

# YOUTH SERVICES POLICY

<b>Title:</b> Assignment, Reassignment, and Release of Youth	<b>Type:</b> B. Classification, Sentencing and Service Functions <b>Sub Type:</b> 2. Classification <b>Number:</b> B.2.1
<b>Page 1 of 21</b>	
<b>References:</b> La. Ch. Code Articles 116(24.2), 787, 897(B), 897.1, 898(C)(3), 899(B), 908-912; La. R.S. 15:1405.3, 15:542, 15:901 C and D(1), 15:906 A - C; ACA Standards 2-CO-4A-01, 2-CO-4B-01, 2-CO-4B-03, 2-CO-4B-04, 2-CO-4F-01 (Administration of Correctional Agencies); and 2-7116, 2-7117, 2-7119, 2-7120, 2-7124, 2-7172, 2-7193, 2-7194, 2-7195, 2-7196, and 2-7197 (Juvenile Probation and Aftercare Services); YS Policy Nos. B.2.2 "Youth Classification System and Treatment Procedures", B.2.12 "Fast Track Program", B.2.14 "Secure Care SAVRY", B.2.16 "Assessment and Treatment of Youth Who Demonstrate Sexual Behavior Problems", B.2.17 "Sex Offender Notification and Registration Requirements", B.2.18 "Reintegration Process", B.2.20 "Non-Discriminatory Services to Lesbian, Gay, Bisexual, Transgender, Intersex, Questioning (LGBTIQ), and Nonconforming Youth", B.8.11 "Pre-Release Process", C.2.11 "Prison Rape Elimination Act (PREA)", D.9.1 "Placement of Youth in Residential Facilities", D.9.13 "Case Assessment Process for Secure Care Placement"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> <i>William A. Sommers, Deputy Secretary</i>	<b>Date of Approval:</b> 10/21/2022

**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 the guidelines and procedures involved in the assignment, reassignment, release and discharge of youth committed to the custody of YS.

**III. APPLICABILITY:**

Deputy Secretary, Assistant Secretary, Chief of Operations, Probation and Parole Program Director, Youth Facilities Director - Statewide, Executive Management Advisor, General Counsel, Director of Treatment and Rehabilitation, Health Services Director, Director of Education, Regional Directors, Facility Directors, Regional Managers, and the Contracted Health Care Provider (CHP).

Unit Heads are responsible for ensuring adherence to guidelines established through this policy.

**IV. DEFINITIONS:**

**Assessment** – The process of placing a youth in a non-secure or YS secure care facility that is determined to be the most appropriate to meet the youth’s identified needs.

**Assignment**– The process of placing a youth in a non-secure or YS secure care facility that is determined to be the most appropriate to meet the identified needs of the youth.

**Case Manager** - A generic term used within a secure care facility to identify members of the counseling profession, e.g., Social Services Counselor, Clinical Social Worker, Program Manager or a treatment team member assigned to manage a youth’s case.

**Central Office Review Committee** - Deputy Secretary, Program Manager, and Independent Party.

**Children’s Code Article 897.1** – Specifies placement of a youth in a secure care facility until the age of twenty-one (21) years without benefit of parole, probation, suspension of imposition or execution of sentence, or modification after adjudication of a felony-grade delinquent act of first degree murder, second degree murder, aggravated rape, aggravated kidnapping or treason. For the offense of armed robbery, the youth shall be placed in a secure care facility for the length of the term imposed by the court without benefit of parole, probation, suspension of imposition or execution of sentence, or benefit of modification.

**Classification** - The process which determines assignment to a custody level, program participation within available services, and assignment to the most appropriate facility.

**Community Based Services (CBS)** – Includes all regional probation and parole offices located throughout the state.

**Contracted Health Care Provider (CHP)** - Contracted licensed practitioners responsible for the physical and mental well-being of the secure care youth population. Services include medical, dental and mental health services, nursing, pharmacy, personal hygiene, dietary services, health education and environmental conditions.

**Custody Level** - An assignment to one of three designations, i.e. maximum, medium or minimum, that relates to the youth’s eligibility for, but not necessarily limited to, housing assignment, work assignment, furlough/recreation, and movement within the perimeter of a secure care facility.

**Custody Non-Secure Delinquent (CND)** – The legal status/case type entered on the petition screen in JETS when a youth has been adjudicated delinquent, placed in YS custody and assigned/placed in a non-secure facility.

**Custody Non-Secure FINS (CNF)** – The legal status/case type entered on the petition screen in JETS when a youth has been placed in YS custody on a status offense and assigned/placed in a non-secure facility.

**Custody Secure Delinquent (CSD)** – The legal status/case type entered on the petition screen in JETS when a youth has been adjudicated delinquent, placed in YS custody and assigned/placed in a YS secure facility.

**Due Process Hearing** - An administrative process afforded a youth prior to reassignment from a non-secure facility to a secure facility (refer to YS Policy No. B.2.1).

**Early Release** – The reassignment of a youth from a secure care facility to a non-secure program or the Modification of Disposition changing the youth’s legal custody.

**Fast Track Program** – An intensive short-term secure program with the goal of identifying the individual criminogenic risk factors of program participants and replacing them with prosocial alternatives through the use of evidence based cognitive behavioral treatment, skill building and a positive behavior management system. (Refer to YS Policy No. B.2.12)

**Individualized Intervention Plan (IIP) – Initial and Formal** – A statement of goals, objectives, and the methods used to obtain them that is created for each youth in secure care. The IIP is dynamic and is updated depending on the identified needs and specialized treatment required while in secure care. The IIP also identifies follow-up services needed by the youth on release and is coordinated with Community Based Services to provide the proper level of aftercare.

**IIP Summary of Staffing Form** – A form completed for all case staffings for a youth in secure care. The form lists any modification of goals and objectives that occur as well as new goals and objectives that are developed.

**Juvenile Electronic Tracking System (JETS)** - The centralized database used to track all youth under OJJ supervision or custody and to record youth case record activity.

**Juvenile Justice Specialists (JJS)** - Provides security of youth and assist in application of clinical treatment in accomplishing the overall goal of evaluation and/or treatment of individuals judicially remanded to a YS secure care facility.

**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. Ch. Code Articles 897(B) or 899(B).

A Modification of Disposition order may also terminate an Order of Disposition at any time while the latter is still in force.

**Needs Assessment** - A structured formalized means through which accurate and reliable population based information can be obtained, with the objective of identifying the needs of the youth assigned to a facility in order to make informed decisions about service delivery.

**Non-Secure Residential Facility** - A residential facility licensed by the Department of Social Services/Bureau of Licensing, providing services to youth in the custody of the OJJ.

**Over-ride** - Objective consideration that can be used to alter the custody level.

**Probation and Parole Officer 1, 2, and 3/Juvenile (PPO/J) Secondary Case Manager** - PPO/J's assist youth and families in locating, accessing and coordinating networks of support to address needs. PPO/J's shall coordinate case management services in accordance with need assessments, as well as monitor, compliance with the services provided and court ordered requirement while the youth is in the custody or under the supervision of YS.

**Quarterly Staffing** - A multidisciplinary treatment team meeting which occurs on a quarterly basis (no later than the last day of the third month following the previous custody classification) between all staff working with or treating a youth for their specific needs. The multidisciplinary treatment team shall be comprised of the youth's case manager, a social services supervisor, dorm group leader, youth's probation officer (or a representative), a representative from the school (special education teacher if youth is receiving SSD #1 services), contracted mental health provider (if applicable), a member of the medical staff who is familiar with the youth if they are receiving on-going medical treatment, and the youth. The youth's family shall be encouraged to attend as well. The staffing is a review of the youth's IIP and helps monitor their progress. Problem areas that need attention, Code of Conduct violations, interventions that can be utilized to change/alter the youth's behavior as well as eligibility for escorted absence, furlough, reassignment or early release is also discussed.

**Reassignment** – The change of a youth's placement between non-secure facilities, secure care facilities, or community placements.

**Secure Care Facility** – "A living environment characterized by a range of moderate to high security level facilities that include construction, fixtures and staff supervision designed to restrict the movements and activities of the residents, and to control, on a 24-hour basis, the ability of the residents to enter and leave the premises, and which are intended for the treatment and rehabilitation of children who have been adjudicated delinquent." [La. Ch. Code Article 116(24.2).] This includes any present or additional secure facility or facilities established, operated, or maintained by the Office of Juvenile Justice.

Current secure care facilities operated by YS are as follows:

- Acadiana Center for Youth (ACY)
- Acadiana Center for Youth at St. Martinville (ACY-SM)
- Bridge City Center for Youth (BCCY)
- Bridge City Center for Youth at West Feliciana (BCCY-WF)
- Swanson Center for Youth (SCY)
- Swanson Center for Youth @ Columbia (SCYC)

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

**Structured Assessment of Violence Risk in Youth (SAVRY)** - An evidence-based assessment designed to assist professionals in making judgments about a youth's needs for case planning. This assessment comprises 24 risk/need items which were identified in existing research on adolescent development and on delinquency and aggression in youth. Six protective factors are included in the SAVRY which have also been identified by current research as potentially mitigating the risk of future violence and delinquent activity.

**Transfer Request Form (TRF)** – Form completed by the Facility Treatment Director when recommending a facility transfer as a result of a multidisciplinary treatment team meeting. The form is utilized by staff when a youth's treatment, mental health needs, rehabilitation and/or educational needs would be better served at another facility.

## V. POLICY:

It is the Deputy Secretary's policy that the assignment of a youth in the custody of YS shall be made in accordance with the guidelines of the OJJ Disposition Matrix based on the youth's risks and needs, severity of the offense, violent behavior, criminogenic needs and public safety. Further, all youth are given the opportunity to move through the Office of Juvenile Justice (OJJ) continuum of care. OJJ staff will assist the youth in their rehabilitation/treatment process, and will ensure that youth shall not remain in YS custody longer than is needed for rehabilitative services.

Research based practice demonstrates that for many juvenile offenders, lengthy out-of-home placements in secure corrections or residential facilities fail to produce better outcomes than alternative sanctions. The youth's eligibility to return to the community shall be regularly reviewed.

It is the Deputy Secretary's policy that individual youth program planning shall encompass a concern for the primary objectives of providing protection for the public, staff and youth, reducing the risk of delinquent behavior, and enhancing youth growth and development. This may be accomplished through the use of the SAVRY, custody classification scale, needs assessment and a coordinated delivery of a continuum of services.

**VI. ASSIGNMENT OF YOUTH IN YS CUSTODY:**

As provided in La. R.S. 15:901 D(1), YS shall have sole custody of the "child" and, except as provided for in La. Ch. Code Article 897.1, shall determine the child's placement, care and treatment, and the expenditures to be made through appropriate screenings, examinations, tests, or evaluations conducted under the supervision of YS.

Prior to any YS staff recommendations to the court regarding youth being placed in YS custody, a case staffing shall be held. Great consideration shall be given to services not requiring removal from the home. The Risk-Need Responsivity Model theorizes lower-risk offenders should receive a lower dosage of treatment and services. Alternatively, more intense services and treatment are needed for high-risk offenders. Considerable research supports that adhering to the Risk-Need Responsivity Model can positively impact a correctional program's effectiveness. YS policy and practice supports that placing the youth in the least restrictive setting in alignment with their risk and needs is essential to good juvenile rehabilitation practices.

All pertinent information, reports and assessments will be reviewed in order to make the most appropriate determination of placement in the least restrictive setting that meets the youth's individualized needs and provides for public safety.

Refer to YS Policy D.9.13 for specific procedures and guidelines utilized in the determination of youth's assignment to a non-secure or secure facility.

If a youth has been identified as a Prison Rape Elimination Act (PREA) victim or perpetrator, their status must be discussed when determining where a youth will be assigned or reassigned. A suitable placement must be agreed upon by both facility and CBS staff. Staff must ensure that the youth's victim or perpetrator does not reside at the location where the youth is being considered for assignment or reassignment. (Refer to YS Policy C.2.11 "PREA")

**VII. REASSIGNMENT AND EARLY RELEASE / NON-SECURE**

**A. Reassignment within Non-Secure Procedure**

1. Youth in the custody of YS assigned to a non-secure facility (CND/CNF) may be reassigned from one non-secure facility to another when it is determined that a program is not meeting the youth's needs.

2. This process may be initiated by the Regional Office or based on a recommendation from the non-secure facility.

Refer to YS Policy D.9.1 "Placement of Youth in Residential Facilities" for additional documentation, requirements and timelines.

3. For specific procedures outlining planned, unplanned, and emergency discharges from a non-secure facility, refer to YS Policy A.4.2 "Standard Operating Procedures for Contract Providers".
4. When a non-secure facility request an unsuccessful discharge of a youth, the Regional Office will seek re-placement and movement of the youth as soon as possible based on bed space availability of appropriate placements.

**B. Reassignment from Non-Secure to Secure Care / Due Process Procedure**

1. Youth placed in YS custody on a delinquent offense and assigned to a non-secure facility (CND) may be reassigned to a YS secure care facility (CSD) following a Case Staffing and Due Process Hearing.
2. The Case Staffing shall include a review of the non-secure facility progress reports, social history, psychological/psychiatric evaluations, SAVRY, needs assessments, OJJ Dispositional Matrix, and other pertinent information as outlined in YS Policy D.9.13 "Case Assignment Process for Secure Care Placement".

All appropriate available non-secure resources shall be exhausted prior to a youth's reassignment to secure care as this level of care is reserved for the most violent youth with the highest severity of needs. Reassignment from non-secure to secure care is not to be used as a consequence for lower level need youth.

3. Case staffing reports recommending Due Process from non-secure to secure care shall be reviewed and approved by the Regional Director.
4. Due Process Hearing

The administrative hearing shall consist of at least the youth, assigned PPO/J, and Regional Manager/designee.

- a) The PPO/J shall create the "Due Process Hearing" form in JETS outlining the specific behaviors, dates, etc. In emergency situations, when a youth is reassigned from non-secure to a secure care facility prior to holding the Due Process Hearing, one shall be held within two (2) working days of arrival. The PPO/J shall contact the case manager to schedule.
- b) The youth shall be informed of their right to have a representative present (may be a parent/guardian, witness) prior to the hearing.

- c) During the hearing, the youth shall be advised of the reasons for the reassignment recommendation and given the opportunity to respond to the allegations. The Regional Manager or designee shall hear the matter and make a final determination regarding the youth's reassignment.
  - d) The PPO/J shall secure the required signatures on the completed "Due Process Hearing" form and maintain a hard copy in Section 1 of the case file.
5. Within 48 hours (excluding weekends and holidays) of the youth's placement in a secure facility, the Secure Case Manager shall complete the "Intake Letter to the Judge", and "Intake Letter to Parent" in JETS informing them the youth's transfer.

**C. Early Release Criteria and Procedure / Non-secure**

1. Youth in the custody of YS who are assigned to a non-secure residential facility (CNF/CND) shall be recommended for release from YS custody following successful completion of the program or when it is determined their remaining needs can be addressed in the community to provide continued rehabilitation. Special consideration shall be given to youth's significant progress in programming and/or consistent behavioral improvements. This process may be initiated by the Regional Office or based on a recommendation from the non-secure facility.

Prior to recommending a youth be released from YS custody or reassigned to their parent/guardian, the PPO/J shall complete the "Home Evaluation Report" in JETS, if a home visit has not been made within the past 90 days. If the home is found to be unacceptable, all efforts shall be made to locate a suitable family member or alternative placement.

If the case file contains information regarding an outstanding detainer or pending charges, the PPO/J shall contact the issuing law enforcement agency or court to determine if the detainer is valid and/or pending charge is open or closed. Pending adult charges shall not be an automatic disqualifier for early release and shall be reviewed and considered based on the individual circumstances.

2. When a youth meets the eligibility for release, a case staffing shall be held to include the Regional Manager/designee; PPO/J; Unbiased party; Parent/guardian, and youth. The PPO/J shall document the staffing, including a comprehensive reintegration plan, on the "Case Staffing Report" form in JETS within three (3) working days of the staffing. A hard copy of the staffing form shall be placed in the youth's case record.



Reintegration services are to be entered for each goal identified. The PPO/J shall go over the goals and objectives using terminology that the youth can understand, taking into consideration educational level and accommodations needed to help the youth successfully understand the re-integration plan. The plan shall identify the programs, services, and interventions that will be used to assist the child in achieving a successful return to the community.

Refer to YS Policy B.2.18 “Reintegration Process” for specific procedures regarding the development and implementation of the reintegration plan.

3. If the youth is participating in specialized sex offender treatment, they should have completed Phase II and an acceptable treatment provider in the community, who can provide Phase III, should be identified prior to early release. (Refer to YS Policy B.2.16 for additional procedures/requirements)

If the youth is adjudicated delinquent for a sex offense and is required to register as a sex offender with law enforcement, the PPO/J shall ensure the pre-registration packet is completed and shall notify Legal Services pursuant to YS Policy No. B.2.17.

***A youth cannot be released without notification to Legal Services and completion of the pre-registration packet.***

## VIII. REASSIGNMENT AND EARLY RELEASE / SECURE CARE

### A. Reassignment within Secure Care Procedure

A multidisciplinary treatment team staffing shall convene prior to a youth’s transfer from one facility to another. The assigned Case Manager is responsible for arranging the staffing. The committee shall meet to consider whether the youth’s treatment, mental health needs, rehabilitation and education taken as a whole would be better served at another facility in a specialized unit, or for another specified purpose (i.e., regionalization or protection). Behavioral interventions and treatment programming utilized as well as the youth’s needs shall be reviewed in determining if facility re-assignment is in the youth’s best interest.

If it is deemed to be the best option to transfer the youth to another facility setting, the Facility Treatment Director of the requesting facility shall forward the information to the Facility Directors’ for their review and discussion. The Facility Treatment Director will complete the “Transfer Request Form” and submit to the Facility Directors for review. The “Transfer Request Form” will be forwarded to the Youth Facilities Director - Statewide by the requesting Facility Director for review and a final decision.

Refer to YS Policy B.2.2 “Youth Classification System and Treatment Procedures” for transfer procedures.

**B. Reassignment and Early Release Criteria / Secure Care**

1. Youth in the custody of YS who are assigned to a secure facility (CSD) shall be considered for reassignment to a non-secure facility or early release from YS custody upon meeting eligibility as outlined below. When determining the most appropriate recommendation, consideration shall be given to the youth's SAVRY Summary Risk Rating, Custody Classification score, individual risk factors, current needs assessment, behavior and participation and required level of intervention necessary for a successful transition to a lesser restrictive setting. Further, consideration shall be given to the youth's successful progress or completion in programming and if their remaining needs can be safely addressed in a lesser restrictive setting or in the community.

2. Qualifications

- a) Youth with a current Custody Classification score of "Minimum" are eligible for early release consideration. A youth with a current Custody Classification score of "Medium" may also be referred for consideration of early release eligibility. Strong consideration should be given to those social/contextual and individual/clinical risk and need factors as well as the availability of needed services in the community when assessing whether they continue to require a secure level of care;
- b) Progress in the LAMOD Youth Stages unless special needs prevent him/her from doing so;
- c) Adequate progress in their counseling/treatment including medication compliance;
- d) Adequate progress in their educational, vocational, and specialized educational needs as identified in the Individualized Education Program (IEP);
- e) Successful completion, significant progress in programming and/or consistent, stable behavioral improvement;
- f) Their remaining needs can be safely addressed in the community to provide continued rehabilitation;
- g) Completion of Phase II for youth participating in specialized sex offender treatment and an acceptable treatment provider in the community to provide the third phase of treatment. (Refer to YS Policy B.2.16 for additional procedures/requirements);

h) Completion of FAST Track program (if applicable);

i) For early release to the parent/guardian the following is required:

- Documented participation by the youth and parent/guardian in three (3) family reintegration meetings with the last having occurred within the last 30 days; and
- An acceptable "Home Study Evaluation" of the parent/guardian's residence completed by the PPO/J within the last 90 days.

3. Disqualifications

a) Youth with a current Custody Classification score of "Maximum";

b) A youth, who within the last 6 months received one of the following Code of Conduct Violations and was found guilty by the Code of Conduct Committee, is not eligible for reassignment or early release consideration:

- Assault (Youth/Staff) that resulted in a significant injury requiring medical attention; or
- Escape

c) A youth, who within the last 90 days received one of the following Code of Conduct Violations and was found guilty by the Code of Conduct Committee, shall be discussed to determine if the severity warrants exclusion from reassignment or early release consideration:

- Assault (Youth/Youth) that resulted in injury;
- Contraband involving a positive drug screen, cell phone, or weapon; or
- Gang/gang-like activity

The COC violations listed in above in Section (c) are not an automatic disqualification. The discussion shall at minimum include the date, description of incident, circumstances that may have influenced the incident, and any specific intervention/treatment provided to address the behavior.

The Youth Facilities Director – Statewide has the discretion to override the Code of Conduct exclusionary criteria;

d) A youth who has a valid detainer or pending charges. Pending adult charges shall not be an automatic disqualifier and should be reviewed and considered based on individual circumstances;

- e) Youth adjudicated under La. Ch. Code Article 897.1 for R.S. 14:30 First Degree Murder or R.S. 14:30.1 Second Degree Murder;
- f) Youth adjudicated under La. Ch. Code Article 897.1 for R.S. 14:64 Armed Robbery who have not yet served 36 months or 2/3 of their sentence, if it is less than 36 months; and/or
- g) Youth adjudicated under La. Ch. Code Article 897.1 for R.S. 14:42 1<sup>st</sup> Degree Rape (Aggravated Rape) or R.S. 14:44 Aggravated Kidnapping who have not yet served 36 months of their sentence.

**C. Reassignment and Early Release Staffing Procedure / Secure Care**

1. At least fourteen (14) days prior to the scheduled staffing recommending a youth be reassigned to a non-secure facility or an early release, the Case Manager shall review the youth's record to ensure they meet eligibility and contact the PPO/J to verify there are no outstanding detainers or pending charges. Pending adult charges shall not be an automatic disqualifier and shall be reviewed and considered based on the individual circumstances.

The Case Manager and PPO/J shall also discuss the youth's progress and potential recommendation for reassignment or early release. Special consideration shall be given to youth's significant progress in programming and/or consistent behavioral improvements. Additionally, whether their remaining needs can be safely addressed in the community to provide continued rehabilitation.

2. If the case file contains information regarding an outstanding or pending charge, the Case Manager or PPO/J shall contact the issuing law enforcement agency or court to determine if the detainer is valid and/or the status of the pending charge.

The Facility Director shall confirm with the youth's Case Manager that the status of the detainer or pending charges are accurately reflected on the IIP Summary of Staffing form in JETS. The process shall be documented in a Weekly Contact Progress Note within five (5) working days.

3. The PPO/J shall complete the "Home Evaluation Report" prior to the case staffing and notify the Case Manager if the home is found to be unacceptable. If the youth is otherwise eligible, the youth may be reassigned to a non-secure facility until alternative placement can be located.

4. The youth's Case Manager shall complete the Parental Notification of Staffing in JETS and mail to the youth's parent/guardian two (2) weeks prior to the scheduled staffing. The mailing of the letter shall be documented on a Weekly Contact Progress Note form in JETS within five (5) working days, and a copy of the signed letter placed in the youth's Master Record under Clip VIII.
5. If a youth being recommended for an early release is adjudicated delinquent for a sex offense and is required to register as a sex offender with law enforcement, the Case Manager shall notify Legal Services of the possible release pursuant to YS Policy No. B.2.17. The Case Manager shall ensure the pre-registration packet is completed by designated facility staff.

***A youth cannot be released without notification to Legal Services and completion of the pre-registration packet.***

6. The Case Manager shall refer to Policy B.8.11 "Pre-Release Process" for additional pre-release procedures.
7. The Quarterly Staffing shall address eligibility for reassignment to a non-secure facility or early release. If the youth does not currently meet the requirements, the Case Manager does not have to wait until the next Quarterly staffing to make a recommendation. An additional staffing may be held at any time the youth meets the criteria and becomes eligible.
8. An additional staffing may be held at any time. The Case Manager can arrange for a "special" staffing to revisit the youth's eligibility and to discuss potential for early release or step-down.
9. During the staffing the youth's progress during their commitment shall be discussed in detail. The youth's reintegration plan shall be finalized during the staffing contain specific information regarding mental health, medical, educational and vocational appointments, dates/times as needed. If the youth is recommended for reassignment to non-secure care, the facilities that the youth will be referred to shall be discussed.

Reintegration services are to be entered for each goal identified. The Case Manager shall go over the goals and objectives using terminology that the youth can understand, taking into consideration educational level and accommodations needed to help the youth successfully understand the reintegration plan. The plan shall identify the programs, services, and interventions that will be used to assist the child in achieving a successful return to the community or lesser restrictive setting.

Refer to YS Policy B.2.18 "Reintegration Process" for specific procedures regarding the development and implementation of the reintegration plan.

10. Discharge planning for Lesbian, Gay, Bisexual, Transgender, Intersex, Questioning (LGBTIQ) and nonconforming youth shall follow the guidelines established in YS Policy No. B.2.20.
11. The Case Manager shall document the staffing in JETS on the IIP Summary of Staffing form within five (5) working days of the staffing. The Staffing form should clearly state why the youth should or should not be considered for reassignment to a non-secure facility or recommended for an early release and include the reintegration plan.

In the event the multidisciplinary treatment team does not agree on a recommendation for reassignment or early release, the case shall be referred by the Facility Treatment Director within 3 days to the Probation and Parole Program Director and the Youth Facilities Director – Statewide for discussion and final determination of the recommendation.

12. The multidisciplinary treatment team shall be notified of the final determination of recommendation for the youth.
13. Within seven (7) working days of recommending the youth's reassignment to a non-secure facility or early release, the Case Manager shall forward the following to the PPO/J and Regional Manager:
  - a. Quarterly Progress Report (or two (2) if in secure care for six (6) months);
  - b. Completed IIP Summary of Staffing form;
  - c. Last MHTP's psychological evaluation and monthly psychiatric report;
  - d. Education reports;
  - e. Certificates of completion earned; and
  - f. Copy of the home evaluation completed by CBS.

**If the youth is being recommended for early release, the Case Manager shall also forward the information to Central Office Legal Services requesting a Motion for Modification of Disposition be filed.**

**D. Reassignment from Secure to Non-Secure Procedure**

1. When the staffing recommendation is for reassignment to a non-secure facility, the PPO/J shall forward referrals to appropriate programs within three (3) working days of receipt of the packet from the secure care Case Manager.

The youth shall be reassigned to a non-secure facility as timely as possible based on appropriate programs and bed availability.

Notification of the youth's reassignment to a non-secure facility shall be forwarded to the court. Refer to YS Policy D.9.1 "Placement of Youth in Residential Facilities" for additional documentation, requirements and timelines.

2. Youth adjudicated under La. Ch. Code Article 897.1, may only be reassigned to a non-secure facility via a Motion to Modify Disposition and following a contradictory hearing.

## **IX. RELEASE FROM YS CUSTODY NON-SECURE AND SECURE CARE**

A youth assigned to non-secure or secure care may only be released from YS custody via a Self-Modifying order, Motion to Modify Disposition, or upon reaching their full term date.

### **A. Self-Modifying Order**

1. 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.

YS staff shall pursue the signing of a self-modifying order by the court at all times.

### **B. Modification of Disposition Procedure / Non-secure**

Upon successful completion of a non-secure facility and/or progress such that remaining needs can be addressed in the community.

In order to modify an order of disposition placing a youth in YS custody, that does not contain self-modifying language, a Motion for Modification of Disposition must be filed with the court.

- a) Within five (5) working days of receipt of documentation of eligibility and the case staffing recommending release, if permitted by the court, the PPO/J shall complete the Modification of Disposition in JETS and file with the court. If PPO/J filings are not allowed, a requested for a Motion to Modify shall be submitted to Legal to prepare and file. The Modification of Disposition shall include the youth's specific reintegration plan. The plan shall identify the programs, services, and interventions that will be used to assist the child in achieving a successful return to the community.

1. When remaining needs can be addressed in the community
    - a) When a modification is requested for a youth assigned to a non-secure facility prior to the youth's successful completion, such as based on significant program in programming goals and available services in the community, a copy of the proposed modification motion must be reviewed by OJJ Legal Services prior to filing unless otherwise approved.
    - b) Within five (5) working days of the case staffing recommending release, the PPO/J shall complete the Modification of Disposition in JETS and forward to OJJ Legal Services along with any supporting documentation for review. If no response is received from OJJ Legal Services within five (5) days of the date of forwarding, the modification motion may be filed with the court by CBS staff.
    - c) 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.
- C. Modification of Disposition Procedure / Secure Care
1. In order to modify an order of disposition placing the youth in YS custody, that does not contain self-modifying language, a Motion for Modification of Disposition must be drafted by Legal and filed with the court. 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.
  2. Youth adjudicated under La. Ch. Code Article 897.1, may only be released from YS custody via a Motion to Modify Disposition and following a contradictory hearing.
  3. The Facility Director shall be notified of the decision by the Legal Services representative attending the hearing whether the Motion for Modification of Disposition was "granted" or "denied" by the Court. The Case Manager shall complete the Court Proceeding Summary form and a Weekly Contact Progress Note in JETS documenting the outcome of the hearing within five (5) working days.
  4. If the Motion was denied by the court, the youth shall be notified and counseled within 24 hours of the Case Manager receiving notification. The counseling session shall be documented on a Weekly Contact Progress Note in JETS within five (5) working days. The facility staff shall work with the youth to ensure that they complies with the recommendations made by the court.



**D. Youth Who Will Full Term in YS Custody / Non-Secure and Secure Care**

1. When possible, it is beneficial for Probation and Parole staff to work with a youth on parole for a period of time in the community prior to the youths' full term date to assist with the transition.
2. If a youth assigned to a non-secure program or secure facility is expected to full term while in custody, a Modification of Disposition for reintegration purposes should be considered at a Case Staffing (non-secure) or Quarterly Staffing (secure) within 3 months of the youth's full term date.
3. This does not apply to youth adjudicated under La. Ch. Code Article 897.1 or youth who will remain under supervision upon their release.
4. The guidelines for early release eligibility and procedures shall be followed. Any documentation should clearly indicate the reasons for or against the recommendation for early release. The youth's reintegration plan shall be finalized during the staffing. Safety of the public and youth shall remain the top concern in this discussion.
5. The reintegration plan for youth adjudicated under La. Ch. Code Article 897.1 who are not otherwise eligible for early release consideration shall be finalized 6 months prior to the youths' full term date. The plan shall identify the programs, services, and facilities that will be used to assist the child in achieving a successful return to the community. A copy of the plan shall be provided to the committing court.

**X. REASSIGNMENT OF YOUTH IN YS CUSTODY TO PARENT/GUARDIAN**

As provided in La. Ch. Code Article 908, notwithstanding any other provisions of law to the contrary, YS shall have sole authority over the placement, care, treatment, or any other considerations deemed necessary from the resources that are available for children judicially committed to the department.

The court shall not divide legal and physical custody of a child when assigning custody to the department in accordance with this Article or in accordance with any other statute or provision of law.

- A. There may be instances where a youth will be reassigned from a non-secure program or secure care facility to the parent/guardian while remaining in YS custody.
  1. When the court has denied the request to modify the disposition, failed to respond or failed to set for hearing within 45 days and either
    - a) The youth has successfully completed or significantly progress in their treatment program;

- b) The Youth has demonstrated consistent, stable behavior;
  - c) The youth's remaining needs can be met in the community;
  - d) The youth meets eligibility for release from non-secure or secure care and/or;
  - e) The youth is considered a low risk to public safety.
  - f) Youth committed to OJJ custody on a FINS offense should be carefully reviewed and staffed to determine if their individual circumstances require placement outside of the home.
  - g) Youth may also be considered for reassignment to parent/guardian while in YS custody based on extreme or emergent medical needs that can't be provided for in YS facilities or contracted programs.
2. The Regional Manager shall forward an email request to the Regional Director for consideration of the youth's reassignment to the parent/guardian.
  3. The email shall include the youth's name, JETS number, current offense/FTD, current SAVRY Summary Risk Rating, current Custody Classification score, needs assessments, a brief synopsis including any mitigating factors for consideration, the reason for the denial of Modification (if applicable) and include the following attachments: Modification of Disposition filed with the court, two (2) most recent progress reports from applicable non-secure or secure facility, and home study evaluation within the last 30 days.
  4. The Regional Director shall staff with the Regional Office to review necessary criteria. If deemed an appropriate candidate for reassignment to parent/guardian while in YS custody, a detailed plan will be developed outlining high intensity supervision and services to be implemented for the youth in the home/community setting.
  5. The plan shall at a minimum address the needs of the child, including but not limited to living arrangements, education, physical health, and mental health needs. The plan shall identify the programs, services, and interventions that will be used to support the youth in their need areas and provide the most assistance in achieving success in the parent/guardian's home and in the community.

6. An array of available, supplemental services shall be utilized such as: Intensive Supervision, Electronic Monitoring Program, Trackers Programs, Mentoring Programs, Community Counseling, Functional Family Therapy, Multi-Systematic Therapy, Re-integration Services, substance abuse counseling, and/or mental health counseling/treatment/medication management, etc.
7. The Regional Director shall then review the youths' case and plan of services for release home in YS custody with the Probation and Parole Program Director and the Youth Facilities Director – Statewide.
8. If the decision is made that the youth will be reassigned to the parent/guardian while in YS custody, notification as well as the detailed plan of supervision and services approved by the Probation and Parole Director Regional Director shall be forwarded to the court.
9. YS staff shall ensure that all records in the youth's file relevant to securing needed services in the community shall be immediately transmitted to the appropriate service provider.

**B. Disqualifications**

1. Youth who are committed to YS custody on charges rated as "Highest" on the Severity of Offense Scale.
2. Careful consideration shall be given to youth committed to YS custody on charges rated as "High" on the Severity of Offense Scale. Discussion should include youth's history of violent behavior in order to give full consideration to the safety of the youth and the public.
3. Attempts or Accessory to an offense receive the same severity rating as the offense itself.
4. Refer to YS Policy B.2.2 "Youth Classification System and Treatment Procedures", attachment (e).

**XI. REASSIGNMENT DUE TO MENTAL STABILITY**

- A. In the event mental health needs of a youth cannot be met at the assigned secure care facility a reassignment to an inpatient medical or appropriate mental health facility may be required.
- B. As soon as the CHP Medical staff or Health Services Administrator becomes aware that a youth may need such care the Facility Director and the Health Services Director are to be immediately notified.

The Facility Director shall notify the appropriate Regional Manager, Regional Director, Youth Facilities Director - Statewide and Facility Treatment Director.

The youth's Case Manager is to set a case staffing to discuss the situation and determine a plan of action. The staffing is to include at a minimum: parent, youth, CHP, Health Services Administrator, Case Manager, Probation Officer and or Probation Supervisor, Director of Treatment for facilities, and Director of Treatment for the community.

**C. Criteria Utilized to Identify Youth**

1. Youth presenting to the facility with the presence of serious mental illness characterized by significant impairment in the areas of self-care, social/interpersonal functioning, or academic/work functioning due to persistent and pervasive symptoms that interfere with the youth's ability to modulate behavior and/or mood, form a therapeutic alliance, or sustain engagement in treatment and cannot be best treated in the Mental Health Treatment Unit of the secure care facility.

*Examples would include the following:*

- a) PTSD or Other Trauma Related Disorder resulting in symptoms of reactivity, heightened threat perception, low frustration tolerance, irritability and/or other psychiatric symptoms.
  - b) Severe Major Depressive disorder, other mood disorder, or personality disorder with persistent suicidal ideation, emotional distress, or self-harm behaviors.
  - c) Schizophrenia or other psychotic disorder with impairment reality testing or negative symptoms.
2. Youth who present at least one of the patterns of behavior listed below hindering their ability to function in and benefit from the Mental Health Treatment Unit or that preventing transition to the Transition Mental Health Unit:
    - a) Persistent, pervasive, and frequently occurring oppositional/defiant behavior.
    - b) Reckless and/or impulsive behavior, which represents a disregard for the well-being and/or safety of self/others.
    - c) Aggressiveness and/or explosive behavior.
    - d) Extreme phobic/avoidant behavior.
    - e) Extreme social isolation.
  3. Youth that show clear evidence that remaining in the secure care facility will cause an exacerbation of symptoms of a psychiatric illness, thereby presenting a risk of a serious harm to self or others.

4. Youth, who upon initial evaluation, are determined by the psychiatrist or clinical psychologist to be unable to understand and maintain the objectives and goals of the Mental Health Treatment Unit.

**XII. QUALITY ASSURANCE**

- A. The quality assurance evaluation process for youth recommended for reassignment and early release shall follow the established guidelines outlined in YS Policy No. B.2.2, Section XV.
- B. The Facility Treatment Director is ultimately responsible for ensuring that all required monitoring reviews are conducted in a timely manner.
- C. The quality assurance tools authorized by Central Office shall be utilized to conduct the required Case Record reviews. The tools can be accessed through OJJ Share Point by logging on to <http://oydcosps/default.aspx>, and choosing the CQIS tab.

**Previous Regulation/Policy Number:** B.2.1

**Previous Effective Date:** 11/30/2021

**Attachments/References:**