

Actions Before, During, and After FAIR Team Meeting

Before a FAIR Team Meeting

CDW Program Staff will do the following things:

- County Attorney – Probable Cause review
- CourtNet check, check of any prior history
- Notification of charges to child/family
- Review of the child's rights with child
- Demographic info collected/verified
- GAIN SS or GAIN Q3
- Additionally, in some cases:
 - Affidavit and Beyond Control of Parent Evaluation Form completed by party requesting assistance (status cases)
 - Affidavit and Beyond Control of School Evaluation Form completed by party requesting assistance (status cases)
 - Affidavit and Truancy Evaluation Form completed by party requesting assistance (status cases)

Note: some cases will also have had:

- Unsuccessful diversion or amended diversion
- Failure(s) to appear. In this case, the actions above may not have taken place. The FAIR Team should brainstorm and trouble-shoot ways to reach families in these cases.
- Contact team members to convene FAIR Team; prepare case staffing presentation for team members

During a FAIR Team Meeting

- Sign confidentiality agreement
- Presentation of case
- Explore strengths and barriers for family or child
- Discuss the family and child's needs
- Identify natural supports for the family or child
- Identify the goals to be accomplished
- Explore various options in the local service array
- Establishing when Team will consider the case successful
- Develop initial case plan with next steps
- Review of open cases
 - Revision as needed;
 - Ongoing case updates;
 - Discussion of transition plans or case closures.
- Reminder of next meeting date

After a FAIR Team Meeting

- CDW Program Staff will meet with child and family to amend or create diversion as needed, based on recommendations of the FAIR Team

SB 200 Summary

Key Points:

The bill addresses three key questions to ensure improved effectiveness and outcomes. It:

- Focuses the most expensive resources on more serious offenders.
- Provides for earlier access to treatment/supervision and increases funding for services in local communities.
- Establishes oversight and performance measurement for the policies.

Training of CDWs is required on:

- The administration of evidence-based screening instruments and, for some workers as appropriate, the administration of risk and needs assessments;
- Identification of appropriate services for children and families;
- Techniques for diversion agreement implementation and supervision;
- Identifying and understanding the issues that led to the filing of a complaint, which may include recognition of signs of trauma, disability, behavioral, mental health, or substance abuse issues, in order to determine appropriate referrals; and
- Juvenile justice research, best practices, and any other subject deemed appropriate and available.

CDW Data Collection Requirements:

AOC shall collect and track data, and provide an annual report to the oversight council containing the following information:

- The number and type of complaints received;
- The outcome of each complaint;
- The number of children committed to DCBS in dependency, neglect, or abuse (DNA) cases who were originally charged with status offenses or whose cases were amended from status to DNA; and
- Whether a child who successfully completed a diversion reoffended within one year, was adjudicated a public offender, or was convicted in adult court of a criminal offense.

Graduated Response Protocol

"AOC shall develop a graduated response protocol, consisting of a continuum of responses from the least restrictive to the most restrictive, for court-designated workers to utilize in response to violations of the terms of a diversion agreement."

FAIR Team: CDW Lead

Each judicial district will have a family accountability, intervention, and response team that "shall develop enhanced case management plans and opportunities for services for children".

Membership shall include:

- A court-designated worker in that judicial circuit or district;
- Certain RIAC members

A representative from the Cabinet; county attorney within the judicial district; Department of Public Advocacy; a local public school within the judicial district; law enforcement; and Other persons identified by the family accountability, intervention, and response team

The team shall review:

- (a) Referrals from CDWs in status offense cases in which a child has failed to appear for a preliminary intake inquiry, declined to enter into a diversion agreement, or failed to complete the terms of the agreement; and
- (b) Status offense cases if CDW has determined that no further action is necessary.

After reviewing the actions taken by CDW, the team may:

- Refer the case back to CDW to take further action as recommended by the team; or
- Advise CDW to refer the case to the county attorney if the team has no further recommendations to offer.

Other Important Impacts

- **Restricts commitment of lower-level offenders in certain instances.** The bill prohibits offenders from being committed to DJJ unless: (1) they were adjudicated for a misdemeanor or Class D felony and have had at least three prior adjudications, excluding violations, or at least four prior adjudications of violations, which do not arise from the same course of conduct; or, (2) they were adjudicated for an offense involving a deadly weapon, an offense that would classify the juvenile as a sex offender, or a felony offense other than a Class D felony.
- **Limits the length of out-of-home placement and length of supervision based on seriousness of the offense and risk to reoffend.** The bill requires DJJ to develop case plans using evidence-based tools that take into consideration the juvenile's risk level and seriousness of the offense. Limits are placed on time the juvenile may be held in out-of-home placement for treatment and the total amount of time the youth may be committed or probated to DJJ. Limits are also placed on the length of time a juvenile may be on court supervision.
- **Limits out-of-home placements as a sanction for supervision violations.** The bill requires the use of graduated sanctions to encourage compliance (unless there is clear and convincing evidence that no appropriate sanctions are available and the child is an immediate threat to himself or others) and, if not successful, permits detention for up to thirty (30) days. Supervision violations may not be used to commit, or recommit, a child to the DJJ.
- **Increases engagement and accountability of families.** The bill provides for increased involvement of families.
- **Requires improved data collection and reporting to measure outcomes.** The bill requires increased data collection and reporting to measure the results of the programs and policies to ensure that they are achieving the results intended. The bill also requires the state to track juvenile recidivism outcomes.
- **Establishes an Oversight Council.** Created for the purpose of providing independent review of the state juvenile justice system and providing recommendations to the General Assembly.



Senate Bill 200 FAQs*

When does SB 200 go into effect?

All components of SB 200 will be in effect by July 2015. The components that require agencies to develop administrative policies, establish FAIR teams, enhance the pre-court diversion process, and require new data collection and information sharing went into effect in July 2014. The components changing the public offense commitment, probation and informal adjustment processes go into effect in July 2015.

What is the purpose of SB 200?

SB 200 provides for a more effective use of resources to hold youth accountable, achieve better outcomes for youth and their families, and maintain public safety. The provisions in the legislation are based on recommendations from the bi-partisan, inter-branch Unified Juvenile Code Task Force and extensive stakeholder input. The legislation seeks to improve outcomes in the juvenile justice system by expanding access to timely, quality treatment and supervision in the community, focusing the most intensive resources on serious offenders, and enhancing data collection and oversight mechanisms to ensure the policies are working.

Which youth does SB 200 affect?

The legislation affects youth who have a status, misdemeanor, or Class D felony offense complaint filed against them. Anyone can file a complaint against a juvenile, including law enforcement, victims, and schools.

Which state or local agencies does SB 200 affect?

The legislation makes major changes to the policies and practices in the Administrative Office of the Courts and Department of Juvenile Justice. The legislation makes minor changes to the policies and practices in the Department for Community-Based Services (DCBS), the Department of Behavioral Health, Developmental and Intellectual Disabilities (DBHDID), and the Department of Education (KDE). The legislation also creates new responsibilities for local agencies that are named representatives of the newly established Family, Accountability, Intervention and Response (FAIR) teams (see FAQ below for more information about the FAIR teams).

What are the changes to the court designated worker (CDW) process?

The court designated workers handle all cases of youth who are diverted from court and utilize screening tools and needs assessments in the diversion process to provide early interventions. The legislation makes this diversion process mandatory for status offenders and misdemeanants who have no prior adjudications and no prior diversions.

What are the local FAIR teams?

The Family, Accountability, Intervention and Response (FAIR) teams were established to work in collaboration with CHFS's Regional Interagency Councils to develop enhanced case management plans and service referrals for juveniles before youth are ever referred to court. CDWs refer cases to the FAIR teams when youth are assessed as having high needs, are struggling in diversion, fail to appear or decline diversion. Directors of Pupil Personnel can, after consultation with the CDW, refer a case directly to the FAIR team. The FAIR teams provide oversight to the work of the CDW and determine the appropriate responses. Court remains an option for youth who are unsuccessful in this process, as does a referral to DCBS for a dependency, abuse or neglect investigation.

What changes does SB 200 make to the court process?

The legislation does not make any changes to the court process for status offenders. Once youth are referred to court, judges can still hold status offenders in contempt of court and detain them if they violate court orders. However, the goal of the pre-court process established in SB 200 is to reduce the number of cases that are ever

* These FAQs were developed by the Crime and Justice Institute at Community Resources for Justice (CJI). CJI was funded by the Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice to provide technical assistance to Kentucky to support implementation of SB 200.

brought before a judge and, for the cases that do end up in court, provide the judge with information on what efforts have already been made to provide services and treatment.

For public offenders who end up in court, the legislation expands the judge's ability to use the informal adjustment process in lieu of formally adjudicating the case. The legislation also limits how long youth can be put on probation, which youth can be committed to the Department of Juvenile Justice (DJJ), and how long they can be committed to DJJ and held in out of home placement. Prior to SB 200, youth were probated or committed to DJJ for an indefinite period of time until they turned 18 years old (see FAQs below for more information about the public offense changes).

Which public offenders cannot be committed to DJJ?

The legislation restricts misdemeanor and Class D felony offenders from being committed to DJJ unless they have been adjudicated for a deadly weapon offense, an offense that would classify the juvenile as a sex offender, or unless they have three or more prior delinquency adjudications or four or more prior adjudications for violation offenses. As was the case before SB 200, status offenders cannot be committed to DJJ, but can be committed to DCBS.

What happens to public offenders who are still committed to DJJ?

The legislation requires DJJ to develop case plans for all youth using risk and needs assessment tools that take into consideration the juvenile's risk of reoffending and the seriousness of the offense. The legislation changes a number of commitment policies for misdemeanants and Class D felons who were not adjudicated on a sex offense or deadly weapons offense. The legislation limits the youth's amount of time in out of home placement to four months if they were committed on a misdemeanor and eight months if they were committed on a Class D felony. The legislation also limits the total amount of time that youth may be committed to DJJ, including time on community supervision (12 months for misdemeanants, 18 months for Class D felons). The legislation does not make any changes to the commitment process for youth charged with a Class A, Class B or Class C felony offense.

What happens to youth who violate probation?

The legislation requires the use of graduated sanctions in response to probation violations to encourage compliance and, if the youth is still not successful, permits detention for up to 30 days. Youth cannot be committed to DJJ on violations of probation unless the judge had previously suspended the commitment. Additionally, misdemeanants and Class D felons may only be on probation or court monitoring for 12 months total supervision.

How does SB 200 emphasize evidence-based decision-making?

Evidence-based screening and assessment tools must be utilized by CDWs and DJJ staff. These tools help to guide treatment, supervision and placement decisions for juveniles, both in the community and in out of home placement. Results of the risk and needs assessments must also be provided to the court prior to disposition. The legislation also requires that 50 percent of DJJ's programs be evidence-based by 2016 and 75 percent be evidence-based by 2018.

What are the data collection requirements in SB 200?

The legislation requires increased data collection and reporting to measure the results of the programs and policies and ensure that they are achieving the intended results. Specifically, the legislation requires the state to track juvenile recidivism outcomes, the number of status offenders who are committed to DCBS, complaint outcomes at the CDW-level, and school-based incident data.

What is the Juvenile Justice Oversight Council?

The legislation establishes an Oversight Council to oversee the implementation of SB 200, review performance measures, and make recommendations for changes or improvements based on the data. The Oversight Council will also continue to review juvenile justice and education issues that were not addressed by the Unified Juvenile Code Task Force.

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