



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

**REFERENCES:
505 KAR 1:130
1-JPAS-2-7087, 7117,7120,7122,
7126, 7132,7142,7143,7181,
7182,7183,7184,7186, 7187**

CHAPTER: Juvenile Services in Community	AUTHORITY: KRS 15A.0652
SUBJECT: Initial Contact & Court Support for Public Offenders	KRS 610.100
POLICY NUMBER: 601	KRS 610.105
TOTAL PAGES: 8	
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APPROVAL: Carey D. Cockerell	,COMMISSIONER

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.
 - b. County of residence is determined by residence of the youth at any time between adjudication and disposition.

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- 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. The JSW shall complete the Criminogenic Needs Questionnaire (Needs-Q), in conjunction with the PDI.
 6. - 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.
 7. 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 environment and life, prior abuse or neglect, and the character of the person or persons having custody of the youth;

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- 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 Needs-Q; and
 - f. The date of report completion and the disposition date.
8. 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.
 9. If 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.
 10. 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.
 11. 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 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 Human Immunodeficiency Virus (HIV) Testing (AOC-499.1).
 12. The JSDS shall provide final approval of the PDI Report.

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13. 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 DJJPP Chapter 1 (DNA Sampling) . If the youth was at least age fourteen (14) at the time of the commission (not disposition) of the offense and adjudicated delinquent resulting in probation or commitment to DJJ, 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 JSWS 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 1990, Health Insurance Portability and Accountability 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 a classification 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 a classification placement referral is appropriate, the JSW shall be responsible for forwarding a complete referral packet in compliance with the Classification and Placement Manual.
9. For youth committed and awaiting placement in a non-DJJ detention facility, the JSW shall notify the JSDS, Classification Branch Manager, and Transportation Branch Manager by the next business day to facilitate the youth's movement to a DJJ placement.
10. 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.
11. 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).

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- a. High risk equates to Level III supervision;
- b. Moderate risk equates to Level II supervision;
- 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. After consultation with JSDS, an exception may be made based upon the age, disability, and Intelligence Quotient (IQ) of youth prior to utilization. ;
- 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 a classification placement is needed or if the youth's treatment needs can be met in the community setting while maintaining public safety.

12. 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 complete the requested Interstate Compact for Juveniles (ICJ) home evaluation within thirty (30) days upon receipt from the ICJ office.
2. The JSW shall open an ICR within ten (10) business days and provide case management on all cases from sending states that are accepted for courtesy supervision by the Interstate Compact.
3. The JSW shall complete the RCNA and Needs-Q at the same time as the Interstate Compact home evaluation.
4. 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 Investigation

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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, Needs-Q, 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 and Needs-Q training; and
- F. Register all new community staff for the electronic record training.