



**JUSTICE AND PUBLIC
SAFETY CABINET
DEPARTMENT OF
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: February 2, 2018

APPROVAL: Carey D. Cockerell ,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 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 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. Committed youth 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 coordinate with a 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 caregiver 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 a classification 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. Committed or sentenced youth who meet the requirements as a Qualifying Offender shall be subject to DNA collection in accordance with DJJPP Chapter 1 (DNA Sampling). 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 or Caregiver 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 Awaiting Placement and a copy shall be provided to the youth and parent or caregiver.
 2. The youth shall be supervised according to the identified risk level on the RCNA:
 - 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. The JSW shall consult with the JSDS and Classification Branch Manager and consider the behavior and offense of the youth while on conditions awaiting placement 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.

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3. The youth shall be placed as soon as an assigned placement is arranged by the Classification Branch.
 4. The JSW shall contact the Transportation Branch Manager within two (2) business days of notification of placement to arrange movement of the youth.
 5. Committed youth 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 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 caregiver 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.
 6. 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 a classification 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 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. 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.
 4. 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 Permanency Form shall have the signature from the judge. A stamped signature shall be prohibited.

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5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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 childcare 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.
12. 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.

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13. 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. 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.
- d. 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.

14. 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 a Classification placement

1. Hardship release from a classification placement may be recommended by the treatment team through the supervisory chain to the respective 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.

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- 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 within ten (10) business days of submitting the Discharge Recommendation Report.
 2. The JSW shall complete a Criminogenic Needs Questionnaire (Needs-Q) reassessment in preparation for case closure within ten (10) business days of submitting the Discharge Recommendation Report.
 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 or moderate 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 Deputy Commissioner of Community and Mental Health 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, 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).

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11. The JSDS 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.