

## YOUTH SERVICES POLICY

<b>Title:</b> Modification of Disposition	<b>Type:</b> B. Classification, Sentencing and Service Functions
<b>Next Annual Review Date:</b> 01/27/2018	<b>Sub Type:</b> 2. Classification
	<b>Number:</b> B.2.11
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<b>References:</b> La. Children's Code Articles 909 and 911; La. R.S.15:901 and 906; ACA Standards 4-JCF-3A-24 (Performance-Based Standards for Juvenile Correctional Facilities), 2-7152, 2-7175, 2-7176, 2-7178, 2-7179 (Juvenile Probation and Aftercare Services); YS Policy Nos. B.2.1 "Assignment, Reassignment, Release and Discharge of Youth"; B.2.13 "Secure Care Early Release"; C.2.11 "Prison Rape Elimination Act (PREA)", and "DYS Policy No. 12.1 "Early Release from Secure Facilities"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> <i>Mary L. Livers, Deputy Secretary</i>	<b>Date of Approval:</b> 01/27/2014

### I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36.405. Deviation from this policy must be approved by the Deputy Secretary.

### II. PURPOSE:

To establish guidelines for the filing of modifications of disposition.

### III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Chief of Operations, Deputy Assistant Secretary, Regional Directors, Facility Directors, Regional Managers, OJJ Legal services, and all appropriate YS employees.

### IV. DEFINITIONS:

***Modification of Disposition*** - The process by which the court modifies a previous disposition to include: changing the youth's legal custody; suspending all or part of any order of commitment; eliminating conditions of probation; or adding any further conditions authorized by the La. Children's Code Articles 897(B) or 899(B). A Modification of Disposition order may also terminate an Order of Disposition at any time while the order is still in force.

***Regional Offices*** - All Community-Based Services (CBS) field offices located throughout the state.

***Self Modifying Order*** - An order or disposition which modifies itself if conditions specified in the order are carried out or met without any additional action by the court.

**V. POLICY:**

It is the Deputy Secretary's policy to use the most efficient method to reassign a youth when it is determined that a modification of disposition is appropriate.

For youth assigned to non-secure facilities, the most efficient method of filing for modifications is through CBS staff. For youth assigned to secure facilities, modifications shall be filed by OJJ Legal Services.

**VI. PROCEDURES:**

A. Self Modifying orders shall be in accordance with a court's judgment or order

When a court has signed a judgment or order approving a modification of the disposition based on the youth's accomplishment or meeting of certain conditions specified therein, the disposition is automatically modified. No additional filing is needed.

Self Modifying orders are designed to allow for the movement of youth from a residential placement (secure or non-secure) to a less restrictive setting. It may or may not affect the legal custody of the youth (custody vs. supervision). (Any additional action or status change requiring a modification must be filed with the court.)

B. Non-Self Modifying Orders shall be in accordance with YS Policy B.2.1.

1. Non-Secure

To modify a judgment or order that does not contain self-modifying language, a modification of disposition must be filed with the court. The motion to modify shall be drafted and filed with the court by CBS staff.

However, when a modification is requested for a youth assigned to a residential program, prior to the youth completing the program, a copy of the proposed modification must be forwarded to OJJ Legal Services prior to filing.

If no response is received from OJJ Legal Services within five (5) days of the date of forwarding, the modification may be filed with the court by CBS staff. If there is a difference of opinion between CBS and OJJ

Legal Services, the matter shall be referred to the Deputy Secretary/designee for a resolution.

If the modification is ordered by the court, the procedures outlined in YS Policy B.2.1, Section VIII shall be followed.

2. Secure

- a. The decision to request a modification of disposition that does not contain self-modifying language may be considered when the youth has met the minimum guidelines for a facility recommendation as outlined in Section IX of YS Policy No. B.2.1. A modification of disposition must be drafted and filed with the court by OJJ Legal Services. A copy of the motion shall be forwarded to the appropriate PPO/J, the District Attorney, the attorney representing the youth, and the caseworker of record.
- b. Pursuant to Section VIII of YS Policy No. B.2.13, youth who have outstanding detainers or pending charges shall not be considered for early release.
- c. If a youth has been identified as a victim or perpetrator of a sexual assault, as defined in YS Policy No. C.2.11, the youth's victim or perpetrator shall not reside at the location where the youth is being considered for step down.
- d. If a youth is being considered for release from custody, a home study shall be completed and the home found acceptable before a final recommendation can be made for the youth to be placed in the designated home.

Information concerning mandatory reports/plans, which need to be completed prior to preparing a Modification of Disposition, can also be found in Section VIII of YS Policy No. B.2.13.

**Previous Regulation/Policy Number:** B.2.11  
**Previous Effective Date:** 12/14/2012  
**Attachments/References:**