treatment plan meeting and subsequent reviews. The JSW shall obtain a copy of the community based service provider's treatment plan and all subsequent reviews to be placed in the youth's file. DJJ Mental Health staff shall enter all treatment plans and subsequent reviews in the ICR.
2. Youth placed in Therapeutic Foster Care, Private Child Care, or hospital placement by the Classification Branch: An ITP Planning Conference shall be scheduled and completed within thirty (30)

days of placement. The JSW shall participate in the ITP Planning Conference and ensure that all parties in attendance sign and date the signature sheet. The JSW may chair the conference. The JSWS, or the JSS in the absence of the JSWS, shall sign and approve all plans within thirty (30) days of completion of the ITP.

- a. Written notice of the initial ITP conference shall be provided ten (10) days in advance of the date to the following participants, specifying the date, time, and location of the conference:
    - i. Youth;
    - ii. Parent or caregiver;
    - iii. Youth's attorney;
    - iv. Parent or caregiver's attorney;
    - v. County attorney; and
    - vi. Placement provider.
  - b. The JSW shall complete and submit the preliminary supervised placement home evaluation report at the ITP on the youth. If a home evaluation is denied, such conditions shall exist that cause the JSW to make a report to Department for Community Based Services (DCBS) as it relates to dependency, neglect, abuse, or human trafficking for investigation. If DCBS does not substantiate the referral, the youth shall be placed in the home; however, if safety conditions exist that cause the JSW to not make home visits, the JSW, after consultation with the JSWS, shall note the safety concerns on the home evaluation report and may utilize the assistance of law enforcement or meet the youth and family in a safe, neutral location.
  - c. The ITP shall be reviewed formally at thirty (30) days intervals and at every six (6) month anniversary date of the initial ITP development date. If the thirtieth (30<sup>th</sup>) day or the six (6) month anniversary falls on a weekend or holiday, the conference shall be held prior to the designated date. A copy of the ITP and subsequent reviews shall be given to the youth and the parent or caregiver.
3. Youth placed in DJJ Residential, Group home, or Day Treatment placement: An ITP Planning Conference shall be scheduled and completed within fourteen (14) days of placement and shall be conducted and documented by the program in compliance with DJJPP.

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- a. The JSW shall contact the group home or residential placement within three (3) business days of the youth's placement to assist in scheduling the ITP conference;
  - b. The JSW shall participate in the ITP Conference;
  - c. For youth in an out-of-home placement, the JSW shall complete and submit the preliminary supervised placement home evaluation report at the ITP conference for all youth. If a home evaluation is denied, such conditions shall exist that cause the JSW to make a report to DCBS as it relates to dependency, neglect, abuse, or human trafficking for investigation. If DCBS does not substantiate the referral, the youth shall be placed in the home; however, if safety conditions exist that cause the JSW to not make home visits, the JSW, after consultation with the JSDS, shall note the safety concerns on the home evaluation report and may utilize the assistance of law enforcement or meet the youth and family in a safe, neutral location.
  - d. The ITP shall be reviewed formally every thirty (30) days. In the case of declared juvenile sexual offenders the ITP shall be reviewed every sixty (60) days. If the date of the review falls on a weekend or holiday, the conference shall be held prior to the designated review date. The youth and parent or caregiver shall receive copies of the ITP and subsequent reviews.
- F. If the youth resides in a placement arranged by the Classification Branch:
- 1. The JSW, in conjunction with the parent or caregiver, shall develop a list of approved visitors for each respective youth at the time of admission to a Classification placement;
  - 2. The treatment team shall evaluate the approved list as needed to determine any modifications;
  - 3. Approved visitors shall have the responsibility for providing their own transportation for visits;
  - 4. Individual Client Records shall denote compliance with the visitation agreement;
- G. The JSW shall participate in the Discharge Planning Conference to be held fourteen (14) days prior to the youth's anticipated release from all placements. The JSW shall submit the updated home evaluation, forty-five (45) days prior to discharge date, to finalize the Aftercare Plan, review the Treatment Plan, and facilitate the transfer of the youth to a lower level of placement. If a home evaluation is denied, such conditions shall exist that cause the JSW to make a report to DCBS as it relates to dependency, neglect, abuse, or human trafficking for

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investigation. If DCBS does not substantiate the referral, the youth shall be placed in the home; however, if safety conditions exist that cause the JSW to not make home visits, the JSW, after consultation with the JSDS, shall note the safety concerns on the home evaluation report and may utilize the assistance of law enforcement or meet the youth and family in a safe, neutral location. Representatives from the programs or agencies, and parents or caregivers providing aftercare services, shall be notified of the Discharge Planning Conference, and every effort shall be made to have them participate in the conference to finalize the Aftercare Plan.

- H. Upon receipt of the finalized Aftercare Plan, the JSW shall make referrals to service providers on behalf of the youth and family so services are in place at the time of discharge to continue to address identified ongoing treatment needs.
- I. Participation in the ITP Conference and the Discharge Planning Conference may occur via teleconferencing or videoconferencing with the approval of the Regional Manager.
- J. The JSW shall submit, at the Discharge Conference, the Conditions of Supervised Placement for review by the youth and parent or caregiver, if they are in attendance. The conditions of supervised placement shall not be signed by the youth until date of discharge.

**V. STAFF TRAINING**

All community staff shall be trained in the case and discharge planning process, to include content and format by the Division of Professional Development annually.

**VI. MONITORING MECHANISM**

- A. The Division Director of Community and Mental Health Services or designee and the Quality Assurance Branch, shall develop monitoring protocols to be used by the Juvenile Services District Supervisor or Juvenile Services Specialist that review the administration of the treatment and discharge plans.
- B. The Juvenile Services District Supervisor shall review all treatment and discharge plans to ensure that appropriate signatures are obtained.



**JUSTICE AND PUBLIC  
SAFETY CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130  
KRS 15A.0652  
KRS 15A.068  
KRS 605.090  
1-JPAS-2-7065,7110,7133,  
7134,7135,7138,7139,7140,  
7147,7150,7153,7154,7155,  
7156,7165,7186**

**CHAPTER: Juvenile Services in Community**

**SUBJECT: Community Supervision**

**POLICY NUMBER: DJJ 605**

**TOTAL PAGES: 9**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**COMMISSIONER**

**I. POLICY**

The Department of Juvenile Justice (DJJ) shall implement community supervision for all probated, committed, or sentenced youth who are on conditions of supervision. All Juvenile Services Workers I, II, Clinician I, Specialist, District Supervisor, Regional Manager, and the Division Director of Community and Mental Health Services shall be available to provide services twenty-four (24) hours a day.

**II. APPLICABILITY**

This policy and procedure shall apply to all community services staff.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. When specific services ordered by the court are not available, the Juvenile Service Worker (JSW) shall return the case to court for further dispositional consideration.
- B. A JSW shall maintain a cooperative working relationship with public and private service agencies. Community supervision strategies or services may include:
  1. Intensive supervision caseloads, which may include the Juvenile Intensive Supervision Team (JIST) Program;
  2. In-home services;
  3. Monitoring Device;
  4. Drug Screening;

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5. Community service projects;
  6. Vocational and educational services;
  7. Extended Hours Day Treatment Programs;
  8. Day Treatment Programs;
  9. Day or Evening Reporting Centers;
  10. Utilization of Outpatient or Inpatient treatment services;
  11. Cooperation with law enforcement agencies when youth are known, or suspected of being involved in, criminal activities; or
  12. Any other appropriate community resource to meet the identified treatment needs.
- C. The Department shall partner with Managed Care Organizations (MCOs) to assist in accessing services to meet the treatment needs of youth and families. The JSW shall:
1. For probated youth ask the parent which MCO is assigned to youth. If the family does not have an MCO, assist the parent with accessing KYNECT at <https://kynect.ky.gov/> to enroll in benefits.
  2. For committed youth send all information to the Benefit's Worker for the Medicaid application process and determination of the MCO for the youth.
  3. For youth on community supervision use the Case Management Needs Assessment (CMNA) and the aftercare plan (if youth has been in DJJ placement) to make referrals for assessment and treatment to provider(s) in the community.
  4. Once provider(s) completes assessment(s), the parents shall be requested to give verbal permission or sign a MCO waiver which permits DJJ to have direct communication with the MCO on behalf of the youth and family.
  5. Once the provider makes recommendations about services, determine if there are any needs the youth has that cannot be met by that provider. If so, contact the MCO to find a service provider in that area to provide the needed service.
  6. If services are not available in the area to meet the need and the MCO does not make an effort to secure the needed service, up-line that information through your chain of command.
  7. If the Service Provider indicates a service is not approved or has been denied,
    - a. Ask the provider if they called the MCO to explain the medical need for the service. If no, then the service provider needs to do so.
    - b. If the provider has called the MCO, ask the provider to appeal to the MCO using more specific treatment language so the MCO understands why the service is medically necessary.

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- c. If service has been denied or an appeal is necessary, up-line that information through your chain of command.
- D. The community phase system, under the supervision of the Department, shall be required for all probated Public Offenders, probated Youthful Offenders, and committed Public Offenders residing with a parent, legal guardian, or other approved relative or friend of the family.
- E. The JSW shall implement and oversee the community phase system for all youth on their assigned caseload.
- F. Each youth shall be assessed using the Risk and Criminogenic Needs Assessment (RCNA) to determine the required level of supervision into the community phase system and Case Management Needs Assessment to identify treatment needs.
- G. The youth and their parent or caregiver shall be informed in writing of the requirements of the community phase system, to include: the number of contacts, the types of contacts, review requirements, and other expectations related to the phase system as soon as entry in the phase system is determined.
- H. Documentation outlining the community phase system shall be given to the youth and parent or caregiver at the time of commitment or probation and placement in the community within three (3) business days. Documentation outlining the community phase system shall be given to the youth and parent or caregiver within three (3) business days of return from out of home placement.
- I. The community phase system requirements shall be made part of the Conditions of Probation and Conditions of Supervised Placement. The JSW shall review each youth's case every thirty (30) days to determine their progress in meeting the requirements of the community phase system. The phase review shall be completed in writing and with the following signatures: youth, parent or guardian, JSW and JSWS. They shall also be required to review the status of each youth within forty-eight (48) hours of knowledge of a violation occurring, or any other incident that would affect the youth's residence with a parent or caregiver. These reviews shall be documented in the electronic running record.
- J. Youth residing in a hospital, non-contract treatment program, DCBS foster home or residential placement, or Job Corp, as arranged by the parent or caregiver or the Department of Community Based Services, shall not be subject to the community phase system during their residence in this location.
  - 1. The JSW shall maintain monthly contact with the youth while they reside in such a location, with face to face contact at least once per quarter and a minimum monthly contact with the family.
  - 2. The JSW shall continue to complete the thirty (30) day reviews and document that the youth is not subject to the community phase system in the electronic record.

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3. Once the youth is discharged from the location, the youth shall enter or reenter the community phase system, as appropriate, or at the same level they exited.
  4. Requests to have the youth enter or re-enter on a lower or higher phase level shall be requested in writing through the supervisory chain, and approved by the Division Director of Community and Mental Health Services.
- K. Youth exiting a refocus program arranged by DJJ shall enter or reenter the community phase system at the same level they exited.
- L. Youth shall be advised of the requirement for compliance with the community supervision program.
- M. The roles and responsibilities of the JSW, the youth, the parents or caregiver, and other community resources shall be discussed with all parties at the beginning of the community supervision program.
- N. The youth shall move up and down within the phase system based on their compliance or noncompliance and progress, as determined at the required thirty (30) day reviews, or at the occurrence of significant events.
- O. The community phase system shall consist of the following phases III through I:
1. Phase III shall be utilized for the following youth: youth who initially score High Risk on the RCNA at the time of commitment or probation and remain in the community, all youth returning home from placement (excluding CLEP Aftercare), or Probated Youthful Offenders. Phase III expectations are as follows:
    - a. The phase shall last a minimum of thirty (30) days;
    - b. The youth shall follow all conditions of supervision and incur no new charges;
    - c. The JSW shall have face-to-face contact with the youth one (1) time per week;
    - d. The JSW shall have contact two (2) times per month with a parent or guardian. One (1) contact per month shall be face-to-face with the parent in the home;
    - e. The JSW shall have contact with primary or secondary school or GED personnel a minimum of two (2) times per month when school is in session;
    - f. The JSW shall have contact with community providers and collateral sources a minimum of two (2) times per month;
    - g. The JSW shall place the youth on some version of Department approved electronic monitoring for the first thirty (30) days. Curfew shall be no later than eight (8) pm. If the youth remains on Phase III for longer than thirty (30) days for issues other than curfew violations,

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the JSW may remove the electronic monitoring and conduct curfew checks one (1) time per week.

2. Phase II shall be utilized for the following youth: youth who initially score Moderate Risk on the RCNA at the time of commitment or probation and remain in the community. Phase II expectations are as follows:
  - a. The phase shall last a minimum of thirty (30) days;
  - b. The youth shall follow all conditions of supervision and incur no new charges;
  - c. The JSW shall have a minimum of two (2) face-to-face contacts per month with the youth, with one (1) contact occurring between the 1st and 15th of the month and the second contact occurring between the 16th and last day of the month;
  - d. The JSW shall have a minimum of two (2) contacts per month with a parent or guardian. One (1) contact shall occur in the home;
  - e. The JSW shall have contact with primary or secondary school or GED personnel a minimum of one (1) time per month when school is in session;
  - f. The JSW shall have contact with community providers and collateral sources a minimum of two (2) times per month;
  - g. The JSW shall conduct curfew checks one (1) time per week. Curfew shall be no later than nine (9) pm.
3. Phase I shall be utilized for youth who initially score Low Risk on the RCNA or have completed CLEP aftercare. Phase I expectations are as follows:
  - a. The phase shall last a minimum of thirty (30) days;
  - b. The youth shall follow all conditions of supervision and incur no new charges;
  - c. The JSW shall have face-to-face contact with the youth one (1) time per month.
  - d. The JSW shall have contact one (1) time per month with a parent or guardian.
  - e. The JSW shall have contact with primary or secondary school or GED personnel a minimum of one (1) time per month when school is in session.
  - f. The JSW shall have contact with community providers and collateral sources one (1) time per month.
  - g. The JSW shall conduct curfew checks one (1) time per month. Curfew shall be no later than ten (10) pm.

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- P. Curfew may be modified on an as needed basis to promote educational, treatment, and pro-social or family engagement activities. All exceptions shall be noted in the ICR.
- Q. The JSW shall consult the Juvenile Services District Supervisor (JSDS) if there are concerns regarding the safety of a home visit. If a home visit is determined to be unsafe, the JSW is excused from making the home visit, and is required to document the safety concerns in the ICR. If such concerns meet mandatory duty to report dependency, neglect, abuse, human trafficking per KRS 620.030, the JSW shall make a referral to CHFS. Reference DJJPP 623 (Health and Safety for Community and Mental Health Services). In certain circumstances, a court review may be a viable option for assistance in addressing the safety conditions.
- R. To be eligible for early discharge from probation or commitment, there must be correlation with the community phase system, compliance with conditions of supervision, and completion of treatment goals.
- S. The JSW shall complete a RCNA reassessment in preparation for case closure.
- T. The JSW shall complete a CMNA reassessment in preparation for case closure.
- U. The JSW and JSDS shall discuss alleged violations of Probation and Supervised Placement.
- V. Graduated responses:
  - 1. Compliance with Conditions of Supervision:
    - a. Incentive programs shall be implemented to motivate and reinforce positive behaviors.
    - b. The JSDS or designee shall contact local businesses, whom have no business relationship with DJJ, to request donations for the incentive program. There shall be no monetary value limitation for donations. Donations shall not be accepted from businesses that do business with DJJ, seek to do business with DJJ, are regulated by DJJ, or seek to influence DJJ in any manner.
      - i. The JSDS or designee shall maintain a tracking log for all donations to be used for the incentive program.
      - ii. Upon receipt each donation shall be logged denoting the business name, date of donation, and description of donation.
      - iii. When the donation is awarded to a youth, the name of the youth, date it was provided, and description of donation shall be logged.
      - iv. All donations shall be utilized as an incentive only for the benefit of the youth and family. Staff shall not use donations.
      - v. All donations shall be in goods and services, no monetary donations shall be accepted.
  - 2. Non-compliance with Conditions of Supervision:

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- a. All arrests, petitions, and alleged violations shall be immediately investigated and addressed with an appropriate response within forty-eight (48) hours of the JSW becoming aware of the violation.
- b. As a result of a youth violating a condition(s) of supervision, the JSW shall utilize the graduated response decision matrix to determine the needed level of response of either low, moderate, or high level by determining the frequency, length, amenability, and gravity of the violation.
- c. If a youth's violation falls into more than one level of responses noted below, the JSW shall choose the least restrictive level of response to safely manage the behavior. The level of response shall be based upon the gravity of the conduct. The response selection of the sanction shall be based upon all areas of frequency, length, amenability, and gravity of the violation. Priority shall always be given to community and youth safety.
  - i. Low level response:
    - a) Frequency: The violation occurs infrequently and/or there are isolated incidents
    - b) Length: Violations have occurred over a short period such as one (1) to two (2) weeks.
    - c) Amenability: The youth is overall engaged and responding positively to supervision. Youth acknowledges behavior is wrong and is attempting to correct it.
    - d) Gravity: The violation has no level of threat to self, family, or community.
  - ii. Moderate level response:
    - a) Frequency: A behavior pattern is starting to emerge with violations.
    - b) Length: Violations have occurred over a more prolonged time and patterns are emerging.
    - c) Amenability: Youth does not always respond to supervision and corrective actions. Youth acknowledges behavior is wrong, but does not attempt to correct or sporadically attempts to correct.
    - d) Gravity: Violation has the potential of threat to self, family, or community. Youth is exhibiting a pattern of substance use.
  - iii. High level response:
    - a) Frequency: An established pattern of multiple violations even following sanctions.
    - b) Length: Chronic pattern of violations or isolated incidents that pose a threat to self or the public.

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- c) Amenability: Clear pattern of non-compliance. Failure to respond after use of sanctions and corrective measures. Youth does not acknowledge behavior is wrong.
- d) Gravity: Violation is clearly threatening to self, family, or community. Youth's substance abuse has escalated to the point of being out of control making it highly likely for him to reoffend.
- d. Once the level of response is determined, the JSW shall impose a corresponding level of sanction from the graduated sanction grid to promote rehabilitation. All sanctions shall be logical, proportional, timely, and consistent with the youth's case plan.
- e. The JSW shall confer with the JSDS to determine the appropriate graduated response.
- 3. All graduated responses, including incentives and sanctions, shall be noted in the ICR.

**W. Searches**

- 1. Staff shall not conduct any search of a youth's person or property.
- 2. The JSW shall not approve search by Law Enforcement unless there is reasonable or articulable suspicion.
- 3. Any items recovered as a result of the search shall remain in the custody of Law Enforcement.

X. Youth residing in the community on Conditions of Supervision may obtain a driver's permit or license in accordance with Kentucky State law; however, no Community or Mental Health staff shall sign or assume responsibility for such privilege. Community and Mental Health staff shall not prohibit the legal right of the youth to obtain driving privileges obtained with the assistance of the youth's parent or caregiver.

Y. Restitution from juveniles shall not be received nor collected by Community Services staff pursuant to KRS 532.032 and KRS 532.033. In cases where the court orders DJJ to collect restitution, such orders shall immediately be submitted to Legal Services for review.

Z. The JSW shall be responsible for obtaining a Certified Interpreter for youth and family with a communication barrier.

**V. STAFF TRAINING**

- A. The Division of Professional Development staff shall provide individual training of the RCNA annually.
- B. The Juvenile Services District Supervisor shall ensure that community staff are trained during the orientation period on the following:
  - 1. Conditions of supervision;
  - 2. Community phase system;
  - 3. Case Plan and phase review;

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4. Use of graduated responses, including incentives and sanctions; and,
5. The available supervision strategies, services, and local resources.

**VI. MONITORING MECHANISM**

- A. The Division Director of Community and Mental Health Services or designee and the Quality Assurance Branch shall develop monitoring protocols.
- B. The Juvenile Services District Supervisor shall review all case plans and reviews to ensure that appropriate signatures are obtained.



**JUSTICE AND PUBLIC  
SAFETY CABINET  
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JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130;  
KRS 15A.0652;  
KRS 610.060;  
KRS 635.060;  
KRS 610.110;  
KRS 610.120  
2-JPAS-2-  
7144,7145,7155  
7157,7158,  
7159, 7188**

**CHAPTER: Juvenile Services in Community**

**SUBJECT: Probation of Public Offenders**

**POLICY NUMBER: DJJ 606**

**TOTAL PAGES: 8**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**Commissioner**

**I. POLICY**

The Department of Juvenile Justice (DJJ) shall provide supervision to youth probated to the Department by a District Court, in compliance with all applicable state laws and regulations, and shall monitor compliance with the Conditions of Probation. Violations of probation shall be reported to the court after graduated sanctions and services have been exhausted or if the violation creates an imminent threat or significant safety risk to self or others. In addition, a recommendation may be made to the court for early termination of probation for youth who have completed community supervision and the community phase system, made measurable progress in treatment, and are assessed to be low risk to reoffend.

**II. APPLICABILITY**

This policy and procedure shall apply to all community services staff.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

**A. Initiating Probation Services For Public Offenders:**

1. Prior to initiating probationary services, the Department shall receive confirmation from the District Court judge that the due process requirements of KRS 610.060 and KRS 635.060(2) have been met. KRS 635.060(2) requires that at the time of the disposition, the youth shall be notified verbally and in writing by

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the court of the possible sanctions if the youth fails to comply with the expectations or Conditions of Probation.

2. A youth placed on probation to DJJ by the court shall remain subject to the jurisdiction of the court as set forth in KRS 635.060:
  - a. Youth adjudicated on an offense that is a violation: Probation shall not exceed thirty (30) days, except that the court may order up to three (3) months of supervision if the court ordered treatment includes a program that requires longer than thirty (30) calendar days.
  - b. Youth adjudicated on an offense that is an A or B Misdemeanor: Excluding offenses for which a youth has been declared sexual offender or an offense involving a deadly weapon, the period of probation shall not exceed six (6) months, except that the court may order up to twelve (12) months of supervision if the court ordered substance abuse or mental health treatment includes a program that requires longer than six (6) months to complete.
  - c. Youth adjudicated on an offense that is a Class D Felony: Excluding offenses for which a youth has been declared sexual offender or an offense involving a deadly weapon, the period of probation shall not exceed twelve (12) months.
  - d. Youth who are adjudicated and probated on a Misdemeanor or Class D Felony sexual offense are subject to the timeframe limitation as referenced in IV. A. 2. b. and c. above.
  - e. Youth adjudicated on an A, B, or C Felony, or an offense involving a deadly weapon, or for an offense in which the youth has not been declared a sexual offender, the youth may be placed on probation up to age eighteen (18).
3. Upon receipt of official notification of the order of probation from the court, the assigned Juvenile Service Worker (JSW) shall complete Conditions of Probation with the youth and parent or caregiver on the date of disposition. Copies of the Conditions of Probation shall be provided to the youth, parent or caregiver, and court if applicable.
4. The JSW shall use the following guidelines in regards to probation:
  - a. Any youth on probation shall reside in the community and shall be subject to conditions established by the court and the Department. The court or the Department may add, remove, or modify special conditions.
  - b. For courts that require the use of signed conditions created by the court, a copy of the completed DJJ Conditions of Probation shall be attached, in addition to the conditions established by the court.

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- c. In counties where the court process requires such, signed Conditions of Probation shall be presented to the District Court judge for signature, with the original filed in the District Court case.
  - d. The Conditions of Probation shall be signed by the parent or caregiver, JSW, and the youth on the day of disposition. Copies of the signed conditions shall be provided to the parent or caregiver and youth on the day of signing, or as soon as practical thereafter.
  - e. Youth on probation shall participate in community supervision, which shall include a phase system and graduated responses. Scheduled monitoring of progress shall be required as a condition of probation.
  - f. Youth on probation shall have an Individual Case Plan and case reviews. Reference DJJPP Chapter 6 (Case Planning and Participation in Treatment Planning).
  - g. For any probated youth whose residence or planned residence is out-of-state, the JSW shall refer the case for courtesy supervision through the Interstate Compact in accordance with DJJPP Chapter 2 (Interstate Referrals). The JSW shall notify the court of any such intended action.
  - h. The JSW shall have two phone contacts per month with the youth and the parent or caregiver when an Interstate Compact referral for courtesy supervision is pending.
- B. Youth that meet the requirements as a Qualifying Offender shall be subject to DNA collection in accordance with KRS 17.170. The following steps shall be completed within ten (10) days.
1. The JSW shall submit a DNA request memorandum to the JSDS for approval.
  2. Once approved the JSW shall coordinate with closest facility superintendent and RN and request a date for the youth to appear for sample collection.
  3. The JSW shall notify the youth and parent or care giver of the location, date, and time for sample collection.
  4. The JSW shall complete the DNA Sample Information Sheet (KSP 47) and electronically transfer to the facility RN.
  5. Once the JSW has receive confirmation that the sample has been collected, the JSW shall document in the electronic record.
- C. The JSW shall document in the electronic running record any violations of probation listing the date, condition violated, graduated sanctions and services utilized, and any other significant factors.

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- D. Any changes in the youth's conditions of probation or case plan shall require the signature of the youth, parent or caregiver, and JSW on the appropriate form. If the youth or parent refuses to sign, the JSW shall note on the form the refusal to sign.
- E. Reporting Probation Violations to the Court
1. Upon discovery of an alleged violation, the JSW shall investigate the violation and confer with the Juvenile Services District Supervisor (JSDS).
  2. The JSW and JSDS shall ensure graduated sanctions and services have been exhausted or the violation creates an imminent threat or significant safety risk to self or others prior to notifying the court. If a decision is made to present the probation violations to the court, the JSW shall complete the probation violation report, including a list of all graduated sanctions and services that have been utilized, and submit to the court, prosecutor, and youth's attorney within three (3) days prior to the scheduled court review.
  3. If individual courts require other documents with their local processes to initiate the probation violation hearing, the probation violation report shall be prepared and attached to the documentation required by the court.
  4. The JSW shall notify the youth and parent or caregiver of the probation violation report being filed with the court.
  5. Except where commitment has been probated pursuant to KRS 635.060 (5), a youth may not be committed or recommitted to DJJ for a violation of a condition of probation.
  6. If the court has previously imposed graduated sanctions for a violation of conditions of probation, or makes a finding that the graduated sanctions have previously been imposed, then the court may impose a sanction of up to thirty (30) days of detention for a violation of conditions of probation.
  7. For the court to probate or suspend commitment to DJJ, the youth shall have met commitment requirements pursuant to KRS 635.060 (4);
    - a. Adjudicated on a Misdemeanor or Class D felony and has had at least three (3) prior adjudications, excluding prior adjudications of offenses which were designated as violations, or at least four (4) prior adjudications of violations, which do not arise from the same course of conduct; or
    - b. Adjudicated for an offense involving a deadly weapon, an offense in which youth has been declared as a declared sexual offender, or a Class A, B, or C felony.
  8. If the court probates or suspends commitment, the youth shall be placed on conditions of probation. The above noted probation

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violation notification process to the court shall be followed if graduated sanctions and services have been utilized or the violation results in an imminent threat or significant safety risk to the youth or others. The Court may, after conducting a hearing, commit the youth to DJJ as a result of the probated or suspended commitment.

9. For new charges that occur while a youth is on probation:
  - a. Diversionary Agreements: Any allegation that results in the arrest or filed complaint against a youth on probation will be initially brought to the attention of a Court Designated Worker (CDW). If the CDW determines the case shall not be referred to juvenile court, the JSW shall:
    - i. Attend any conferences scheduled for the youth and parent or caregiver as requested by the CDW;
    - ii. Provide information as requested by the CDW to ensure the consistent implementation of the youth's case plan;
    - iii. Reinforce the guidelines for diversion with the youth and parent or caregiver; and
    - iv. Review or revise the case plan to incorporate the current situation.
  - b. Formal Petition: Any allegation that results in the arrest of or a filed complaint against a youth on probation will be initially brought to the attention of the CDW. If it is the determination of the CDW that formal court proceedings are warranted, a petition shall be filed with the approval of the County Attorney's office. The DJJ representative shall:
    - i. Appear with the youth at court hearings and observe all court procedures.
    - ii. Maintain a minimum of weekly contact if the youth is in a county operated detention.
    - iii. If adjudicated, complete and present a new Risk and Criminogenic Needs Assessment (RCNA) at the disposition hearing and be prepared to testify as to the content of the predisposition investigation report, if ordered, and offer supporting clarification to the dispositional recommendation. If the court commits the youth on a new charge, the JSW shall follow the procedures in the Classification and Placement Manual.
10. Family Situations: In some cases violations of probation are a direct result of chronic dysfunction or temporary situations within the family unit. If it is determined that violations are a result of the family situation and beyond the control of the youth, the JSW may:

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- a. Intensify services to the family.
- b. Initiate a protective services investigation when the safety of the youth is in question by reporting suspected abuse, dependency, neglect, or exploitation to Cabinet for Health and Family Services.
- c. Review the potential for an alternative, temporary placement. If an alternative, temporary placement is required, the JSW shall work with the parent or caregiver and the court to facilitate this placement. The court shall be notified by the JSW if the youth changes residences.
- d. Request a court review.

**F. Termination of Probation**

1. Youth probated on a violation, the period of probation shall not exceed thirty (30) days, except that the court may order up to three (3) months of supervision if the court ordered treatment includes a program that requires longer than thirty (30) calendar days.
2. Youth probated on a Class A or B Misdemeanor, excluding offenses for which a youth has been declared sexual offender or an offense involving a deadly weapon, the period of probation shall not exceed six (6) months, except that the court may order up to twelve (12) months of supervision if the court ordered substance abuse or mental health treatment includes a program that requires longer than six (6) months to complete.
3. Youth probated on a Class D Felony, excluding offenses for which a youth has been declared sexual offender or an offense involving a deadly weapon, the period of probation shall not exceed twelve (12) months.
4. Youth who are probated on a Misdemeanor or Class D Felony sexual offense are subject to the probation timeframe limitation as referenced in IV. F. 2. and 3. above.
5. Youth probated on a Class A, B, or C Felony, or an offense involving a deadly weapon, or for an offense in which the youth has not been declared a juvenile sexual offender, the youth may be placed on probation up to age eighteen (18). The exception shall be for youth placed on probation after reaching the age of seventeen (17) years and six (6) months, the probation shall be for a period not to exceed one (1) year.
6. Youth may be considered for early release from probation when they have completed their treatment goals and have maintained on Phase I of the community phase system. Early release for any youth who scores high risk to reoffend on the RCNA, shall be approved by the Division Director of Community and Mental Health Services.

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7. The JSW shall complete a RCNA reassessment in preparation for case closure.
8. The JSW shall complete a CMNA reassessment in preparation for case closure.
9. In preparation of the youth's release from probation, the JSW shall complete the discharge recommendation report on all cases and submit to the JSDS for approval.
10. In cases where the youth's adjudicated offense(s) were a Class A or B felony, the JSW shall forward, through the chain of command, a termination for probation request for approval by the Division Director of Community and Mental Health Services before any such request for termination of probation is made to the court.
11. The JSW shall submit the approved court report to the court through the Juvenile Court Clerk's Office and provide a copy of the report to the Judge and youth's attorney a minimum of three (3) days prior to the court review on all cases where early release of probation is being requested.
  - a. The JSW, who is the case manager, shall appear at the court review with the youth and parent or caregiver prepared to testify to the contents of the court report and offer supporting documentation if necessary.
  - b. If the court concurs with the recommendation to release the youth from DJJ probation supervision early, and signs an order to that effect, the JSW shall close the youth's case. The JSW shall document the termination of the case in running records according to the established guidelines.
12. In cases where the statutory timeframe for supervision will expire, the JSW shall send notification to the court fourteen (14) days prior to case closure.
13. The JSDS shall audit and approve the case to be closed within fourteen (14) calendar days and return to the JSW for corrections to be made within ten (10) business days, if required, prior to the JSW entering a final event date in the electronic record.

**V. STAFF TRAINING**

The Juvenile Services District Supervisor shall ensure that community staff are trained annually on the following:

- A. Probation supervision and case management;
- B. Reporting violations of probation to the court; and
- C. Termination of probation.

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**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee and the Quality Assurance Branch shall develop monitoring protocols.



**JUSTICE AND PUBLIC  
SAFETY CABINET  
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JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130  
KRS 15A.0652  
1-JPAS-2-7102, 7103,  
7104, 7107, 7109,  
7111,7118, 7119,  
7132,7176, 7177**

**CHAPTER: Juvenile Services in Community**

**SUBJECT: Commitment of Public Offenders**

**POLICY NUMBER: DJJ 607**

**TOTAL PAGES: 9**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**COMMISSIONER**

**I. POLICY**

The Department of Juvenile Justice (DJJ) shall provide supervision of, and when applicable, maintain in structured custody, youth committed to the Department by a District Court, in compliance with all applicable state laws and regulations.

Any committed youth may be placed in a state operated residential program, group home, private child care, hospital setting, or foster care consistent with the Classification and Placement Manual, or may reside with a parent, legal guardian, or other approved relative or friend of the family, emergency residence, or hospital setting arranged by the caregiver, and shall be subject to expectations or conditions established by the Department.

**II. APPLICABILITY**

This policy and procedure shall apply to all community services staff.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

A. A youth may be committed to the Department if:

1. Adjudicated guilty of a Class A or B Misdemeanor or Class D Felony and has had at least three (3) prior adjudications, excluding prior adjudications of offenses which were designated as violations, or at least four (4) prior adjudications of violations, which do not arise from the same course of conduct;
2. Adjudicated for an offense involving a deadly weapon, an offense in which youth has been declared a sexual offender, or a Class A, B, or C Felony; or
3. Have a commitment which was probated pursuant to KRS 635.060 (5) where the court previously probated or suspended a commitment in

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conjunction with any other dispositional alternative and the youth has violated the conditions of the probated commitment.

- B. Commitment and Out of Home Timeframes for youth who are committed on the following offenses:
1. Misdemeanor A or B (excluding declared sexual offenders or offenses involving a deadly weapon)
    - a. A maximum of 4 months of out of home placement including detention pursuant to KRS 15A.0652.
    - b. An extension of the length of out of home placement pursuant to KRS 15A.0652 may be considered as referenced in the Administrative Transfer Section of the Classification and Placement Manual.
    - c. The maximum commitment timeframe is not to exceed twelve (12) months pursuant to KRS 635.060.
  2. Class D Felony (excluding declared sexual offenders or offenses involving a deadly weapon)
    - a. A maximum of eight (8) months of out of home placement including detention pursuant to KRS 15A.0652.
    - b. An extension of the length of out of home placement pursuant to KRS 15A.0652 may be considered as referenced in the Administrative Transfer Section of the Classification and Placement Manual.
    - c. The maximum commitment timeframe is not to exceed 18 months pursuant to KRS 635.060.
  3. Class A, B, or C Felonies, or youth committed as declared sexual offender or of offenses involving a deadly weapon are not subject to the maximum out of home placement timeframes in KRS 635.060.
- C. Youth on Conditions of Supervised Placement
1. Committed youth residing with a parent, legal guardian, other approved relative or friend of the family, or other non-secure setting such as a hospital setting arranged by the caregiver, shall be placed on signed Conditions of Supervised Placement. The youth, parent or caregiver, and JSW shall sign and the youth and parent or caregiver shall be provided a copy of the Conditions of Supervised Placement.
    - a. Conditions of Supervised Placement shall not be completed when a youth is in an assigned placement arranged by the Classification Branch.
    - b. Conditions of Supervised Placement shall not be completed when a youth is on an approved furlough.
    - c. Youth at the time of attaining the age of eighteen (18) and are on conditions of supervised placement shall be returned to the committing court by the JSW with a request for the court to order

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youth to abide by all conditions. Failure to follow the conditions, once court ordered, may result in the court imposing contempt sanctions.

2. Youth that meet the requirements as a Qualifying Offender shall be subject to DNA collection in accordance with KRS 17.170. The following steps shall be completed within ten (10) days.
    - a. The JSW shall submit a DNA request memorandum to the JSDS for approval.
    - b. Once approved the JSW shall coordinate with closest facility superintendent and RN and request a date for the youth to appear for sample collection.
    - c. The JSW shall notify the youth and parent or care giver of the location, date, and time for sample collection.
    - d. The JSW shall complete the DNA Sample Information Sheet (KSP 47) and electronically transfer to the facility RN.
    - e. Once the JSW has receive confirmation that the sample has been collected, the JSW shall document in the electronic record.
  3. Committed youth stepping down from a placement arranged by the Classification Branch who will reside in the home of a parent, legal guardian, or other approved relative or friend of the family, shall be placed on signed Conditions of Supervised Placement. The youth, parent or caregiver, and JSW shall sign conditions of supervision the day of release and be provided a copy of the Conditions of Supervised Placement. The Juvenile Services Worker (JSW) shall make contact with the youth within twenty-four (24) hours following release from out-of-home placement.
  4. For any committed youth whose residence or planned residence is out-of-state, the JSW shall refer the case for courtesy supervision through the Interstate Compact, in accordance with DJJPP 210 (Interstate Referrals). The JSW shall notify the court of any such intended action. The JSW shall have two phone contacts per month with the youth and the parent or caregiver when an Interstate Compact referral for courtesy supervision is pending.
  5. Any changes in the youth's Conditions of Supervised Placement or treatment plan shall require the signature of the youth, parent or caregiver, and JSW on the appropriate forms. If the youth or parent refuses to sign, the JSW shall note on the form the refusal to sign.
- D. Youth shall be placed in the least restrictive alternative based upon the Classification and Placement Manual.
- E. Youth Awaiting Placement by the Classification Branch while residing in Detention:
1. Shall be removed from detention within thirty-five (35) days of disposition in accordance with KRS 635.060(4)(c).

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2. Shall not sign conditions of supervised placement or conditions awaiting placement.
  3. Who meet the requirements as a Qualifying Offender shall be subject to DNA collection in accordance with KRS 17.170. The following steps shall be completed within ten (10) days.
    - a. The JSW shall submit a DNA request memorandum to the JSDS for approval.
    - b. Once approved the JSW shall notify the facility superintendent and RN that youth is required to submit DNA sample.
    - c. The JSW shall complete The DNA Sample Information Sheet and electronically transfer to the facility RN.
    - d. Once the JSW has receive confirmation that the sample has been collected, the JSW shall document in the electronic record.
  4. The Classification Branch Manager or designee shall be responsible for securing transportation to any placement.
- F. Youth Awaiting Placement by the Classification Branch while Residing with a Parent, Legal Guardian, or Other Approved Relative or Friend of the Family or Emergency Residence or Hospital Setting Arranged by a Caregiver:
1. The youth shall be placed on Conditions Awaiting Placement. The youth, parent or guardian, and JSW shall sign the Conditions Awaitng Placement and a copy shall be provided to the youth and parent or caregiver.
  2. The JSW shall maintain supervision and case management of the youth per the Risk and Criminogenic Needs Assessment (RCNA) level in the community phase system.
  3. The youth shall be placed as soon as an assigned placement is arranged by the Classification Branch.
  4. Youth that meet the requirements as a Qualifying Offender shall be subject to DNA collection in accordance with KRS 17.170. . The following steps shall be completed within ten (10) days.
    - a. The JSW shall submit a DNA request memorandum to the JSDS for approval.
    - b. Once approved the JSW shall coordinate with closest facility superintendent and RN and request a date for the youth to appear for sample collection.
    - c. The JSW shall notify the youth and parent or care giver of the location, date, and time for sample collection.
    - c. The JSW shall complete the DNA Sample Information Sheet (KSP 47) and electronically transfer to the facility RN.
    - d. Once the JSW has receive confirmation that the sample has been collected, the JSW shall document in the electronic record.

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5. The Classification Branch Manager or designee shall be responsible for securing transportation to any placement.
- G. Placement of Committed Youth shall be in accordance with the Classification and Placement Manual.
1. Committed youth placed outside the home shall only be placed in DJJ operated facilities or facilities that are licensed by an appropriate licensing authority.
  2. When committed youth require out-of-home placement, it shall be the responsibility of the JSW to inform and assist the youth and family with the transition to placement. A brief visit to the out of home placement may be considered if requested by the youth and such request does not pose any safety or security risks to the youth or program setting.
  3. For youth targeted by the Classification Branch for initial placement in a private child-care or therapeutic foster care with a religious affiliation, the following shall occur.
    - a. The JSW shall inform the youth and the youth's parent or caregiver of the religious affiliation, if any. The youth's choice, if it differs from the parent's choice, will be honored as the primary response.
    - b. The JSW shall electronically notify the Classification Branch within three (3) business days of the response from the youth or caregiver.
    - c. The JSW shall take into consideration the youth's age (under the age of thirteen (13)) and level of functioning (Intelligence Quotient(IQ) below 70) when conducting the interview about the youth's religious affiliation. If the youth is unable to provide informed responses during the interview, the JSW shall use best efforts to obtain responses from the youth's parent or caregiver.
    - d. The JSW shall obtain answers to the following questions and provide to the Classification Branch:
      - i. Youth's choice of religion;
      - ii. If youth wants to attend religious services or instruction;
      - iii. If youth wants access to any religious texts or materials; and
      - iv. If youth has any specific religious holidays to celebrate.
    - e. The JSW shall document all contacts in the youth's electronic record.
  4. The JSW and Juvenile Services District Supervisor (JSDS) shall ensure all federal requirements are met, including: legal safeguards, reasonable efforts, aftercare or permanency goals, medical needs, visitation, grievance procedures, notifications, independent living needs, periodic and dispositional court hearings, and educational needs.
  5. In accordance with KRS 610.125 and applicable federal law, a permanency hearing shall be held every twelve (12) months for youth who are Title IV-E eligible and are in placement. The AOC

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Permanency Form shall have the signature from the judge. A stamped signature shall be prohibited.

6. The JSW shall remain the case manager and shall continue to provide services to the youth and their parent or caregiver while the youth is in placement. The JSW shall inform program personnel of any pertinent changes in their parent or caregiver and community which may affect the youth by completing a home evaluation to be submitted prior to any furlough or the discharge planning conference. If a home evaluation is denied, such conditions shall exist that cause the JSW to make a report to Department of Community Based Services (DCBS) as it relates to dependency, neglect, abuse, or human trafficking for investigation. If DCBS does not substantiate the referral, the youth shall be placed in the home; however, if safety conditions exist that cause the JSW to not make home visits, after consultation with the JSDS, shall note the safety concerns on the home evaluation report and may utilize the assistance of law enforcement or meet the youth and family in a safe, neutral location.
7. The JSW shall have at a minimum one (1) in-person contact and one (1) phone contact with the parent or guardian each month while the youth is in placement.
8. The JSW shall provide the placement with all necessary information that can be accessed such as medical card, school records, medical records, birth certificate, and social security card.
9. A JSW shall have monthly face-to-face contact with the youth and youth's counselor in any DJJ Classification placement. An exception shall be made when a youth's placement is further than 500 miles round trip from the JSW's office of assignment. If the exception applies, then the JSW shall alternate on a monthly basis between a face-to-face contact and two (2) telephonic contacts per month.
10. When the monthly face-to-face contact is made by a JSW other than the assigned JSW, the assigned JSW shall make at a minimum one (1) video or telephone contact with the youth and the facility program counselor each month.
11. For youth who are residing in therapeutic foster care arranged by the Classification Branch, the JSW shall visit the foster home residence within thirty (30) days of the initial placement and quarterly thereafter.
12. For youth who are residing in a non-DJJ operated placement, the JSW shall verify that a youth placed in foster care, therapeutic foster care, or private child care has medical, visual, and dental examinations scheduled within two (2) weeks following placement. Similar medical examinations shall be conducted annually thereafter if the youth remains in placement.

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13. For youth placed in therapeutic foster care, the JSW shall maintain at a minimum monthly phone contact with the foster parent and foster care case manager.

14. Notification in the instance of placement change:

- a. The JSW shall notify the youth's parent or caregiver as soon as the JSW is notified that a change in the youth's placement is planned.
- b. Written notification of the change in placement shall be sent to the parent or caregiver by the next business day.
- c. For youth targeted by the Classification Branch for step down to private child-care or therapeutic foster care with a religious affiliation, the following shall occur:
  - i. The JSW shall inform the youth and the youth's parent or caregiver of the religious affiliation. The youth's choice, if it differs from the parent's choice, will be honored as the primary response.
  - ii. The JSW shall electronically notify the Classification Branch within three (3) business days if the youth or caregiver objects to the placement.
  - iii. The JSW shall document all contacts in the youth's electronic record.
- d. Notification shall be sent to the committing court regarding any change in placement within fourteen (14) days. Reference KRS 605.090 (1)(g); KRS 635.090(3).
  - i. For placement changes from one (1) DJJ program to another, the notification shall be sent by the sending DJJ facility.
  - ii. For placement changes to a Therapeutic Foster Care, Private Child Care, or hospital setting, the notification shall be sent by the JSW.
- e. The JSW has ten (10) business days to notify the Regional Benefits Specialist of the change in writing by submitting the 1263 Title IV-E Child Support Change of Status.

15. For committed youth whose discharge placement from a non-DJJ operated placement that is planned to be an out-of-state residence, the JSW shall refer the case for courtesy supervision through the Interstate Compact, in accordance with DJJPP Chapter 2 (Interstate Referrals). The JSW shall notify the court of any such intended action. The JSW shall have two phone contacts per month with the youth and the parent or caregiver when an Interstate Compact referral for courtesy supervision is pending.

H. Hardship Release from out-of-home placement:

- 1. Hardship release from out-of-home placement may be recommended by the treatment team through the supervisory chain to the respective

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Regional Director and the Division Director of Community and Mental Health Services.

2. Recommendations shall only be made after appropriate investigation by the JSW regarding the current reported circumstances.
  3. Recommendations shall not conflict with legal requirements of the case, any detainers, pending disciplinary or medical action.
- I. Extension of Commitment:
1. Upon motion of the youth and agreement from the Department of Juvenile Justice, a youth may voluntarily request to extend their commitment for independent living purposes beyond the age of eighteen (18), but the commitment shall not extend beyond the age of twenty-one (21). Reference KRS 610.110(6).
  2. Petitions to the court for extension of commitment shall be made prior to the expiration of the term of commitment.
- J. Youth shall be terminated from commitment consistent with the statute under which they were committed. KRS 635.060(4)
- K. For a youth who was committed at the age of seventeen (17) years and six (6) months and has completed up to one (1) year of commitment from the disposition date, and is not a declared sexual offender, the commitment shall automatically be terminated.
- L. Administrative Discharge from Commitment:
1. The JSW shall complete a RCNA reassessment in preparation for case closure.
  2. The JSW shall complete a CMNA reassessment in preparation for case closure.
  3. The JSW shall complete the discharge recommendation report on all cases for closure and submit to the JSDS for approval.
  4. Youth may be considered for early administrative discharge from commitment when they have completed their treatment goals, have maintained on Phase I of the community phase system, and have been reassessed low risk to reoffend on the RCNA.
  5. Only the Division Director of Community and Mental Health Services may approve early release for any youth who score high risk to reoffend.
  6. A youth whose adjudicated offense was a class A or B felony shall not be recommended for early release from commitment unless approved by the Commissioner or designee.
  7. The JSW shall complete a notice of intent to release from commitment letter to the committing judge fourteen (14) days prior to the intended Department release date requesting an early administrative discharge from commitment for youth prior to their eighteenth (18th) birthday. A copy shall be sent to the parents or caregivers and the youth's attorney,

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County Attorney, and Court Clerk. Reference KRS 610.120(3), KRS 635.070.

8. If there is no objection from the Court, the youth shall be administratively discharged.
9. In cases where the statutory timeframe for commitment will expire, the JSW shall send notification to the court fourteen (14) days prior to case closure.
10. In cases of declared sexual offenders and their release from treatment and commitment refer to DJJPP Chapter 8 (SOP Manual for the Treatment of JSO's).
11. The JSWS shall audit and approve the case to be closed within fourteen (14) days and return to the JSW for corrections to be made within ten (10) business days, if necessary, prior to the JSW entering a final event date in the electronic record.

**V. STAFF TRAINING**

The Juvenile Services District Supervisor shall ensure that community staff are trained annually on the case management and supervision of committed youth, extension of commitment, and release of commitment.

**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee and the Quality Assurance Branch shall develop monitoring protocols.



**JUSTICE AND PUBLIC  
SAFETY CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130  
KRS 15A.0652**

<b>CHAPTER: Juvenile Services in Community</b>	
<b>SUBJECT: Drug Screening and Confirmation Testing</b>	
<b>POLICY NUMBER: 608</b>	
<b>TOTAL PAGES: 5</b>	
<b>EFFECTIVE DATE: 1/04/2016</b>	
<b>APPROVAL: Bob D. Hayter</b>	<b>COMMISSIONER</b>

**I. POLICY**

All probated, committed, and sentenced youth may be subject to drug screenings and confirmation testing as a means to protect the community, assure personal accountability, and assist in developing appropriate services and treatment planning for youth. Drug screening shall be conducted by Community Services staff who are certified by the test kit provider. Confirmation testing shall be provided by an independent laboratory.

**II. APPLICABILITY**

This policy and procedure shall apply to all community services staff.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. Drug screening may be randomly implemented. Selected youth may be screened on the basis of a reasonable and articulable suspicion of use. Youth on conditions of supervision may be court ordered to submit to regularly scheduled drug screens.
- B. Drug screening results may be used in the following ways:
  1. Identify youth who recently used illicit drugs;
  2. Request further alcohol and other drug assessments;
  3. Notify parent or caregiver of a youth's drug involvement;
  4. Develop treatment goals for youth;
  5. Make referrals to appropriate treatment agencies;
  6. Hold youth accountable and apply graduated sanctions for drug usage up to, and including, revocation;
  7. Modify the Conditions of Probation or Supervised Placement; or
  8. Reinforce continued sobriety and abstinence.
- C. Department of Juvenile Justice (DJJ) staff administering drug screens shall have completed appropriate training prior to administering drug screenings.

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- D. Drug screens may be administered to youth who are probated, committed, or sentenced.
- E. Youth in therapeutic foster care or private child care may be screened for drug use. Upon notification of a positive drug screening the Juvenile Service Worker (JSW) shall inform the Juvenile Services District Supervisor (JSDS) or Juvenile Services Regional Manager.
- F. The Department may use a combination of onsite screening and contracted services, as deemed appropriate by the Department.
- G. All drug screen and drug confirmation results shall be entered in the electronic record and documentation maintained in hard copy ICR.
- H. The screening process shall be conducted as follows:
  - 1. Notification:
    - a. Youth shall be informed, in writing, of the purpose of drug screening and the consequences of positive screen results, including: graduated responses, movement to a more restrictive level of supervision, or revocation of probation or supervised placement.
    - b. Youth shall be informed that failure or refusal to cooperate by providing a specimen within a reasonable time period (two (2) hours) is a violation, and may result in a graduated response.
  - 2. Pre-Screen Interview:
 

In a pre-screen interview, the JSW shall escort the youth to a private office or area where a pre-screen interview shall be conducted by the JSW in order to ascertain and document any recent use of prescription or non-prescription drugs. This information shall be retained in the youth's hard copy Individual Client Record (ICR) and, if applicable, forwarded to contracted services as deemed appropriate.
  - 3. Privacy during screening:
    - a. If there is no cause for a witnessed urine collection, a youth shall be provided privacy for the collection of a urine sample.
    - b. The youth shall be kept under supervision throughout the screening process to ensure the integrity of the screen. The youth shall be allowed to provide a specimen in the privacy of a stall or otherwise partitioned area that allows for privacy.
    - c. In the following circumstances the youth may be directed to provide a urine specimen to a private physician, lab, or community health center within two (2) hours:
      - i. The individual has altered or substituted a specimen in the past.
      - ii. A previous urine sample was determined by the laboratory to have creatinine levels outside the normal range.
      - iii. There is reason to believe the individual may alter or substitute a specimen.

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- iv. The individual has screened positive and is now screening as part of a graduated response.
  - v. The JSW observes conduct clearly indicating an attempt to substitute or alter the urine specimen.
  - vi. The urine specimen falls outside the normal temperature range and a second screen is necessary.
4. Confidentiality
- a. The JSW and the laboratory involved in any aspect of the drug screening or testing program shall be required to maintain strict standards of confidentiality, as required by law.
  - b. Drug screening shall take place in a private setting. No other youth shall be present during any part of the procedure.
5. Collecting Specimen
- a. Integrity of Specimen
    - i. A JSW shall be trained to carry out the drug screening procedures.
    - ii. Protective gloves shall be worn by the staff at all times during the collection process.
    - iii. The staff shall provide a collection cup to each youth to be screened.
    - iv. The staff shall take the following precautions, if applicable:
      - a) Place bluing agents in the toilet tanks;
      - b) Instruct the individual to thoroughly wash and dry their hands prior to urination;
      - c) Instruct youth to remove all unnecessary garments that could be used to conceal, such as coats, jackets, sweaters, purses, hats, backpacks, or briefcases, or any other personal items, are left outside the collection area; and
      - d) Instruct youth that any substances that could be used to alter the urine specimen are left outside the collection area.
    - v. After the youth has produced a sufficient amount of urine, the certified community staff shall collect the urine specimen.
    - vi. In the presence of the youth, the staff shall verify the appropriate temperature of the specimen within four (4) minutes of the sample being provided using the thermometer strip on the bottom of the collection cup. The specimen shall be within the temperature range of ninety (90) to one hundred (100) degrees Fahrenheit.
  - b. If the youth cannot produce a valid specimen within a reasonable time frame (two (2) hours), they may be subject to graduated sanction.
- I. Conducting the drug screen:
- 1. The JSW shall utilize the screening strips provided by the test kit provider to perform the preliminary drug screen.

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2. If the specimen screens negative, the specimen shall be discarded.
  3. If the drug screen is positive, the youth shall be asked to sign a statement acknowledging that he or she has been using drugs and the results of the drug screen is accurate. This written statement shall not be coerced and shall be provided by the youth voluntarily.
  4. If the youth acknowledges the positive results of the screen and signs the statement, the DJJ staff person shall address the positive drug screen. The confirmation test shall not be required.
  5. If the youth disagrees with and does not acknowledge the results of the drug screen, the confirmation test shall be conducted using an independent laboratory. The JSW shall prepare the specimen for processing according to the independent laboratory's instructions.
- J. The process for the confirmation test shall be followed as directed by the independent laboratory responsible for conducting the test.
- K. The confirmation process is as follows:
1. An independent laboratory shall perform the confirmation test on disputed results;
  2. Samples testing positive after both the screen and confirmation tests shall be considered positive for the purpose of retaining the specimen;
  3. Samples testing negative after the confirmation test shall be considered a negative result;
  4. Positive samples shall be retained according to the policy of the independent laboratory;
  5. The laboratory shall report which substance, or substances, the urine sample tested positive for, if any.
- L. The notification process shall be as follows:
1. Test results shall be reported to the Medical Review Officer (MRO) within five (5) business days of receipt of the specimen, excluding weekends and holidays.
  2. Results shall be transmitted to the MRO in a manner designed to ensure confidentiality of the information.
  3. The MRO shall notify the Community designee of the test results.
  4. The Community designee shall notify the responsible JSW. The JSW shall notify the youth of the results within one (1) business day and schedule a meeting to review any positive results within forty-eight (48) hours, excluding holidays or weekends, of the MRO's receipt of the results. The meeting shall serve as an opportunity for the JSW to discuss the test results with the youth, for the youth to provide any additional information that would influence the test results, and to notify youth of appropriate sanctions, if appropriate.

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**M. Requesting Additional Confirmation Testing:**

Youth shall be allowed to request that the sample submitted for testing and sent to DJJ's contract vendor be tested through a vendor of their own choosing after notification of a positive drug test. They shall provide a written request to the contract vendor requesting the test sample be sent to a vendor of their choice and the additional confirmation testing shall be completed at the youth's expense.

N. If a drug screen indicates a positive result and the youth has not previously tested positive, treatment alternatives shall be considered as a graduated response.

**V. STAFF TRAINING**

The Juvenile Services District Supervisor shall ensure that all community staff are trained on the following:

- A. The drug screening vendor training curriculum, as needed; and
- B. Departmental drug screening and testing procedures, annually.

**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee and the Quality Assurance Branch shall develop monitoring protocols.



**JUSTICE AND PUBLIC SAFETY  
CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130,  
KRS 15A. 0652  
KRS 610.125  
1-JPAS-2-7068**

**CHAPTER: Juvenile Services in the Community**

**Social Security Act  
Section 475(5)(C); Public  
Law 96-272, 42USC670-  
679(b)**

**SUBJECT: Youth's Benefits**

**POLICY NUMBER: DJJ 609**

**TOTAL PAGES: 3**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**COMMISSIONER**

**I. POLICY**

Mandatory benefits shall be applied for, distributed, maintained, and released only when necessary, for eligible youth committed or sentenced to the Department. These benefits shall offset the cost of care.

**II. APPLICABILITY**

This policy and procedure shall apply to all DJJ staff.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

A. Listed under "Sources of Funds" are the different types of benefits a youth may be eligible to receive. It shall be the Juvenile Service Worker's (JSW) responsibility to identify if a youth is potentially eligible for benefits or currently receiving benefits upon commitment. The JSW shall notify the Benefits Worker of the death of a parent occurring while youth is committed to DJJ and in out of home care. Applications shall be made for all available benefits for eligible committed or sentenced youth.

B. Sources of Funds include the following:

1. Social Security: Technically named "Retirement and Survivors Disability Insurance" (RSDI), the program makes payments to the youth of disabled, retired, or deceased wage earners. Eligibility for Social Security ends at age eighteen (18) unless the youth is in full-time high school attendance. In that case, benefits end at age nineteen (19). The disabled youth of a disabled, retired, or deceased wage earner is eligible for "disabled child's benefits" beyond age eighteen (18). The youth shall be made his own payee at age eighteen (18) for Social Security Benefits.
2. Supplemental Security Income (SSI): Although administered by the Social Security Administration (SSA), eligibility for SSI is not determined by the youth's relationship to the wage earner, but instead, by

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the youth's disability, living arrangement, income, and resources. When a youth is applying for SSI, potential eligibility for certain other programs shall be explored. Eligibility for SSI continues regardless of age as long as disability, resources, and income requirements are met.

- a. For SSI purposes, a disability (physical or mental) is one that has existed or may exist for twelve (12) months or more.
- b. Non-disability and financial eligibility are re-evaluated periodically after payment has started. Examples of the youth's income may be child support payments, unearned income, and earned income. Countable resources cannot exceed \$2,000 or eligibility ends. Parents' income and resources are also evaluated if they reside in the same household as the youth. The youth shall be made his own payee at age eighteen (18) for SSI, unless appropriate documentation is submitted to the Social Security Administration that establishes the youth is incapable of being his own payee.
- c. The youth's placement also affects eligibility.

3. **Black Lung:** Benefits from the Department of Labor or the Social Security Administration for miner's dependents are determined by the youth's relationship to a miner disabled or deceased as a result of Black Lung disease, pneumoconiosis.
4. **Veterans' Administration:** Benefits from the Veterans' Administration depend on the youth's relationship to a deceased or disabled veteran.
5. **Railroad Retirement Benefits:** Benefits from the Railroad Retirement Board of America for youth of disabled, retired, or deceased wage earners.
6. **Armed Services Allotments:** Youth of armed services personnel may receive allotments contributed by the parent. These youth may also be eligible for Tri Care for medical insurance coverage. This may be dependent on the fact that no other health insurance is carried by the family other than Medicare.
7. **Other Statutory Benefits:** Benefits are available for the youth of pensioned federal civil servants.
8. **Note:** All benefits other than SSI are "entitlements". Benefits are paid regardless of the beneficiaries' condition, income, or resources.

#### C. Departmental Responsibility

1. The Department of Juvenile Justice (DJJ) is authorized by KRS 605.100 to arrange for payments to provide for the care of youth who are committed or sentenced.
2. If a youth is already receiving RSDI or SSI benefits when committed or sentenced, the JSW shall contact their Regional Benefits Specialist for direction. In the event that the prior payee receives the benefit check, the JSW or youth counselor involved shall instruct them to return the check to Social Security for the new payee. The prior payee needs to inform Social Security that DJJ, Frankfort is the new payee.

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3. If the youth has never received RSDI or SSI benefits before, the JSW shall contact their Regional Benefits Specialist for direction.
4. Other Benefits  
To apply for DJJ to be payee on all other benefits, the JSW shall notify the Regional Benefits Specialist.
5. Change of Payee
  - a. When the youth leaves placement, the JSW shall notify the Benefits Specialist of the new payee. While DJJ may recommend who the new payee may be, the responsibility for determination of payee is solely the benefit agency.
  - b. The new payee shall apply for the benefits at the agency responsible for paying the benefits. Change of payee for RSDI or SSI under normal circumstances requires sixty (60) to ninety (90) days. SSA is unable to change payee in advance of placement.

#### **V. STAFF TRAINING**

- A. The Benefits Specialist shall train new employees within three (3) months of their hire date.
- B. The Benefits Specialist shall train all staff as a result of any changes within three (3) months of the date of change.
- C. The Juvenile Services District Supervisor shall conduct annual reviews with all staff.

#### **VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee, in conjunction with the Regional Benefits Specialist, shall develop monitoring protocols to be used by the Juvenile Services District Supervisor or Juvenile Services Specialist that review the administration of youth's benefits.



**JUSTICE AND PUBLIC  
SAFETY CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130,  
KRS 15A.0652  
2-JPAS-2-7116**

**CHAPTER: Juvenile Services in Community**

**SUBJECT: Title IV-E**

**Federal Foster Care Maintenance Payments**

**POLICY NUMBER: DJJ 609.1**

**TOTAL PAGES: 4**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**COMMISSIONER**

**I. POLICY**

The Department of Juvenile Justice (DJJ) shall apply for reimbursement for out-of-home care under Title IV-E of the Social Security Act for all qualifying youth. DJJ shall work cooperatively with the Cabinet for Health and Family Services, Division of Protection and Permanency (DPP) in regards to application for and reimbursement through Title IV-E.

**II. APPLICABILITY**

This policy and procedure shall apply to all DJJ staff.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

**A. Eligibility:**

1. Eligibility is determined on a one (1)-time basis when the youth enters care.
  - a. Once established, a youth's eligibility continues as long as the youth remains under the care and responsibility of DJJ, with the exception of a youth placed on supervised placement in excess of 6 months. At the 6-month point, either a court order granting placement extension should be obtained or the juvenile is no longer Title IV-E Eligible.
  - b. If youth is re-committed and subsequently placed in a facility, then a new Title IV-E determination must be completed and all eligibility criteria reestablished including a new removal order with a Best Interest/Reasonable Efforts finding.
2. A youth shall meet two (2) eligibility requirements for Title IV-E foster care:
  - a. The youth shall have entered care as the result of a court order with a judicial determination. Title IV-E regulations require physical removal from the home at the time the initial court order is obtained with

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judicial determination that it is in the best interest of the youth to be removed or that it is contrary to the welfare of the youth to remain in the home. If physical and Legal Removal do not coincide the juvenile would be “Non Title IV-E” Eligible unless the Judge notates on the removal order the juvenile has permission to remain in the home until placement is arranged by DJJ.

- b. The youth shall have had a relationship to the Aid to Families with Dependent Children (AFDC) program in the month the petition that led to the youth’s removal from the home was filed.
3. When the youth reaches the age limit for the program he or she shall lose eligibility for Title IV-E.
4. Title IV-E eligibility shall be determined by the DPP Benefits Worker in the district that has family case responsibility. When a youth is placed in another district, the Title IV-E case shall be maintained in the district that has family case responsibility.
5. The circumstances which define AFDC eligibility, or hypothetical AFDC eligibility, for Title IV-E purposes are:
  - a. Living with a specified relative;
  - b. Deprived of support of one (1) or both parents;
  - c. Need;
  - d. US citizen or legal alien; and
  - e. Age.
6. Once eligibility is established, DJJ shall determine for every month that a youth is in care whether the youth’s care was reimbursable by the Federal government. A youth may lose and regain reimbursability on a frequent basis depending on changes in the youth’s circumstances. Conditions of reimbursability may vary from month to month. A redetermination shall occur annually to establish whether the reimbursability criteria are met on a month-to-month basis. The reimbursability criteria are:
  - a. Legal responsibility for the youth is with the Title IV-E agency;
  - b. Court certification of reasonable efforts to prevent or eliminate the need for removal for youth removed from their home as the result of a court order;
  - c. A court order, which contains the appropriate judicial determination, obtained within 180 days for youth removed as a result of voluntary commitment;
  - d. Reimbursable placement, such as approved foster family home; private, non-profit, non-medical group home licensed by the state; public non-medical group home or child-care facility which has a licensed capacity of less than twenty-six (26) beds; relative foster home; or pre-adoptive placement;and

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- e. Age under eighteen (18) or under nineteen (19) for youth in school that will graduate before their nineteenth (19th) birthday.
- B. The Social Security Act allows reimbursement of foster care payments under Title IV-E in any month in which a youth receives SSI benefits. However, both IV-E and SSI shall not be claimed concurrently.
- C. Parents shall be held responsible for the financial and medical support of their youth in accordance with their ability to do so even when the youth is found eligible for Title IV-E.
- D. The DJJ Benefits Specialist shall have responsibility for:
  1. Submitting the completed DSS-1260, Title IV-E and Child Support Referral Form to the appropriate Department of Protection and Permanency children's benefits worker on youth believed to be Title IV-E eligible and to the appropriate Child Support Office on youth not believed to be Title IV-E eligible.
  2. Submitting the completed DSS-1263, Title IV-E and Child Support Change of Status to the appropriate Department of Protection and Permanency children's benefits worker on youth believed to be Title IV-E eligible to the appropriate Child Support Office on youth not believed to be Title IV-E eligible.
- E. DJJ shall be responsible for maintaining compliance with Medicaid requirements pursuant to KRS 205.510 through 205.630.
- F. The Juvenile Service Worker (JSW) shall complete the DSS-1260, Title IV-E Referral packet and attach it to the petition and commitment order for submission to the DJJ Regional Benefits Specialist within ten (10) business days of commitment.
- G. The JSW shall:
  1. Schedule Annual Permanency and Dispositional reviews within the month due after receiving notification via a monthly report compiled by DJJ Regional Benefits Specialist and sent to all JSDSs for follow up and scheduling by the JSW;
  2. Complete the dispositional review report and file with the court three (3) days prior to the scheduled court date;
  3. Ensure the completion of the AOC Permanency Hearing form provided by the court with the judge's original signature and Reasonable Efforts determination;
  4. Submit court order to the DJJ Regional Benefits Specialist within ten (10) business days following the court date; and,
  5. As a result of any placement change, ensure completion and submission of the DSS-1263 Title IV-E Change of Status to the DJJ Regional Benefits Specialist within ten (10) business days reporting changes which may affect reimbursement.

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**V. STAFF TRAINING**

- A. The Benefits Specialist shall train new employees within three (3) months of their hire date.
- B. The Benefits Specialist shall train all staff as a result of any changes within three (3) months of the date of change.
- C. The Juvenile Services District Supervisor shall conduct annual reviews with all staff.

**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee and Fiscal Branch Manager, in conjunction with the Regional Benefits Specialist, shall develop monitoring protocols.



**JUSTICE AND PUBLIC  
SAFETY CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130,  
KRS 15A.0652**

**CHAPTER: Juvenile Services in  
Community**

**SUBJECT: Trust Funds**

**POLICY NUMBER: DJJ 609.2**

**TOTAL PAGES: 3**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**COMMISSIONER**

**I. POLICY**

A Trust Fund account shall be established for all youth receiving mandatory benefits, inheritance, or insurance awards. The excess benefits, the difference between the monthly benefits received and the youth's cost of care, shall be accumulated in the youth's trust fund account.

**II. APPLICABILITY**

This policy and procedure shall apply to all community service offices.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. When monthly benefits are received for a youth, they shall be posted to the trust fund account. The cost of care or the entire month's benefits, whichever is less, shall be deducted and the remaining amount accumulated in the youth's trust fund account.
- B. Inheritance or insurance awards are not automatically used to offset cost of care. The Department of Juvenile Justice (DJJ) Office of Legal Counsel shall review the stipulations within the inheritance or insurance awards. The Regional Benefits Specialist shall be responsible for sending the necessary documents to Central Office when review is needed to determine if trust fund money can be accessed.
- C. Trust fund accounts may accumulate to any amount. However, the accumulation may affect SSI, Medical Assistance, and Title IV-E Foster Care eligibility.
  1. If the youth's trust fund account is accumulating too rapidly, the Central Office Benefits Coordinator will notify the Benefits Specialist of the current cost of care to determine if the cost of care has been computed correctly.
  2. If the cost of care has been computed correctly, efforts shall be made to reduce the trust fund to accepted levels to maintain SSI, IV-E Foster Care

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benefits or Medical Assistance. The Juvenile Service Worker (JSW) shall assess the youth's needs and, if items are needed, purchase them.

3. SSI recipients:
  - a. The benefits specialist shall inform the Social Security Administration (SSA) if the trust fund account, and other countable resources, has exceeded \$2,000, the maximum amount of resources an SSI recipient is permitted to have to retain eligibility.
  - b. SSA shall then suspend or end eligibility for payment and Medical Assistance until the youth's resources are spent below the limit.
4. Medical Assistance:
  - a. Non-SSI youth receiving no more than the current maintenance rate in total monthly benefits are eligible for a "Y" or "I" Medical Assistance card if resources meet all Medicaid resource limits.
  - b. Title IV-E Foster Care: Foster children receiving no more than the current maintenance rate income for the total monthly benefits may be eligible for Title IV-E and the "P" or "X" Medical Assistance card if resources are no more than \$1,000.

#### D. Trust Fund Withdrawals

Special withdrawals may be made from the youth's trust fund account when:

1. The withdrawal is approved by the appropriate level of supervision and is an appropriate expenditure. The expenditure shall relate to a need that has been identified in treatment planning. Activities may include, but are not limited to, a youth's special talents or abilities, the need for special equipment or developmental aids. When an expense requiring special approval shall be repeatedly incurred over a period exceeding one (1) month, for example, musical instrument rental, the total amount needed for the entire period shall be approved at the appropriate approval level. The request shall state that the expense is for a service that is a part of the youth's written treatment plan.
2. The approval level for such special expenses shall be as follows:
  - a. Amounts \$0-\$250—Juvenile Services District Supervisor (JSDS) or Residential Superintendent
  - b. Amounts \$250-\$500 - Juvenile Services Regional Manager or Facilities Regional Administrator
  - c. Amounts over \$500 – Appropriate Division Director
3. In no instance shall a withdrawal be paid to a DJJ staff.
4. Receipts submitted by foster parents to justify expenses shall be preprinted or be written and signed by the vendor. When unusual situations require use of a receipt that is not preprinted, it shall be clear that the vendor has been paid for the service specified. Workers and foster parents are to instruct stores to submit bills to the JSW.

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5. Documentation of the approval of special expenses shall accompany the invoice when it is submitted to the Fiscal Branch for payment from the trust fund.
6. Withdrawals shall not be made to reimburse cost of care to foster parents or private child-caring facilities. However, withdrawals may be made to reimburse other care providers when youth are in transitional or non-foster care settings. In these cases, the Regional Manager shall approve the monthly amount needed for care, not to exceed the youth's monthly benefits. Documentation of the approval of these reimbursements shall accompany the invoice when submitted to the Fiscal Branch for payment from the trust fund.
7. Once payment is processed, the withdrawal shall be posted on the youth's trust fund.

**E. Change of Payee**

1. When a change of payee for mandatory benefits occurs, the trust fund of RSDI or SSI shall be disbursed to SSA and a new payee shall be recommended. SSA shall determine if an overpayment occurred, deduct any overpayment, and after selecting a new payee, forward the balance to the new payee.
2. When changes of benefits occur for all other benefits, such as accumulated benefits, interest, etc., these benefits shall be returned to the appropriate agency for authorized distribution to the new payee.

**V. STAFF TRAINING**

- A. The Benefits Specialist shall train new employees within three (3) months of their hire date.
- B. The Benefits Specialist shall train all staff as a result of any changes within three (3) months of the date of change.
- C. The Juvenile Services District Supervisor shall conduct annual reviews with all staff.

**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee, in conjunction with the Regional Benefits Specialist, shall develop monitoring protocols.

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>AUTHORITY and REFERENCES: 505 KAR 1:130, KRS 15A.0652, KRS 605.080</b>
<b>CHAPTER: Juvenile Services in Community</b>		
<b>SUBJECT: Transportation of Committed Youth</b>		
<b>POLICY NUMBER: DJJ 610</b>		
<b>TOTAL PAGES: 2</b>		
<b>EFFECTIVE DATE: 1/04/2016</b>		
<b>APPROVAL: Bob D. Hayter</b>		<b>COMMISSIONER</b>

**I. POLICY**

The Department of Juvenile Justice (DJJ) shall provide transportation for committed youth as provided in KRS 605.080. Department personnel may provide transportation for committed youth in circumstances when no other resources are available. Coordination shall be required between the community services staff, the assigned placement, and the Transportation Branch to provide the needed transportation.

**II. APPLICABILITY**

This policy and procedure shall apply to all community service offices and to the Division of Placement Services, Classification Branch, and Transportation Branch.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

In accordance with KRS 605.080, following a court proceeding and pursuant to the order of the court, the sheriff, jailer, or designee or other contracted agency shall provide transportation of youth between the courts and detention, and between the courts, detention, and treatment facilities. In other circumstances, the Department is responsible for transporting youth committed or sentenced to its custody. All travel arrangements for youth that are under the supervision of DJJ shall be made to ensure the safety of youth, staff, and the public.

- A. Community services staff shall provide transportation in a state vehicle for committed youth who are on Conditions of Supervised Placement or furlough when all other resources to transport youth have been exhausted. The Juvenile Services District Supervisor (JSDS) shall approve any transport of a youth.
- B. Community staff may provide transportation in a state vehicle for committed youth who are in therapeutic foster care, private child care, or hospital setting if DJJ Transportation Branch staff are unavailable with the approval of the Division Director of Community and Mental Health Services.
- C. Staff transporting youth shall not possess a firearm, knife, other deadly weapon or dangerous instrument, controlled substance or alcohol.

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- D. When transporting a youth as described in KRS 605.080(3), staff transporting youth shall observe the same gender requirements.
- E. Parents or legal guardian of a committed youth may be provided transportation in a state vehicle with the approval of the Deputy Commissioner of Community and Mental Health Services.
- F. All other transportation may be coordinated between the community service staff, the placement, and the Transportation Branch.
- G. Probated youth shall not be provided transportation by Department personnel.
- H. No youth or their parents or guardians shall be transported in an employee's personal vehicle.

**V. STAFF TRAINING**

The Juvenile Services District Supervisor shall ensure that community staff are trained annually on transportation of committed youth.

**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee, in conjunction with the Quality Assurance Branch, shall develop monitoring protocols to be used by the Juvenile Services District Supervisor or Juvenile Services Specialist that review the administration of the standards of community supervision.

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>AUTHORITY and REFERENCES: 505 KAR 1:130, KRS 15A.0652</b>
<b>CHAPTER: Juvenile Services in Community</b>		
<b>SUBJECT: Out - of - State Travel</b>		
<b>POLICY NUMBER: DJJ 610.1</b>		
<b>TOTAL PAGES: 3</b>		
<b>EFFECTIVE DATE: 1/04/2016</b>		
<b>APPROVAL: Bob D. Hayter</b>		<b>COMMISSIONER</b>

**I. POLICY**

Youth who are traveling to another state in excess of twenty-four (24) consecutive hours shall have prior approval through Interstate Compact.

**II. APPLICABILITY**

This policy and procedure shall apply to all Public Offenders and Youthful Offenders, who are on conditions of supervised placement, probation, or placed in therapeutic foster care, private childcare, or hospital setting.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. When a committed or probated youth plans to travel to another state, the Juvenile Service Worker (JSW) shall complete a travel request and the required forms as outlined in DJJPP Chapter 2 (Interstate Travel). The request and required forms shall be forwarded through the established supervisory channels in the Division of Community and Mental Health Services.
- B. Travel permits shall be mandatory for juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours and who have committed or which the adjudicated offenses or case circumstances include any of the following:
  - 1. Sex-related offenses;
  - 2. Violent offenses that have resulted in personal injury or death;
  - 3. Offenses committed with a weapon;
  - 4. Juveniles who are probated to DJJ;
  - 5. Juveniles who are state committed;
  - 6. Juveniles testing placement and who are subject to the terms of the Compact;
  - 7. Juveniles returning to the state from which they were transferred for the purposes of visitation;

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- 8. Juveniles transferring to a subsequent state(s) with the approval of the initial sending state; and,
- 9. Transferred juveniles in which the victim notification laws, policies and practices of the sending and/or receiving state require such notification.
- C. A travel permit may be used as a notification of juveniles traveling to an out-of-state private residential treatment facility who are under the terms or conditions of probation or parole.
- D. The permit shall not exceed ninety (90) calendar days. If for the purposes of testing a placement, a referral packet shall be received by the receiving state's ICI Office within thirty (30) calendar days of the effective date of the Travel Permit. The issuing state shall ensure the juvenile has been instructed to immediately report any change in status during that period.
- E. When a Travel Permit exceeds thirty (30) calendar days, the sending state shall provide specific instructions for the juvenile to maintain contact with his/her supervising agency.
- F. Authorization for out-of-state travel shall be approved through Interstate Compact when the sending state retains authority to approve travel the receiving state shall request an obtain approval prior to authorizing the juvenile's travel.
- G. The JSW shall complete the interstate travel request with the youth and parent or caregiver.
- H. The JSW shall submit the travel request to the Juvenile Services District Supervisor (JSDS) for approval.
- I. If approved, the JSW shall submit the request to the Interstate Compact Administrator.
- J. Youth who are adjudicated on a Class A or B felony, regardless of length of stay, all requests for out-of-state travel shall be routed through supervisory channels for approval by the Office of the Commissioner.
- K. Youth who are testing placement in another state the JSW shall have two phone contacts per month with the youth and the parent or caregiver when an Interstate Compact referral for courtesy supervision is pending.

**V. STAFF TRAINING**

The Juvenile Services District Supervisor, in conjunction with the Division of Placement Services, shall ensure that community staff are trained annually on Interstate Compact out-of-state travel procedures.

**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee, in conjunction with the Quality Assurance Branch, shall develop monitoring protocols to be used by the Juvenile Services District Supervisor or Juvenile

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Services Specialist that review the administration of the Interstate Compact out-of-state travel procedures.



**JUSTICE AND PUBLIC  
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JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130  
KRS 15A.0652**

**CHAPTER: Juvenile Services in Community**

**SUBJECT: Electronic Monitoring**

**POLICY NUMBER: 611**

**TOTAL PAGES: 3**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**COMMISSIONER**

**I. POLICY**

Probated, committed, or sentenced youth may be subject to electronic monitoring.

**II. APPLICABILITY**

This policy and procedure shall apply to all community services offices.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. Electronic monitoring is a supervision tool that provides information about the youth's presence at, or absence from, his or her residence, or other assigned location. Electronic monitoring may include ankle monitors, passive or active Global Positioning System (GPS), and voice verification equipment.
- B. When using electronic monitoring:
1. Continued violations may result in increased graduated responses.
  2. Compliance may result in a reduction in the use of graduated response(s).
  3. Consideration should be given to the age and Intelligence Quotient (IQ) of youth targeted for electronic monitoring. Young, immature youth (eleven (11) to twelve (12) years of age), or low functioning youth may not respond well to electronic monitoring, therefore, lessening the effectiveness. In these situations, it is suggested that the Juvenile Service Worker (JSW) discuss the appropriate actions with the Juvenile Services District Supervisor (JSDS).

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- C. Electronic monitoring shall be used for:
  1. Youth on conditions awaiting placement;
  2. Youth with pending charges while on conditions of supervision; or
  3. Youth pending a community based revocation hearing.
- D. Electronic monitoring may be used for:
  1. Monitoring curfew;
  2. Short term intervention as a result of a violation;
  3. Graduated responses; or
  4. Transition from placement to residing with a parent or caregiver.
- E. The use of electronic monitoring shall be reflected in the electronic record.
- F. Youth and their parent or caregiver shall be instructed on the use, care, and responsibility of the electronic monitoring equipment. The youth, their parent or caregiver, and the Department of Juvenile Justice (DJJ) representative shall sign and date that all parties have been informed of the use, care, and responsibilities regarding the equipment. The youth and parent or caregiver may be responsible for damaged or lost equipment.
- G. In the event that electronic monitoring equipment is lost, stolen, or damaged, the JSW shall complete and submit a memorandum to the JSDS.
  1. In the event the equipment is lost, stolen, or damaged, the youth and their parent or caregiver may be required to pay restitution.
  2. Criminal charges may be filed.
- H. The JSDS or designee shall maintain an inventory of electronic monitoring equipment. The inventory shall include the following:
  1. Name of the JSW who has the electronic monitoring equipment;
  2. Type of equipment issued by serial number;
  3. Date issued; and,
  4. Date returned and condition of equipment.
- I. The JSDS or designee shall maintain a record and tracking system for the electronic equipment.
- K. The ordering of equipment and supplies shall be the responsibility of the Division Director of Community and Mental Health Services or designee.

**V. STAFF TRAINING**

The JSDS shall ensure that all community staff are trained on the following:

- A. The electronic monitoring vendor training curriculum, as needed; and
- B. Departmental electronic monitoring procedures, annually.

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**VI. MONITORING MECHANISM**

- A. The Division Director of Community and Mental Health Services or designee, in conjunction with the Quality Assurance Branch, shall develop monitoring protocols to be used by the Juvenile Services District Supervisor.
- B. The Division Director of Community and Mental Health Services or designee shall compile an annual report, to be provided at the end of each fiscal year, detailing the number and type of units currently available, lost, stolen, or damaged, and actions taken to recover.

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>AUTHORITY and REFERENCES: 505 KAR 1:130, KRS 15A.0652 3-JTS-5I-02, 04 1-JPAS-2-7178,7179</b>
<b>CHAPTER: Juvenile Services in Community</b>		
<b>SUBJECT: Authorized Leave for Public Offenders, Juvenile Sexual Offenders, and Youthful Offenders in Placement</b>		
<b>POLICY NUMBER: DJJ 612</b>		
<b>TOTAL PAGES: 8</b>		
<b>EFFECTIVE DATE: 1/04/2016</b>		
<b>APPROVAL: Bob D. Hayter</b>		<b>COMMISSIONER</b>

**I. POLICY**

Authorized leave may be permitted for emergencies, or to meet the treatment objectives of Public Offenders (PO) and Juvenile Sexual Offenders who are in placement. Authorized leave may be granted for Youthful Offenders (YO) consistent with the stipulations of KRS 439.600.

**II. APPLICABILITY**

This policy and procedure shall apply to all Public Offenders, Juvenile Sexual Offenders, and Youthful Offenders in placement. Reference DJJPP Chapter 3 (Authorized Leave: Off-Grounds Activities, Day Release, and Furlough).

**III. DEFINITIONS**

Refer to Chapter 600.

**IV. PROCEDURES**

A. Day releases and furloughs shall be planned to meet treatment objectives.

**B. YOUTH RESIDING IN A DJJ PLACEMENT**

1. Day Release

- a. The youth counselor and Juvenile Service Worker (JSW) shall coordinate the rules for the day release agreement.
- b. The Superintendent and Juvenile Services District Supervisor (JSDS) shall review the recommendation of the treatment team and make a final decision.
- c. If approved for day release, the youth counselor shall complete the day release paperwork and send to the JSW and JSDS for approval. If the day release will include the youth visiting their home, the home evaluation shall be updated if the preliminary

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home evaluation was not conducted within the past six (6) months.

- d. The youth and parent or caregiver shall sign and receive a copy of the conditions of the day release.
  - e. Prior to the unescorted day release of a YO, a request through the Regional Division Director shall be submitted to the Commissioner or designee, seeking final approval for the unescorted day release consistent with the provision of KRS 439.600.
  - f. Any differences in planning or approving day releases will be addressed through the supervisory channels, with the final decision being made by the Deputy Commissioners.
  - g. The youth counselor shall forward written notification of the intended day release to the JSW seven (7) days in advance of the anticipated leave.
  - h. The conditions of the day release and documentation shall accompany the youth during the day release.
2. Emergency Furlough
- a. The Superintendent or designee shall verify, with assistance of the JSW, the circumstances of the emergency.
  - b. The youth counselor shall initiate the request for an emergency furlough of a PO and submit it through the supervisory channels, with the final approval being granted by the Facilities Regional Administrator (FRA). The FRA shall notify the Regional Division Director on the same day of the emergency furlough.
  - c. The facility staff shall immediately notify the JSW when the emergency furlough is approved and when it occurs. The JSW shall immediately notify the JSWS.
  - d. During the emergency furlough period, the JSW shall maintain contact with the youth and parent or caregiver commensurate with Phase III of the community phase system.
  - e. The extension of the emergency furlough shall be approved by the Regional Division Director. Emergency furloughs shall not exceed more than seven (7) consecutive days, without proper authorization.
  - f. The emergency furlough for a YO shall only be approved as provided in KRS 439.600. Prior to the emergency furlough of a YO, the Regional Division Director shall submit a written request to the Commissioner or designee seeking final approval for the emergency furlough.

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- g. The youth counselor, JSW, JSDS, and Superintendent shall approve the emergency furlough agreement.
- h. The counselor shall review the emergency furlough agreement with the youth and parent or caregiver, obtain signatures, forward a copy to JSW, and give a copy to the parent or caregiver.
- i. In cases of critical illness or death of a family member or caregiver, the youth may be allowed to go to the bedside under escort or alone, when statutes and circumstances allow.

3. Furloughs

- a. The treatment team shall evaluate the readiness of the youth.
- b. The JSW shall update the home evaluation on the proposed furlough residence, to include a summary update of a CourtNet and TWIST enquiry and submit to the program counselor forty-five (45) days prior to scheduled discharge. If a home evaluation is denied, such conditions shall exist that cause the JSW to make a report to Department of Community Based Services (DCBS) as it relates to dependency, neglect, abuse, or human trafficking for investigation. If DCBS does not substantiate the referral, the youth shall be placed in the home; however, if safety conditions exist that cause the JSW to not make home visits, the JSW, after consultation with the JSDS, shall note the safety concerns on the home evaluation report and may utilize the assistance of law enforcement or meet the youth and family in a safe, neutral location.
- c. The youth counselor shall submit the request for furlough through supervisory channels, with final approval being granted by the Facilities Regional Administrator (FRA).
- d. The approved furlough shall be forwarded to the JSW and JSDS for required signatures.
- f. The counselor shall review the furlough agreement with the youth and parent or caregiver, obtain signatures, forward copy to JSW, and give a copy to the parent or caregiver. If the parent or caregiver is unable to transport the youth for furlough, the JSW shall obtain parent or caregiver's signatures on the furlough documents.
- g. The conditions of the furlough shall accompany the youth during the furlough.
- h. While the youth is on furlough, the JSW shall maintain a minimum of one (1) phone contact per day with the youth and his parent or caregiver.
- i. The furlough of YOs shall be prohibited except as provided for in KRS 439.600. Prior to the furlough of a YO, the Regional

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Division Director shall submit a written request to the Commissioner or designee seeking final approval for the furlough.

### C. FOR YOUTH RESIDING IN A NON-DJJ PLACEMENT

#### 1. Day Releases

- a. The treatment team shall recommend the day release.
- b. The Juvenile Services District Supervisor (JSDS) shall review the recommendation of the treatment team and make a final decision.
- c. If approved for day release, the Juvenile Service Worker (JSW) shall complete day release paperwork and obtain all required signatures. The youth and parent or caregiver shall sign and receive a copy of the conditions of release.
- d. An unescorted day release of a YO placed in a Level II non-DJJ facility may be authorized by the Commissioner or designee consistent with the provisions of KRS 439.600.
- e. Written approval from the Division Director of Community and Mental Health Services and the Office of the Commissioner shall be obtained prior to the unescorted day release of a YO.
- f. Any differences in planning or approving day releases will be addressed through the supervisory channels, with the final decision being made by the Deputy Commissioners.
- g. The youth counselor shall forward written notification of the intended day release to the JSW seven (7) days in advance of the anticipated leave.
- h. The conditions of the day release and documentation shall accompany the youth during the day release.

#### 2. Emergency Furloughs

- a. The program staff shall verify circumstances of the emergency with the JSW.
- b. The JSW shall initiate the request for an emergency furlough, and submit it through the supervisory channels, with the final approval being granted by the Juvenile Services Regional Manager (JSRM). The JSRM shall notify the Division Director of Community and Mental Health Services on the same day of the emergency furlough.
- c. Upon notification of the emergency furlough, the JSW shall collaborate with facility staff in the planning and execution of the emergency furlough. The JSW shall immediately notify the JSDS.

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- d. The JSW shall document the approval for Emergency furlough in the electronic record.
- e. During the emergency furlough period, the JSW shall maintain contact with the youth and parent or caregiver commensurate with Phase III of the community phase system.
- f. The extension of the emergency furlough shall be approved by the Division Director of Community and Mental Health Services. Emergency furlough shall not exceed more than seven (7) consecutive days without proper authorization.
- g. The emergency furlough for Youthful Offenders in non-DJJ operated Level II placement shall be prohibited except as provided for in KRS 439.600. Written approval from the Division Director of Community and Mental Health Services and the Commissioner or designee shall be obtained prior to the emergency furlough of a Youthful Offender.
- h. The conditions of the emergency furlough shall be explicitly outlined for the youth, the parent or caregiver, designated youth counselor and JSW. The youth, parent or caregiver, youth counselor, JSW, JSDS, and the program director shall approve the emergency furlough conditions. The youth and parent or caregiver shall sign and receive a copy of the conditions of furlough.
- i. The conditions of the emergency furlough and its documentation shall accompany the youth during the emergency furlough.

### 3. Furloughs

- a. The treatment team shall evaluate the readiness of the youth.
- b. The program counselor shall provide written notification the JSW fourteen (14) days in advance of the planned furlough.
- c. The JSW shall update the home evaluation on the proposed furlough residence, to include a summary update of a CourtNet and TWIST enquiry and submit to the program counselor forty-five (45) days prior to scheduled discharge. If a home evaluation is denied, such conditions shall exist that cause the JSW to make a report to DCBS as it relates to dependency, neglect, abuse, or human trafficking for investigation. If DCBS does not substantiate the referral, the youth shall be placed in the home; however, if safety conditions exist that cause the JSW to not make home visits, the JSW, after consultation with the JSDS, shall note the safety concerns on the home evaluation report and may utilize the assistance of law enforcement or meet the youth and family in a safe, neutral location.

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- d. The JSW shall complete, and obtain required signatures on the furlough paperwork.
- e. The JSW shall submit the request for furlough through supervisory channels, with final approval being granted by the Juvenile Services Regional Manager.
- f. The JSW shall document the approval for furlough in the electronic record.
- g. The youth and parent or caregiver shall sign and receive a copy of the conditions of furlough. The conditions of the furlough shall accompany the youth during the furlough.
- h. While the youth is on furlough, the JSW shall maintain contact with the youth and their parent or caregiver a minimum of one (1) phone contact per day.
- i. Furloughs shall not be granted for more than two (2) consecutive days without proper authorization by the Division Director of Community and Mental Health Services.
- j. The furlough of YO placed in non-DJJ Level II placement shall be prohibited except as provided for in KRS 439.600. Written approval from the Division Director of Community and Mental Health Services and the Commissioner or designee shall be obtained prior to the furlough of a youthful offender.

**D. Processing the completed Day Release, Emergency Furlough, and Furlough:**

1. The JSW shall participate in a conference with the youth, parent or caregiver, and program counselor to review progress on the treatment objectives identified for the furlough.
2. The JSW shall document the conference in the ICR.

**E. Day Release, Emergency Furlough, and Furlough Non-compliance:**

1. The day release, emergency furlough, or furlough may be cancelled at any time due to the youth's non-compliance with the conditions, or other significant factors, related to the youth's status in the program.
2. If violations or circumstances occur that requires the day release, emergency furlough, or furlough to be cancelled, the following procedures shall be followed:
  - a. If the youth is with the parent or caregiver, the parent or caregiver shall notify the JSW and the facility of any alleged violations or circumstances. The JSW shall assess the situation to determine the action needed while considering the youth, parent or caregiver, and community safety.
  - b. If the youth counselor or the JSW verifies violations, the release or furlough shall be terminated and the youth returned to the

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facility. Notification shall be made to the JSDS and the facility Superintendent or Administrative Duty Officer (ADO).

- c. If a decision is made to return the youth to the facility, the youth counselor, JSW, JSDS, and Superintendent or ADO shall develop the plan to have the youth returned to the facility.
- d. Commissioner's Warrants shall be used to facilitate the return of a youth to the designated program when the youth is AWOL, or has escaped while on day release, emergency furlough, or furlough.

**F. Medical Furlough**

- 1. Medical furloughs for youth in foster care, therapeutic foster care, hospital settings, and private child care shall be granted for the duration as specified by the youth's health care provider, and if approved by the Division Director of Medical Services and the Division Director of Community and Mental Health Services.
- 2. Medical furloughs for youth in DJJ operated residential programs shall be approved by the Regional Division Director and the Division Director of Medical Services.
- 3. The medical furlough of YOs shall be prohibited except as provided for in KRS 439.600. Written approval from the Regional Division Director, Division Director of Community and Mental Health Services, and the Commissioner or designee shall be obtained prior to the medical furlough of a YO.
- 4. All medical furloughs shall be governed by written conditions which shall outline the length of the medical furlough and behavioral expectations of the youth during the medical furlough.
- 5. These conditions shall be agreed upon by signature of the youth, parent or caregiver, JSW, and the treatment team with approval by the Superintendent and JSDS, before the youth is placed on medical furlough.
- 6. Copies of the signed agreement shall be given to the youth, the JSW, and parent or caregiver supervising the youth during the medical furlough.
- 7. While the youth is on medical furlough, the JSW shall maintain contact with the youth and their family commensurate with Phase III of the community phase system.

G. Out of state furlough: Furloughs to out-of-state locations shall be pursuant to DJJPP Chapter 2, (Interstate Referrals).

**V. STAFF TRAINING**

The Juvenile Services District Supervisor shall ensure that community staff are trained annually on the following:

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- A. Day Release;
- B. Emergency Furlough;
- C. Furlough; and
- D. Medical Furlough.

**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee and Quality Assurance Branch, shall develop monitoring protocols.

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURE</b>	<b>AUTHORITY and REFERENCES: KRS 15A.0652, KRS 635.100, 3-JDF-5A-13 3-JCRF-5H-07 1-JPAS-2-7158, 7159</b>
<b>CHAPTER: Juvenile Services in Community</b>		
<b>SUBJECT: Supervised Placement Revocation</b>		
<b>POLICY NUMBER: DJJ 613</b>		
<b>TOTAL PAGES: 4</b>		
<b>EFFECTIVE DATE: 1/04/2016</b>		
<b>APPROVAL: Bob D. Hayter</b>		<b>COMMISSIONER</b>

**I. POLICY**

Supervised placement status may be revoked for those youth who reside with a parent, legal guardian, other approved relative or friend of the family, or emergency residence or hospital setting arranged by the caregiver, who are on conditions of supervised placement, and have been found to have violated one (1) or more conditions of supervised placement.

**II. APPLICABILITY**

This policy and procedure shall apply to all youth committed on public offenses. Placement in a Level 1 through Level 5 setting by the Division of Placement Services, Classification Branch shall not be considered to be on supervised placement, and the youth is not entitled to a supervised placement revocation hearing.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. A supervised placement violation report may be prepared on youth who have allegedly violated one (1) or more conditions of supervised placement, following consultation with the Juvenile Services District Superintendent (JSDS).
- B. A supervised placement violation report shall be prepared on youth who:
  - 1. Are alleged to have violated one (1) or more conditions of supervised placement, and are believed to be a safety concern or risk to the community; or
  - 2. Are arrested or charged with a felony offense.
- C. Issuance of the Commissioner’s Warrant

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1. In the case of a youth requiring immediate detention as a result of a safety concern a Commissioner's Warrant shall be initiated by the Juvenile Services Regional Manager.
2. Only sworn peace officers shall execute a Commissioner's Warrant.
3. The Juvenile Service Worker (JSW) shall immediately notify the Office of Commissioner, the Juvenile Services Regional Manager, and the JSDS, when the Commissioner's Warrant is executed, and forward a copy of the executed document to the Office of the Commissioner and DJJ Legal Services.
4. The JSW shall forward the prepared supervised placement violation report and any subsequent addendums, through the supervisory channels. The youth shall be notified in writing of the alleged violations of supervised placement prior to the probable cause hearing.

**D. Probable Cause Hearing and Revocation Hearing**

1. The probable cause and revocation hearings shall be conducted in accordance with 505 KAR 1:090.
2. For youth not detained on a Commissioner's Warrant, a probable cause hearing shall not be required. A community based revocation hearing shall be scheduled.
3. For youth detained on a Commissioner's Warrant:
  - a. A probable cause hearing shall be required within five (5) business days, excluding weekends and holidays, unless a continuance is requested or agreed to by the youth or his attorney. KRS 635.100.
  - b. If probable cause is found, the revocation hearing shall be held within ten (10) business days following the probable cause hearing, excluding weekends and holidays, unless a continuance is requested or agreed to by the youth or his attorney.
  - c. If probable cause is not found, the youth shall return to the community on conditions of supervised placement.
4. The hearing officer shall submit a written finding of fact and a recommendation regarding revocation of supervised placement to the youth, parent or caregiver, youth's attorney, JSW, JSDS, Juvenile Services Regional Manager, Division Director of Community and Mental Health Services, and Office of the Commissioner within three (3) business days of the conclusion of the hearing, excluding the date of the hearing, weekends, and holidays.
5. If the hearing officer has determined that a violation has occurred, the Division Director of Community and Mental Health Services, or designee, shall make the final decision regarding the results of the revocation hearing. Options may include the following:

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- a. If the hearing officer determined that one (1) or more conditions of supervised placement have been violated and revocation is warranted, the Division Director of Community and Mental Health Services may determine that the youth has violated conditions of supervised placement and determine whether the revocation of the supervised placement is warranted.
  - b. If the hearing officer determined that one (1) or more conditions of supervised placement have been violated and revocation is warranted, the Division Director of Community and Mental Health Services may determine that the youth shall be permitted to continue to reside with a parent or caregiver on supervised placement.
  - c. If the hearing officer determined that one (1) or more conditions of supervised placement have been violated, but does not recommend that revocation is warranted, the Division Director of Community and Mental Health Services may accept or reject the recommendation as to revocation.
6. If the hearing officer has determined that the youth did not violate one (1) or more conditions of supervised placement, the youth shall remain on previously established conditions of supervised placement.
  7. The Division Director of Community and Mental Health Services, or designee, shall issue a decision letter sent by certified mail, return receipt requested, to the youth, the parents or caregiver, and the youth's attorney within five (5) business days of receipt of the hearing officer's finding of fact, not including the date of receipt of the finding, weekends, and holidays.

**V. STAFF TRAINING**

- A. The Division of Community and Mental Health Services and the Division of Legal Services shall provide initial training to all community staff.
- B. The Division of Professional Development shall coordinate annual training thereafter.

**VI. MONITORING MECHANISM**

- A. The Division Director of Community and Mental Health Services or designee, in conjunction with the Quality Assurance Branch, shall develop monitoring protocols to be used by the Juvenile Services District Supervisor or Juvenile Services Specialist that review the implementation of the administrative Supervised Placement Revocation process.

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- B. The Juvenile Services District Supervisor shall review and approve all requests for Administrative Supervised Placement Revocation.
- C. The Juvenile Services Regional Manager shall approve all requests for Administrative Supervised Placement Revocation and ensure all requests support the issuance of a Commissioner's Warrant if applicable. If a Commissioner's Warrant is issued, the Juvenile Services Regional Manager shall track the issuance of the warrant through the process of the warrant being executed and withdrawn from the National Crime Information Center (NCIC).



**JUSTICE AND PUBLIC  
SAFETY CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
KRS 15A.0652**

**CHAPTER: Juvenile Services in Community**

**SUBJECT: Juvenile Intensive Supervision Team**

**POLICY NUMBER: 615**

**TOTAL PAGES: 2**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**COMMISSIONER**

**I. POLICY**

The Juvenile Intensive Supervision Team (JIST) is a cooperative program between the Department of Juvenile Justice (DJJ) and local law enforcement agencies that provides an increased level of supervision for youth, as determined by the Department.

**II. APPLICABILITY**

This policy and procedure shall apply to all community services offices.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. JIST programs may be initiated in areas of the state where there are reasonable concentrations of cases, available Juvenile Service Worker (JSW) staff, and available and interested law enforcement partners.
- B. There shall be a written Memorandum of Agreement between DJJ and the participating local law enforcement agency prior to the commencement of a JIST partnership.
- C. Prior to participation in the JIST programming, DJJ JIST staff and Law Enforcement partners shall complete locally based cross training as to respective responsibilities. DJJ JIST staff shall be expected to complete DJJ JIST specific training modules initially and at minimum regular refresher trainings and cross trainings.
- D. All JIST staff shall have custom fitted body armor, and body armor shall be worn on every JIST visit.
- E. The JIST program shall serve high-risk probation cases, supervised placement cases, and sentenced Youthful Offender cases.
- F. JIST implementation is at the discretion of the Juvenile Services District Supervisor (JSDS) and may consist of the following:
  1. The JIST JSW, if the caseload permits, may carry a dedicated JIST caseload;

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2. The JIST JSW may carry a regular caseload and provide JIST services for any other ongoing case within the designated geographical area; or
  3. Caseload may consist of a combination of the above two (2) options.
- G. In the event of a violation, the following shall occur:
1. If the JIST JSW is also the case manager for the youth, the JIST JSW shall respond with a graduated response according to DJJPP 605 (Community Supervision).
  2. If the JIST JSW is not the case manager for the youth, the JIST JSW shall notify the ongoing JSW no later than the next business day.
- H. The JIST JSW shall participate in any administrative revocation hearing if they have relevant testimony.
- I. If the youth is arrested on new charges, the JSDS, the JSW, and the JIST Worker shall conference the case to determine the necessity for continued JIST supervision.
- J. A youth shall be eligible for transition from JIST programming to the regular Community Supervision Program when his or her progress in the Community Phase System demonstrates appropriateness for reduction in the intensity of supervision.
- K. A youth may be referred back to JIST courtesy supervision if the youth's behavior escalates and the supervision level again increases.
- L. The JIST worker shall provide a monthly report of JIST activity to the JSDS.

#### **V. STAFF TRAINING**

The Division Director of Community and Mental Health Services or designee, in conjunction with the Division of Professional Development, shall ensure that all community staff are trained annually. Identified staff providing Juvenile Intensive Supervision Team services are given specialized training as updates and changes occur regarding the Juvenile Intensive Supervision Team program.

#### **VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee, in conjunction with the Quality Assurance Branch, shall develop monitoring and evaluation protocols for the Juvenile Intensive Supervision Team program.



**JUSTICE AND PUBLIC  
SAFETY CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130  
KRS 15A.0652  
KRS 640.040; 640.120  
1-JPAS-2-7103,7111**

<b>CHAPTER: Juvenile Services in Community</b>	
<b>SUBJECT: Youthful Offenders –Confined, Shock Probated, and Transferred to the Department of Corrections</b>	
<b>POLICY NUMBER: DJJ 616</b>	
<b>TOTAL PAGES: 5</b>	
<b>EFFECTIVE DATE: 1/04/2016</b>	
<b>APPROVAL: Bob D. Hayter</b>	<b>COMMISSIONER</b>

**I. POLICY**

The Department of Juvenile Justice (DJJ) shall maintain custody and control of Youthful Offenders sentenced to confinement to the Department by a Circuit Court, in compliance with all applicable state laws and regulations.

**II. APPLICABILITY**

This policy and procedure shall apply to all community service offices.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. A Youthful Offender who is sentenced to confinement by a Circuit Court shall serve the sentence in a DJJ operated facility or licensed facility until one of the following, whichever occurs first (Reference KRS 640.030):
1. Sentence expires;
  2. Probated;
  3. Shock probated;
  4. Paroled;
  5. Transferred to the Department of Corrections; or
  6. Attains the age of eighteen (18) and five (5) months.
- B. Youthful Offenders awaiting placement by the Classification Branch while residing in detention shall:
1. Be taken into custody and placed within sixty (60) days of sentencing in accordance with KRS 640.030(2).
  2. Have contact from a DJJ representative at least once per week while in non-DJJ detention centers and county adult detention centers.
  3. Be subject to DNA collection in accordance with KRS 17.170. The following steps shall be completed within ten (10) days.

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- a. The JSW shall submit a DNA request memorandum to the JSDS for approval.
  - b. Once approved the JSW shall notify the facility superintendent and RN that youth is required to submit DNA sample.
  - c. The JSW shall complete The DNA Sample Information Sheet and electronically transfer to the facility RN.
  - d. Once the JSW has receive confirmation that the sample has been collected, the JSW shall document in the electronic record.
- C. Transportation to the facility shall be in accordance with KRS 605.080. The Classification Branch shall arrange the placement of the Youthful Offender who is sentenced to confinement. It shall be the duty of the Commonwealth Attorney after the imposition of a Youthful Offender is sentenced to confinement to cause to be immediately transmitted to the facility or program with the commitment papers, a concise statement of the facts adduced at the trial or at the hearing of a plea of guilty. Reference KRS 640.060.
- D. Youthful Offenders shall remain in placement and in the custody of the Department until age eighteen (18), at which time the youth shall be returned to the sentencing court for a final sentencing hearing pursuant to KRS 640.030, unless the Youthful Offender has been probated or released on parole. The sentencing hearing shall be held on or about the youth's eighteenth (18th) birthday. At this hearing, the court shall make one (1) of the following determinations:
1. Whether the Youthful Offender shall be placed on probation or conditional discharge;
  2. Whether the Youthful Offender shall be returned to the Department to complete a treatment program, which treatment program shall not exceed the Youthful Offender's attainment of the age eighteen (18) years and five (5) months. At the conclusion of the treatment program, the Youthful Offender shall be returned to the sentencing court for a determination as set forth in KRS 640.030(2)(b); or
  3. Whether the Youthful Offender shall be incarcerated in an institution operated by the Department of Corrections. Reference KRS 640.030(2)(c).
- E. Youth initially sentenced between the ages of eighteen (18) and the age of eighteen (18) and five (5) months:
1. If a Youthful Offender has attained the age of eighteen (18) years but less than eighteen (18) years and five (5) months prior to initial sentencing, that individual shall be returned to the sentencing court upon attaining the age of eighteen (18) years and five (5) months if that individual has been sentenced to a period of placement or treatment with DJJ. The court shall have the same dispositional options as currently provided in KRS 640.030(2)(a) or (c); and
  2. DJJ shall inform the sentencing court of any Youthful Offender in their custody pursuant to this section who has attained the age of eighteen (18)

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and five (5) months, and the court shall enter a court order directing the sheriff or jailer to transport the Youthful Offender to the county jail to await sentencing pursuant to KRS 640.030(2)(a) or (c).

**F. Shock Probation**

1. If a Youthful Offender is remanded by the Circuit Court to the custody of DJJ for placement in a residential facility as a result of probation being denied at the initial sentencing hearing, or an original order of probation was revoked as a result of a violation(s), and the Youthful Offender is sentenced and in custody, the Youthful Offender may enter a motion requesting shock probation. This motion shall be made no earlier than thirty (30) days, or no later than one hundred eighty (180) days after incarceration, following his conviction and sentencing. Reference KRS 439.265; KRS 439.267.
2. The Court shall consider any motion for shock probation filed in accordance with above referenced statute within sixty (60) days, and shall enter its ruling within ten (10) days after considering the motion. The Youthful Offender may, at the discretion of the sentencing court, have the right to a hearing on any motion he may file, or have filed for him, that would suspend further execution of his sentence. The offender may be released from custody by the Court and granted probation under the supervision of the Department. Reference KRS 439.265(2); KRS 439.267.
3. If the Circuit Court grants the motion, the Circuit Court may issue an order of probation which specifies the length of the probation period and the imposed conditions of probation.
4. The JSW shall initiate community supervision of the Youthful Offender granted shock probation in accordance with DJJPP 605 (Community Supervision).
5. Requests for revocation of shock probation shall be processed in accordance with DJJPP 615 (Probation of Youthful Offenders).
6. Transportation to the facility upon revocation of shock probation shall be in accordance with KRS 605.080.

**G. Transferring a Youthful Offender to the Department of Corrections:**

1. Per KRS 640.070(1), upon motion of the Department, the sentencing Circuit Court may, after notice and hearing, order a Youthful Offender transferred to an adult facility operated by the Department of Corrections if it is established by a preponderance of the evidence that the Youthful Offender has:
  - a. By his aggressive behavior, injured or endangered the life or health of another Youthful Offender or staff members in the facility or program;
  - b. Escaped from the facility or program from which he is being held;
  - c. By his actions, caused disruption in the facility or program by encouraging other residents to engage in aggressive behavior which

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- has injured or endangered the life or health of other residents or staff of the facility or program;
- d. By his actions, caused disruption in the facility or program, smuggled contraband into the facility or program, caused contraband to be smuggled into the facility or program, or engaged in other types of behavior which have endangered the life or health of other residents or staff of the facility or program; or
  - e. By his actions, has established a pattern of disruptive behavior not conducive to the established policies and procedures of the program.
2. A Youthful Offender may be transferred to the Department of Corrections following the process set forth in KRS 640.070(4) if a Youthful Offender is mentally ill and is dangerous to himself or others, and cannot be adequately treated in the Youthful Offender program.
  3. DJJ may, after consultation with the Department of Corrections, request for a Youthful Offender to remain in the custody of a DJJ facility or program, until the expiration of the sentence or until the Youthful Offender is released on parole, but in no event past twenty-one (21) years of age. Reference KRS 640.075(1).
  4. Any Youthful Offender, whose custody has been retained by DJJ as provided in KRS 640.075, may be immediately transferred to the Department of Corrections if the Youthful Offender causes any disruption to the program, or attempts to escape.
  5. Any Youthful Offender who attains the age of twenty-one (21) while in custody of the Department shall be immediately transferred to the Department of Corrections. Reference KRS 640.075(3).
  6. When a Youthful Offender is transferred to the Department of Corrections in accordance with the provisions of KRS Chapter 640, the Department shall transfer a copy of the all records relating to the Youthful Offender to the Department of Corrections. Reference KRS 640.110.

## **V. STAFF TRAINING**

- A. The Juvenile Services District Supervisor shall ensure that community staff are trained annually on the following:
  1. Circuit court proceedings;
  2. Youthful Offender confinement and case management; and
  3. Youthful Offender transfer to the Department of Corrections.
- B. The Juvenile Services Regional Manager and the Division of Legal Services shall collaborate and produce a training component regarding Youthful Offender statutes.

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**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee, in conjunction with the Quality Assurance Branch, shall develop monitoring protocols to be used by the Juvenile Services District Supervisor or Juvenile Services Specialist that review the administration of the standards of confinement and transfer for Youthful Offenders.



**JUSTICE AND PUBLIC  
SAFETY CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130,  
KRS 15A.0652;  
KRS 610.110;  
KRS 610.120;  
640.120**

**CHAPTER: Juvenile Services in Community**

**SUBJECT: Probation of Youthful Offenders**

**POLICY NUMBER: DJJ 616.1**

**TOTAL PAGES: 4**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**COMMISSIONER**

**I. POLICY**

The Department of Juvenile Justice (DJJ) shall provide supervision to Youthful Offenders probated to the Department by a Circuit Court, in compliance with all applicable state laws and regulations, to monitor compliance with the conditions of probation or conditional discharge imposed by the Circuit Court.

**II. APPLICABILITY**

This policy and procedure shall apply to all community service offices.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. Any period of probation required by the sentencing court may be supervised by DJJ, per order of the court, if the Youthful Offender is under the age of eighteen (18). DJJ may make recommendation to the Circuit Court concerning the disposition of the Youthful Offender. Reference KRS 640.050.
- B. At sentencing, the Juvenile Service Worker (JSW) shall secure signatures from the Youthful Offender and the parent or caregiver, and shall provide both with copies of the Conditions of Probation.
- C. The JSW shall use the following guidelines for Youthful Offenders on probation:
  1. Any Youthful Offender on probation who is under the age of eighteen (18) shall reside with a parent or caregiver and shall be subject to conditions of probation established by the court. The court may designate the Department to develop such conditions.

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The court may add additional conditions upon the Youthful Offender as needed.

- a. All Youthful Offenders on probation shall participate in community supervision. Reference DJJPP Chapter 6 (Community Supervision).
  - b. An individual case plan and subsequent case reviews shall be in accordance with DJJPP Chapter 6 (Case Planning and Participation in Treatment Planning).
  - c. The JSW shall document in the electronic record the youth's compliance or failure to comply, with the conditions of probation.
  - d. It shall be the responsibility of the JSW to keep the Circuit Court apprised of any change in status of the youth.
2. The conditions of Youthful Offender probation shall be consistent with the Circuit Court order of probation. The conditions shall be discussed fully with the youth and parent or caregiver prior to signing.
  3. Any youthful offender, regardless of age, convicted of a felony offense under KRS is required to have DNA collected. The following steps shall be completed within ten (10) days.
    - a. The JSW shall submit a DNA request memorandum to the JSDS for approval.
    - b. Once approved the JSW shall coordinate with closest facility superintendent and RN and request a date for the youth to appear for sample collection.
    - c. The JSW shall notify the youth and parent or care giver of the location, date, and time for sample collection.
    - c. The JSW shall complete the DNA Sample Information Sheet (KSP 47) and electronically transfer to the facility RN.
    - d. Once the JSW has receive confirmation that the sample has been collected, the JSW shall document in the electronic record.
- D. A Youthful Offender shall remain on probation to the DJJ until the sentence has been served, the supervision has been transferred to the Department of Corrections upon turning eighteen (18) years old, or the youth is released from probation by the sentencing court.
- E. A Youthful Offender whose probation extends beyond his eighteenth (18th) birthday shall be transferred to the supervision of the Department of Corrections. Reference KRS 640.050(1)(b).
- F. Revocation of Probation
1. The JSW shall notify the Circuit Court when violation(s) meeting the criteria for revocation under community supervision have occurred, and may request that the Youthful Offender's probation

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be revoked. Any revocation shall take place prior to parole under or expiration of the sentence of imprisonment or within ninety (90) days after the grounds for revocation comes to the attention of the Department.

2. All violations shall be documented in the electronic record listing the date, condition(s) violated, and other significant factors.
3. The JSW shall complete the request to revoke the Youthful Offender's probation, and seek approval from the Juvenile Services District Supervisor (JSDS) prior to filing with the Commonwealth Attorney and the Circuit Court.
4. If the youth is to be held pending a final hearing, the Circuit Court judge shall hold a preliminary hearing and determine if probable cause exists on the alleged violation(s). At a final hearing the Circuit Court may revoke probation if it finds by a preponderance of the evidence that a violation has occurred.
5. The JSW shall appear in Circuit Court and be prepared to testify to the contents of the report and offer supporting documentation if necessary.
6. If probation is revoked, the Youthful Offender shall be returned to custody of DJJ if the Youthful Offender is under the age of eighteen (18). The procedures of the Kentucky Department of Juvenile Justice Classification and Placement Manual shall be followed.

**G. Detention of Youthful Offenders Pending Revocation Proceedings**

1. Any youth proceeded against as a Youthful Offender, under the provisions of KRS Chapter 640, who is under eighteen (18) years of age shall be detained in a secure juvenile detention facility if he or she is unable to meet the conditions of release or bail established pursuant to KRS 431 and the Kentucky Rules of Criminal Procedures. Reference KRS 640.020(1).
2. Any youth proceeded against as a Youthful Offender, under the provisions of KRS Chapter 640, who is eighteen (18) years of age or older shall be lodged as an adult if he or she is unable to meet the conditions of release or bail established pursuant to KRS 431 and the Kentucky Rules of Criminal Procedures. Reference KRS 640.020(2).

**V. STAFF TRAINING**

- A. The Juvenile Services District Superintendent shall ensure that community staff are trained annually on the following:
1. Circuit court proceedings;
  2. Youthful Offender probation supervision and case management;
- and

<b>POLICY NUMBER</b> <b>DJJ 616.1</b>	<b>EFFECTIVE DATE</b> <b>1/04/2016</b>	<b>PAGE NUMBER</b> <b>4 of 4</b>
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3. Revocation of Youthful Offender probation.
- B. The Juvenile Services Regional Manager and the Division of Legal Services shall collaborate and produce a training component regarding Youthful Offender statutes.

**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee and the Quality Assurance Branch shall develop monitoring protocols.



**JUSTICE AND PUBLIC  
SAFETY CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130,  
KRS 15A.0652  
KRS 640.040**

<b>CHAPTER: Juvenile Services in Community</b>	
<b>SUBJECT: Parole of Youthful Offenders</b>	
<b>POLICY NUMBER: DJJ 616.2</b>	
<b>TOTAL PAGES: 2</b>	
<b>EFFECTIVE DATE: 1/04/2016</b>	
<b>APPROVAL: Bob D. Hayter</b>	<b>COMMISSIONER</b>

**I. POLICY**

Youthful Offenders shall be subject to the jurisdiction of the Kentucky Parole Board and may be placed on parole to the Department of Corrections. Reference KRS 640.080(1).

**II. APPLICABILITY**

This policy and procedure shall apply to all community service offices.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. The Parole Board may, with regard to a Youthful Offender, exercise any of the powers which it possesses pursuant to KRS Chapter 439, except as provided in KRS Chapters 600 to 645. Reference KRS 640.080(1).
- B. The Juvenile Service Worker shall appear as needed at a parole board hearing and be prepared to testify if necessary.
- C. A Youthful Offender parole violator shall, except as provided in KRS Chapter 635 and 640, be incarcerated in a secure juvenile detention facility until eighteen (18) years of age, unless released prior to that age. Upon reaching eighteen (18) years of age, an incarcerated violator shall be transferred to the Department of Corrections. Reference KRS 640.080(2).
- D. The Division of Placement Services shall maintain the records regarding Youthful Offender parole eligibility.
- E. A hearing with the Parole Board shall be scheduled by the Division of Placement Services when the youth meets parole eligibility.
- F. Per KRS 640.100, Department staff shall furnish members of the Parole Board:
  1. Access at all reasonable times to any Youthful Offender over whom the board has jurisdiction under KRS Chapter 640;
  2. Facilities for communicating with and observing the Youthful Offender;
  3. Reports required by the Parole Board concerning the conduct and character of any Youthful Offender in its custody; and

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- 4. Any other facts deemed pertinent by the board in determining whether the Youthful Offender shall be paroled.
- G. Per KRS 640.090, upon determination that a person is a Youthful Offender, the Department shall provide copies of records to the Kentucky Parole Board and to the Department of Corrections. No record relating to the youth, except records maintained by the Youthful Offender's defense attorney or the Department of Public Advocacy, if he was defended by that department, shall be deemed privileged from disclosure to the Parole Board.
- H. A Youthful Offender shall be released from the Department of Juvenile Justice's custody to the direct supervision of the Department of Corrections, Division of Probation and Parole, if he or she has been granted parole by the Kentucky Parole Board and upon the issuance of the Parole Certificate. This applies to Youthful Offenders under and over eighteen (18) years of age. Reference DJJPP 351 (Youthful Offender Parole).

**V. STAFF TRAINING**

- A. The JSDS in conjunction with the Division of Placement Services shall ensure that community staff are trained annually on the following Youthful Offender parole process.
- B. The Juvenile Services Regional Manager and the Office of Legal Services shall collaborate and produce a training component regarding Youthful Offender statutes.

**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee, in conjunction with the Quality Assurance Branch, shall develop monitoring protocols to be used by the Juvenile Services District Supervisor or Juvenile Services Specialist that review the administration of the standards of Youthful Offender parole.



**JUSTICE AND PUBLIC  
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DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130  
KRS 15A.0652**

**CHAPTER: Juvenile Services in Community**

**SUBJECT: Incident Reports**

**POLICY NUMBER: DJJ 617**

**TOTAL PAGES: 3**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**COMMISSIONER**

**I. POLICY**

The Department of Juvenile Justice (DJJ) shall have a system for reporting incidents involving probated, committed, or sentenced youth who are either residing in a community placement, detention facility, or an out-of-home placement by the Division of Placement Services.

**II. APPLICABILITY**

This policy and procedure shall apply to all community service offices.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

A. A Juvenile Service Worker shall complete an incident report when a juvenile on conditions of supervision or placed in a private child care, hospital setting, or therapeutic foster care is involved in any of the following circumstances:

1. Use of Isolation;
2. Absent without leave (AWOL), escape, or attempts;
3. Assault or attempted assault by:
  - a. Youth on youth;
  - b. Youth on staff;
  - c. Staff on youth; or
  - d. Youth on other;
2. Sexual assault or attempted sexual assault, involving physical contact of:
  - a. Youth on youth;
  - b. Youth on staff;
  - c. Staff on youth; or
  - d. Youth on other;
3. Sexual acting-out:
  - a. Youth on youth;

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- b. Youth on staff;
    - c. Staff on youth or
    - d. Youth on other;
  - 4. Major property destruction;
  - 5. Possession of contraband;
  - 6. Death of youth;
  - 7. Medication error;
  - 8. Major injury or illness requiring more than first aid, including emergency medical care or transport;
  - 9. Self-harming behavior;
  - 10. Suicide attempt;
  - 11. Use of restraint:
    - a. Physical restraint;
    - b. Therapeutic restraint; and
    - c. Mechanical restraint, except in cases of routine transportation;
  - 12. The taking of a hostage or hostages;
  - 13. Rioting or attempting to incite a riot;
  - 14. Serious threat of harm to staff or youth;
  - 15. Positive drug screen or test;
  - 16. Chronic program disruption; or
  - 17. Other.
- B. An electronic incident alert shall be completed by the Juvenile Service Worker (JSW) within twenty-four (24) hours of the receipt of information but no later than the close of business of the next business day.
- 1. The JSW shall print the electronic incident alert and place in the youth's Individual Client Record(ICR).
  - 2. The JSW shall enter the details of the incident in the youth's electronic running record and reference the incident ID.
- C. For youth on community supervision or placed by the Classification Branch in a therapeutic foster care, private child care, or hospital placement all incidents involving the death of a youth, serious physical injury, sexual assault, AWOL, posing a threat to public safety, or any action resulting in the death of another person shall be immediately reported to the Deputy Commissioner of Community and Mental Health Services through the proper supervisory channels upon knowledge of the incident to include weekends and holidays. The notification may include phone calls, emails, or a written report.
- D. All incident reports other than those involving the death of a youth, serious physical injury, sexual assault, AWOL, or pose a threat to public safety or any action resulting in the death of another person shall be

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reported through supervisory channels to the Division Director of Community and Mental Health Services.

- E. As the result of the death of a youth, a copy of the entire individual client record, along with a copy of the incident report, shall be forwarded through the proper supervisory channels within seventy-two (72) hours for the internal review committee process to occur.
  - 1. The detailed legal history shall also be included in the case file.
  - 2. All family and personal resources shall be exhausted prior to recommending expenditure of Departmental funds for funeral and burial expenditures. Requests of this nature shall be forwarded through the supervisory channels to the Office of the Commissioner. Only the Commissioner may approve this request.

**V. STAFF TRAINING**

The Juvenile Services District Supervisor shall ensure that community staff are trained annually on Incident Report procedures.

**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee and the Quality Assurance Branch shall develop monitoring protocols.

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>AUTHORITY and REFERENCES: 505 KAR 1:130, KRS 15A.0652 1-JPAS-2-7160, 7161</b>
<b>CHAPTER: Juvenile Services in Community</b>		
<b>SUBJECT: AWOL or Escape</b>		
<b>POLICY NUMBER: DJJ 618</b>		
<b>TOTAL PAGES: 4</b>		
<b>EFFECTIVE DATE: 1/04/2016</b>		
<b>APPROVAL: Bob D. Hayter</b>		<b>COMMISSIONER</b>

**I. POLICY**

Any Public or Youthful Offender shall be Absent Without Leave (AWOL) if the youth leaves an approved placement without advanced approval from the supervising authority or is absent from an approved community setting for more than three (3) hours without notification. Committed or sentenced youth AWOL from any out of home placement may be subject to additional criminal charges and an administrative transfer.

**II. APPLICABILITY**

This policy and procedure shall apply to all Public and Youthful Offenders. Reference DJJPP Chapter 3 (AWOL or Escape).

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

**A. AWOL:**

1. Probated, Public, or Youthful Offenders:
  - a. Probated Public or Youthful Offenders AWOL from their assigned residence, and on conditions of probation, shall be considered AWOL if they are outside their assigned residence in excess of three (3) hours without approval from the JSW.
  - b. Where probated Public or Youthful Offenders are expected to report to an assigned location, to include; school, employment, or counseling, they may be considered AWOL if they are absent from their assigned location in excess of three (3) hours.
  - c. The JSW in consultation with the JSDS shall determine if the court needs to be notified to request a pick-up order for all youth who are AWOL from their assigned location in excess of three (3) hours.
  - d. If a probated youth is determined to be AWOL, the JSW may file a probation violation report with the court of jurisdiction outlining the violations. All graduated sanctions and services shall be exhausted, unless it is determined the violation creates an imminent

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threat or significant safety risk to self or others, prior to filing the report. The JSDS shall review and approve the report.

- e. The JSW shall be prepared to provide testimony in any subsequent court hearings as a result of the probation violation.
  - f. When a probated Youthful Offender has absconded supervision, the JSW shall notify the Commonwealth Attorney and Circuit Court judge to request a pickup order.
2. Committed youth:
- a. Committed youth who are AWOL from the residence of the parent, caregiver, or emergency residence or hospital setting arranged by the parent or caregiver, and on conditions of supervised placement, shall be considered AWOL if their whereabouts are unknown in excess of three (3) hours. The JSW shall notify the JSDS of the youth's AWOL. The JSDS shall request a Commissioner's Warrant be issued by the Juvenile Services Regional Manager.
  - b. Committed youth on conditions of supervised placement who are AWOL from their assigned location, to include but not limited to, school, employment, or counseling may be considered AWOL if their whereabouts are unknown in excess of three (3) hours. The JSW, in consultation with the JSDS, shall determine if a Commissioner's Warrant is required. If so, the JSDS shall request a Commissioner's Warrant be issued by the Juvenile Services Regional Manager.
  - c. If a Commissioner's Warrant is issued as a result of the AWOL, the JSW shall contact local law enforcement in the youth's county of their residence or home county, whichever is applicable, and provide them a copy.
  - d. If the Commissioner's Warrant is issued, the Juvenile Services Regional Manager shall send the required information to LINK/NCIC through the State Police contact, if the youth has not already been entered into LINK/NCIC by the parent or caregiver.
  - e. The JSW, in consultation with the JSDS, shall make the determination of whether the youth will be subject to graduated sanctions and services or a supervised placement revocation hearing. Reference KRS 635.100; 505 KAR 1:090; DJJPP Chapter 6 (Community Supervision) and (Supervised Placement Revocation).
3. Committed or sentenced youth are considered AWOL from a placement assigned by the Classification Branch when they leave their assigned placement in therapeutic foster care, private child care, a hospital setting, or when they are on a day release or furlough and fail to return to their assigned placement in therapeutic foster care, private child care, or a hospital setting. These youth shall be taken into

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custody through a Commissioner's Warrant and returned to the custody of the Department. No supervised placement revocation hearing shall be required. Reference KRS 635.100. These youth shall follow the procedures outlined for administrative transfer in DJJPP Chapter 2 (Administrative Transfers); incorporated by reference in 505 KAR 1:100.

- a. The JSW shall notify the JSDS and youth's parent or caregiver upon notification of AWOL. The JSDS shall request a Commissioner's Warrant be issued by the Juvenile Services Regional Manager.
  - b. The JSW shall distribute the Commissioner's Warrant to the placement agency and law enforcement in the youth's home county and the county of placement.
  - c. Upon issuance of the Commissioner's Warrant, the Juvenile Services Regional Manager shall send the required information to LINK/NCIC through the State Police contact, if the youth has not already been entered into LINK/NCIC by either the foster parent, foster care agency staff, or law enforcement. The local law enforcement shall be notified so duplicate entries into LINK/NCIC are not made.
  - d. If the AWOL youth is a Youthful Offender, the JSW shall inform the Classification Branch for review and entry into the VINE system, if applicable.
  - e. The JSW, in consultation with the JSDS and the program, shall make the determination whether to pursue an administrative transfer of the youth. Reference DJJPP Chapter 2 (Administrative Transfers) and the Classification and Placement Manual.
4. The JSW shall provide assistance to DJJ program staff by ensuring that a copy of the Commissioner's Warrant is distributed to the youth's home county law enforcement agency.
  5. When a probated Youthful Offender is AWOL, the JSW shall notify the Commonwealth Attorney and circuit court judge to request a pickup order.
- B. The JSW shall complete an incident report in accordance with DJJPP Chapter 6 (Incident Reports) for all youth who are AWOL while on conditions of probation, conditions awaiting placement, or conditions of supervised placement. The JSW shall complete an incident report for youth placed in, furloughed, or day released from private child care, therapeutic foster care, or hospital setting who are AWOL.
  - C. The JSW shall make phone contact within twenty-four (24) hours with the family or caregiver following the AWOL.
  - D. The JSW shall maintain weekly contact with the youth's family for the duration of the AWOL.

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- E. For youth who are on courtesy interstate supervision and are AWOL, the JSW shall notify the DJJ Interstate Compact Administrator and complete an interstate progress report.
- F. Upon apprehension of a youth, the issuing party of the Commissioner's Warrant is responsible for the notification to law enforcement agencies and the request for the removal of youth from the LINK/NCIC.
- G. The JSW shall notify the JSDS when a youth with an outstanding Commissioner's Warrant turns 18 years of age. The JSDS shall ensure the Commissioner's Warrant is recalled and the youth is removed from the LINK/NCIC system.

**V. STAFF TRAINING**

The Juvenile Services District Supervisor shall ensure that community staff are trained annually on AWOL and escape procedures.

**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee and Quality Assurance Branch shall develop monitoring protocols.



**JUSTICE AND PUBLIC  
SAFETY CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130,  
KRS 15A.0652  
2-JPAS-  
7162,7167,7168,7169**

**CHAPTER: Juvenile Services in Community**

**SUBJECT: Use of Self-Protection Skills**

**POLICY NUMBER: DJJ 620**

**TOTAL PAGES: 2**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**COMMISSIONER**

**I. POLICY**

Staff shall use self-protection skills as outlined in DJJPP Chapter 5(Training Requirements, Special Staff Groups and Specialized Task Training).

**II. APPLICABILITY**

This policy and procedure shall apply to youth on conditions awaiting placement, conditions of probation for Public Offenders and Youthful Offenders, and conditions of supervised placement.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. In instances when self-protection skills are necessary and used to protect self or others, notification shall be immediate to the Juvenile Services District Supervisor and an incident report shall be completed within the next business day.
- B. Staff shall only use departmental approved self-protection training skills.
- C. Physical or mechanical restraints shall not be used by Community or Mental Health staff.

**V. STAFF TRAINING**

The Division of Professional Development shall provide initial training on self-protection and all subsequent updates as required.

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**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee and Quality Assurance Branch shall develop monitoring protocols.



**JUSTICE AND PUBLIC  
SAFETY CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**AUTHORITY and  
REFERENCES:  
505 KAR 1:130, KRS  
15A.0652, KRS 605.100,  
KRS 605.150,  
KRS 645.250,**

**CHAPTER: Juvenile Services in Community**

**SUBJECT: Mental or Behavioral Health  
Services, Referrals, and Psychiatric  
Hospitalization**

**POLICY NUMBER: DJJ 621**

**TOTAL PAGES: 5**

**EFFECTIVE DATE: 1/04/2016**

**APPROVAL: Bob D. Hayter**

**COMMISSIONER**

**I. POLICY**

The Department of Juvenile Justice (DJJ) shall act to maintain the safety of youth by providing or referring for mental or behavioral health assessment and treatment services.

**II. APPLICABILITY**

This policy and procedure shall apply to all the Division of Community and Mental Health Services staff.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. Probated youth who appear to have general mental or behavioral health needs, the Juvenile Service Worker (JSW) shall assist with a referral to a community service provider.
- B. Probated youth who appear to have acute mental or behavioral health needs:
  1. The JSW shall assist by providing the parent or caregiver with community resources or local hospitals available to provide immediate assessment.
  2. DJJ shall not sign any paperwork or be responsible for making any financial arrangements for payment of services.
  3. DJJ shall not provide transportation for any probated youth.
- C. Committed youth who appear to have mental or behavioral health needs and reside with a parent or caregiver, the JSW shall make a referral for assessment within two (2) business days to an outside service provider which may include the regional comprehensive mental health care or the designated Managed Care Organization (MCO). If there is no available

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community provider, the JSW shall make the referral to the Juvenile Services District Supervisor (JSDS), who in turn will refer the case to the Regional Psychologist for review and assignment.

- D. Committed youth with acute mental or behavioral health needs who reside with a parent or caregiver:
1. Committed youth who appear to have acute mental or behavioral health needs, the JSW shall direct the parent or caregiver to immediately take the youth to an ongoing service provider, the regional community mental health care crisis stabilization unit, the local emergency room, or the nearest psychiatric in-patient treatment facility to be assessed.
  2. If no other transportation option is available, the JSW may transport the youth and parent or caregiver in a state vehicle for emergency services. A same gender escort shall be required during transportation.
  3. A DJJ Regional Psychologist, the Director for the Division of Community and Mental Health Services, or the Chief of Mental Health Services may approve and accept financial responsibility for a hospitalization on the behalf of the Department. This approval may be made by phone or faxed signature on the appropriate forms for each hospital.
  3. No other DJJ staff shall sign any financial responsibility forms for psychiatric hospitalizations for DJJ youth.
  4. If a youth is placed in a psychiatric hospital by a parent or caregiver without DJJ staff involvement, the JSW has the responsibility to notify the JSDS and the Regional Psychologist of the event as soon as becoming aware of it. DJJ shall not accept financial responsibility for any hospitalization that was not approved by a Regional Psychologist or the Chief of Mental Health Services.
- E. Committed youth with acute mental or behavioral health needs who reside in therapeutic foster care or private child care:
1. The JSW shall confer with the JSDS and Regional Psychologist or Chief of Mental Health Services prior to admitting the youth to a psychiatric hospital.
  2. With the approval to hospitalize from the Regional Psychologist or Chief of Mental Health Services, arrangements may be made to place the youth in any licensed child psychiatric facility in the state, if a bed is available.
  3. The JSW shall remain the case manager for the youth during hospitalization.
  4. The JSW shall notify the Regional Psychologist of the youth's placement in the hospital and provide consultation services as needed.
  5. The case management responsibility of the JSW for admission to psychiatric placement shall include the JSW notifying the parent or caregiver by phone, home visit, or certified letter as soon as practical or

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no later than the next business day, of the proposed placement in a psychiatric hospital. The responsibility rests with the JSW to furnish the hospital with information which may assist in the proper diagnosis and treatment of the youth.

6. The JSW, youth counselor, and parent or caregiver, if appropriate, shall be responsible for preparing the youth for the placement. The JSW shall be aware of the legal obligation of the hospital to inform both the youth and parent or caregiver of their rights concerning hospitalization.
  7. It is preferable that the parent or caregiver and the JSW or program staff be present at the hospital when the youth is being admitted. For youth placed in therapeutic foster care or private child care, transportation shall be provided by the program staff.
- F. The commitment order shall accompany the youth to the psychiatric hospital at admission.
  - G. If the youth has been admitted to a psychiatric hospital, the JSW shall make initial contact within three (3) business days of admission to begin aftercare planning.
  - H. The JSW shall schedule or participate in a conference with the hospital treatment team after the youth has been evaluated. At the conference, staff shall discuss placement options that may be appropriate for the youth with the treatment team, including, residing with a parent or caregiver.
  - I. Committed youth, the DJJ-1285, Psychiatric Hospital Agreement, shall be used as an official agreement with a psychiatric hospital or a psychiatric unit of an acute care hospital when the Department places a youth in these units.
  - J. Youth sixteen (16) years of age or older, the JSW or program staff shall confer with the youth, in conjunction with the parents, if appropriate, regarding the youth's willingness to voluntarily admit himself to a psychiatric hospital. If a youth is not willing, the JSW or program staff may not proceed with voluntary admission, but may pursue hospitalization, if appropriate, through involuntary procedures.
  - K. Youth who are in need of emergency hospitalization or involuntary hospitalization, refer to KRS 645.120; 645.150. The JSW shall provide information to assist in the observation, diagnosis, and treatment of the youth at the time of admission.
  - L. Involuntary Hospitalization of committed youth:
    1. It is preferable that parents take action to initiate a certification petition for involuntary hospitalization.
    2. Youth who is not already hospitalized, the JSW may proceed as follows if the parent is unable, unavailable, or unwilling to cooperate:
      - a. Confer with the Regional Psychologist and Juvenile Services District Supervisor to make a determination regarding the appropriateness of seeking an involuntary hospitalization.

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- b. Request the recommendations of two (2) Qualified Mental Health Professionals, one (1) of whom shall be a physician. KRS 645.150
  - c. Notify the parent or caregiver of the proposed action.
- 3. The JSW shall file the petition in District Court.
- 4. At the certification hearing, the court may take either of the following actions:
  - a. Grant the petition and order the youth to be hospitalized for a period of not more than sixty (60) days, subject to re-certification; or
  - b. Deny the petition.
- 5. When hospitalization is ordered, the court shall also order the person who will transport the youth to the hospital, to deliver to the hospital copies of orders and information concerning the youth.
- 6. Hospitalized youth, sixteen (16) years of age or older, continued involuntary hospitalization shall not occur without the authorization of a District Court judge.
- 7. Youth who are already hospitalized, the hospital may initiate the certification procedure.
- 8. When Department staff is notified that certification procedures are being initiated by the hospital, the JSW shall inform the supervisor and parent as soon as practical. The staff shall keep the parents informed of the certification actions.
- 9. The JSW may be required to provide additional information to the hospital to assist in the treatment of the youth.
- 10. The JSW may be required to provide testimony during the District Court proceedings.

**M. Discharge and Aftercare**

- 1. At admission, the JSW shall begin developing discharge placement plans. Throughout the hospitalization, the JSW shall confer with the JSDS and Regional Psychologist in the development of these.
- 2. The Aftercare Plan shall include the placement resource for the youth when discharged from the hospital. The treating psychiatrist shall be responsible for determining the youth's appropriateness for discharge.
- 3. Prior to discharge, an exit conference shall be held to discuss the youth's ongoing treatment needs, recommendations, placement arrangements, and projected discharge date. The JSW shall participate in this conference. If the youth will be served for ongoing treatment needs provided by the Community Mental Health Branch, upon notification of youth's discharge the JSW shall notify the DJJ Mental Health staff to ensure participation in the exit conference.
- 4. The JSW shall obtain the inpatient records upon discharge, to be included in the youth's file and provided to DJJ Mental Health.

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5. If the hospital calls and requests that a youth be discharged from the hospital without prior notification or an established Aftercare Plan, the JSW shall not authorize release and immediately call the Regional Psychologist. The Regional Psychologist shall immediately contact the hospital to determine the best course of action for the youth.

**V. STAFF TRAINING**

The Regional Psychologist and Juvenile Services District Supervisor shall ensure respective staff are trained regarding this policy annually. Newly hired staff shall be trained regarding this policy within three (3) months of effective date.

**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee and the Quality Assurance Branch, shall develop monitoring protocols.

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>AUTHORITY and REFERENCES:</b>
<b>CHAPTER: Juvenile Services in the Community</b>		<b>AUTHORITY: KRS 15A.0652</b>
<b>SUBJECT: Community Mental Health Operations</b>		
<b>POLICY NUMBER: 622</b>		
<b>TOTAL PAGES: 5</b>		
<b>EFFECTIVE DATE: 1/04/2016</b>		
<b>APPROVAL: Bob D. Hayter</b>		<b>COMMISSIONER</b>

**I. POLICY**

Community Mental Health staff employed by the Department of Juvenile Justice (DJJ) shall develop, implement, and review individual treatment plans and provide services to identified youth and families, as determined by the Department or ordered by the court.

**II. APPLICABILITY**

This policy and procedure shall apply to all DJJ Community Mental Health employees.

**III. DEFINITIONS**

Refer to Chapter 600

**IV. PROCEDURES**

- A. DJJ Community Mental Health staff shall gain, and maintain, competency through education, continued professional development, and supervision.
- B. DJJ Community Mental Health staff may complete the following functions, as assigned and approved by their supervisor:
  1. Juvenile Sexual Offender assessments;
  2. Psychological evaluations, as ordered by the court, or as needed by the Department;
  3. Crisis consultations, including: suicide evaluation, school violence assessment, and recommendation for hospitalization;
  4. Mental health assessments;
  5. Juvenile sexual offender individual, group, and family counseling;
  6. Substance abuse counseling;
  7. General mental and behavioral health counseling;
  8. Family counseling;
  9. Psycho-educational services, such as; parenting, anger management, or other determined treatment needs; and

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10. Specialty training to other staff on pertinent content.
- C. All juvenile sexual offender assessment and treatment components for declared juvenile sexual offenders shall be in accordance with 505 KAR 1:160 (DJJPP 800 through 806, and the Standard Operating Procedures Manual for the Treatment of Juvenile Sexual Offenders).
  - D. Upon receipt of a mental health referral from the JSW, the Regional Psychologist shall assign the referral to a Community Mental Health staff within two (2) business days.
  - E. The Mental Health Staff shall contact the youth and family to schedule an initial appointment within five (5) business days of receipt of referral from the Regional Psychologist.
  - F. DJJ Community Mental Health staff shall maintain a file on each youth receiving services, that shall include:
    - 1. All copies of assessments, reassessments, or court reports;
    - 2. All information received as a result of a release of information; and
    - 3. Copies of all applicable releases, forms, confidentiality forms, or any other documents signed by the youth and parent.
  - G. All assessments and court reports shall be signed and approved by the next line supervisor prior to submission.
  - H. Copies of all assessments and court reports shall be sent to the Juvenile Service Worker (JSW). If the assessment or report is to be filed with the Court, the JSW shall receive such documents four (4) business days prior to District Court date and seven (7) business days prior to Circuit Court date.
  - I. Treatment shall utilize a variety of techniques in the provision of counseling services. Techniques shall be supported by the treatment approaches proven to be effective through research and approved by the Chief of Mental Health Services.
  - J. DJJ Community Mental Health staff shall meet with the youth as much as their treatment needs require, but no less than once every two (2) weeks. Any reduction in counseling shall be approved by the next line supervisor. Family counseling, when applicable, shall occur no less than once a month.
  - K. Community Mental Health staff shall collaborate with the JSW and Juvenile Services District Supervisor (JSDS) and consult with the Regional Psychologist if there are concerns regarding the safety of a home visit. If a home visit is determined to be unsafe, the mental health staff is excused from making the home visit, and shall document the safety concerns in the electronic record. If such concerns meet mandatory duty to report dependency, neglect, abuse, or human trafficking per KRS 620.030, a referral shall be made to Cabinet for Health and Family Services. In certain circumstances, a court review may be a viable option for assistance in addressing the safety conditions.

- L. DJJ Community Mental Health staff shall schedule, coordinate, develop, and implement an Individual Treatment Plan (ITP) after completing two (2) sessions with the youth and family based on the Case Management Needs Assessment (CMNA) and clinical interview. The ITP may also include factors identified by the RCNA and other assessments or information obtained from the clinical interview. Treatment Planning requirements:
1. Treatment team members for the ITP and subsequent reviews shall include youth, parent or caregiver, JSW, and any other treatment members or natural supports. Treatment team members shall have input in to the treatment planning process.
  2. The individual treatment plan shall be individualized and based on current needs identified from the CMNA for which Community Mental Health has received a referral from the JSW for treatment services. It may also include factors identified by the RCNA, other assessments when applicable, and information obtained from the clinical interview.
  3. As a youth completes treatment goals, the treatment team may add additional goals to address needs not included in the initial ITP, but the supervision length for the youth shall not be impacted.
  4. If the youth is determined to be high risk for substance abuse following the Gain-Q or clinical interview completed by Mental Health staff and Mental Health staff are providing treatment for substance abuse, the ITP shall include a substance abuse goal and the youth shall be provided Seven Challenges treatment.
  5. The content of the ITP shall include a goal statement with documentation of supporting information for the identified risk or need and timeframes for completion of measureable tasks.
  6. At least one goal area shall include tasks for targeting counseling work with the youth's parent or caregivers.
  7. The content of the ITP shall reflect any special orders of the committing court that are being addressed by Mental Health staff.
  8. The ITP shall be reviewed by the treatment team every sixty (60) days following the completion date from the initial ITP. The Mental Health staff is responsible for notifying all treatment team members of the scheduled sixty (60) day reviews and entering in the youth's ICR.
  9. The Mental Health staff shall obtain signatures from all participating parties at the ITP conference and subsequent treatment reviews to be placed in the youth's ICR. The Regional Psychologist shall review and sign all treatment plans and reviews within thirty (30) days following completion.
  10. The Mental Health staff shall provide the youth and parent or guardian a copy of the ITP and all treatment reviews.
  11. The ITP and all contacts related to the treatment plan and reviews shall be entered in the ICR.

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- M. DJJ Community Mental Health staff shall maintain contact with the JSW no less than every thirty (30) days once assessment or services for youth who remain in the community have been initiated, to provide relevant case information.
- N. DJJ Community Mental Health staff shall enter all contacts made on a case in the electronic record within ten (10) business days following the date of the contact. All contacts shall be completed in an approved format. The progress notes shall consist of:
1. Persons present;
  2. Length of session;
  3. Focus of counseling;
  4. Treatment goals and tasks addressed;
  5. Level of participation and cooperation;
  6. The next scheduled contact; and,
  7. Any other significant information.
- O. DJJ Community Mental Health staff shall report any known violations of youth's conditions of supervision to the JSW immediately. The Community Mental Health staff shall notify the youth of this requirement in writing at the initial meeting to be signed by both parties. The JSW will attempt to verify reported violations through other means in order not to interfere with the therapeutic relationship.
- P. DJJ Community Mental Health staff shall participate, as needed, in any court or administrative revocation hearing, as required by Department staff, subpoena, or court order.
- Q. DJJ Community Mental Health staff shall participate in counseling sessions and discharge planning for youth who are in placement and plan to return to the community for ongoing services. The JSW shall make a referral to Regional Psychologist for appropriate services. The JSW shall notify the Mental Health staff of scheduled session and conferences.
- R. Prior to closing a case, DJJ Community Mental Health staff shall:
1. Collaborate with the JSW to ensure completion of goals and tasks.
  2. Complete a discharge summary report identifying any ongoing treatment recommendations for the youth and family;
  3. Provide the youth and family an available listing of local service providers for continued support; and
  4. Consult with, and gain approval from, their next line supervisor at such time services are no longer needed or the youth's supervision is expiring.
  5. Document all contacts and information in the youth's Individual Client Record.

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S. Case Audits; the following process shall occur:

1. The Regional Psychologist (RP) shall randomly audit one (1) case from each mental health clinician caseload each month. After reviewing the case, the RP will have a conference with the mental health clinician regarding each case and make any recommendations or follow-up in writing. A notation shall be made in the individual case file documenting only the date of the audit and the name of the RP conducting the audit.
  2. In reviewing the case files, the RP shall review the information entered into the electronic record and all reporting requirements, as established in Departmental policy.
  3. Results of the audit or any actions taken regarding the individual staff shall not be recorded or documented in the youth's individual file.
  4. The mental health clinician shall correct any non-compliant standards noted as a result of the case audit within ten (10) business days.
  5. The RP shall electronically deposit the completed audits for each month and provide a report to the Division Director of Community and Mental Health Services and Chief of Mental Health Services each month summarizing the conferences regarding any written follow-up plans for each worker.
- T. Once the DJJ Community Mental Health staff close a youth's case, they shall forward the case file to the JSW within ten (10) business days, to be included with the youth's community case file. The mental health case file shall be placed in a sealed envelope with the marking of confidential information identified as mental health records.

**V. STAFF TRAINING**

The Regional Psychologist shall ensure staff are trained regarding this policy annually. Newly hired staff shall be trained regarding this policy within three (3) months of effective date.

**VI. MONITORING MECHANISM**

The Division Director of Community and Mental Health Services or designee the Quality Assurance Branch shall develop monitoring protocols.

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>AUTHORITY and REFERENCES: KRS 15A.0652 1-JPAS-2-7105</b>
<b>CHAPTER: Juvenile Services in Community</b>		
<b>SUBJECT: Health and Safety for Community and Mental Health Services</b>		<b>KRS 56.800-56.823</b>
<b>POLICY NUMBER: 623</b>		
<b>TOTAL PAGES: 4</b>		
<b>EFFECTIVE DATE: 1/04/2016</b>		
<b>APPROVAL: Bob D. Hayter</b>		<b>COMMISSIONER</b>

## **I. POLICY**

The Department of Juvenile Justice (DJJ) and the Division of Community and Mental Health Services support a safe and healthful place of employment, free from recognized hazards.

## **II. APPLICABILITY**

This policy and procedure shall apply to all Community and Mental Health Services offices.

## **III. DEFINITIONS**

Refer to Chapter 600

## **IV. PROCEDURES**

A. All Community and Mental Health staff shall comply with the occupational safety and health regulations, standards, and rules pursuant to KRS 338:

1. The district and branch Administrative Specialists shall maintain records of occupational injuries, illnesses, and fatalities experienced by district staff. Records must be kept by using the appropriate Occupational Safety and Health Administration (OSHA) form(s), or equivalent, as designated by DJJ Administrative Services.
2. The respective Administrative Specialist shall ensure that OSHA information is posted in every district and branch office for staff's review.
3. The Juvenile Services District Supervisor (JSDS) and Regional Managers shall review KRS 338.011, 338.031, and 338.121 with staff, annually, regarding their role and responsibility for safety and health protection.

B. The JSDS shall have the responsibility for ensuring routine maintenance and upkeep of their offices and offices within their districts. When maintenance

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- issues exist, the JSDS shall immediately notify the property manager and request a resolution to the matter. If the property manager fails to respond within 24 hours the JSDS shall notify the Director of Community and Mental Health Services through supervisory channels. The director shall notify the Division Of Administrative Services, Capital Construction and Real Property Manager.
- C. Each JSDS shall establish a system of regular office inspections, tracking repairs, and replacement of equipment, and shall review space requirements and needs. The space inspections and reviews shall be evaluated in terms of safety, security, and program needs. These inspections and reviews shall occur annually, and updated as needed. The inspections shall be submitted through supervisory channels, and submitted to the DJJ Division of Administrative Services, Capital Construction and Real Properties Branch Manager.
- D. The JSDS shall maintain copies of office floor plans within their district. The floor plans shall be reviewed annually and reported as necessary for repairs, expansion or renovation. Revisions to floor plans shall not occur unless approved through the Division Director of Administrative Services and the DJJ Capital Construction and Real Properties Branch.
- E. The JSDS shall submit a notification to the Capital Construction and Real Properties Branch through supervisory channels at any time there has been a change or modification to Community offices which may in some way affect or change the existing conditions of the leased building, and the totality of conditions which do not safeguard the life, health, safety and security of staff and clients.
- F. Each JSDS shall develop an office Emergency Plan delineating procedures to cover situations including fire, building evacuation, medical emergencies, law enforcement, severe weather, earthquake, bomb or other security situations, such as; hostage, weapons, or workplace violence. The plan shall be reviewed and approved by the Juvenile Services Regional Manager. The Emergency Plan shall also include: the office floor plan; a method of communication within the office and between the closest office or facility, if conventional means of communication are disrupted; identification and location of emergency lighting and power sources, along with exit signs.
- G. Each JSDS or designee shall ensure all their district staff are trained in the implementation of the Emergency Plan, and the plan is reviewed annually and updated as needed. Each employee shall be provided a copy of the Emergency Plan.
- H. The building evacuation plan section of the Emergency Plan shall be posted in each office and in areas where staff and clients meet routinely.

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- I. Every Community office shall have an operable and fully charged fire extinguisher. The extinguisher shall have a current and valid inspection tag securely attached showing the last maintenance or recharge date. The JSDS shall ensure all DJJ owned fire extinguishers are inspected by the contracted provider. The JSDS shall notify the property manager for maintenance or pending annual inspections for fire extinguishers not owned by DJJ.
- J. For Community offices that are located within DJJ facilities, Cabinet of Health and Family Services (CHFS), or other government buildings, the JSDS or designee shall follow, and ensure that staff participate in scheduled fire, earthquake, and tornado drills, along with safety inspections.
- K. For Community offices located in privately-owned buildings, the JSDS or designee, shall develop a plan for fire, earthquake, and tornado drills for that particular office location. Fire, earthquake, and tornado drills shall be conducted in conjunction with the local fire department.
- L. All Community and Mental Health supervisors or managers shall report any known safety hazard at any leased location to the Division Director of Community and Mental Health Services. Said Director shall immediately notify the DJJ Construction and Real Properties Branch Manager and the Division Director of Administrative Services.
- M. All Community and Mental Health Services offices shall have a first-aid kit on site that contains appropriate supplies to handle situations that might reasonably be expected to arise at the workplace.
- N. All first-aid kits shall be adequately maintained and sealed. The kits shall be checked at ninety (90) day intervals to ensure that supplies are in place and up-to-date.
- O. If exposure to any type of body fluid or waste occurs, staff shall be allowed to use work time to return home to shower and change clothes, seek medical attention, or take other reasonable measures, whichever is most appropriate under the circumstances.
- P. All exposures to bodily fluids or waste shall be reported, documented, and forwarded through supervisory channels to the Director of Community and Mental Health Services. The Division Director of Community and Mental Health Services shall forward to the Division Director of Medical Services for review and any feedback, if necessary.
- Q. In order to ensure the safety and security of staff and clients:
  - 1. Any visitor who disrupts the secure and orderly management of the office through physical or verbal threats, or by displaying menacing behavior, shall be asked to leave the premises. Local law enforcement shall be contacted

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immediately for a refusal to leave a premises. Notification of the incident shall be up lined to the immediate supervisor and from that point of notification, through supervisory channels. Documentation outlining the specifics shall be completed immediately and up lined.

2. Community and Mental Health staff shall attend a Self-Protection Training. Staff trained in Self-Protection shall complete a one hour (1) review training quarterly. Staff who fail to complete a review for two consecutive quarters shall re-attend a Self-Protection Training.
3. The JSDS shall ensure that district staff are trained in office emergency preparedness.

#### **V. STAFF TRAINING**

- A. The Division of Professional Development shall provide initial training on self-protection and cardiopulmonary resuscitation certification, and all subsequent updates as required.
- B. The Juvenile Services District Supervisor shall provide training regarding the Emergency Plan, annually.
- C. The Juvenile Services District Supervisor and Regional Managers shall review KRS 338.011, 338.031, and 338.121 with staff, annually, regarding their role and responsibility for safety and health protection.

#### **VI. MONITORING MECHANISM**

The Juvenile Services District Supervisor, the Juvenile Services Regional Manager, the Division Director of Community, and Mental Health Services, and the Quality Assurance Branch shall monitor this activity.