



Commission on Improving the Status of Children in Indiana

TASKS ASSIGNED BY HEA 1359

Juvenile Oversight Body/Children's Commission

1. Develop a plan to collect and report **statewide juvenile justice data** that includes:
 - a. Goals for the collection of juvenile justice data
 - b. Shared definitions concerning juvenile justice data
 - c. Standard protocols and procedures for data collection and quality assurance, including a plan to track data across the juvenile justice continuum
 - d. A minimum set of performance and data measures that counties shall collect and report annually, including equity measures
 - e. Establish how data should be reported and to whom
 - f. Establish a research agenda to evaluate the effectiveness of interventions
 - g. Determine the costs of collecting and reporting data described in this plan
2. Review and establish statewide procedures, policies, and an implementation plan related to the use of
 - a. **Risk screening tools** for diversion
 - b. **Risk and needs assessment tools** for dispositional decisions (including out of home placement)
 - c. **Detention tool** to inform use of secure detention
3. Develop criteria for the use of **diagnostic assessments at DOC and via telehealth**
4. Develop a **statewide plan to address the provision of broader behavioral health services** to a child in the juvenile justice system
5. Develop policies, protocols, and a statewide implementation plan to guide the provision of **transitional services** for a child who is a ward of the department of correction
6. Establish **policies and protocols for research based pretrial diversion and informal adjustment** programs and practices
7. Develop and submit a plan for **juvenile diversion & community alternatives grant programs** that includes
 - a. The amount of money dedicated to each grant
 - b. The funding formula, accounting for the needs of both more rural and more populated communities
 - c. The required set of performance measures that counties receiving the grants must collect and report
 - d. The process to streamline and manage the entire grant life cycle for all programs

Judicial Conference

8. The judicial conference, *in consultation with the oversight body*, shall develop statewide juvenile probation standards for juvenile probation supervision and services that are aligned with research-based best practices and based on a child's risk of reoffending as measured by a validated risk and needs assessment tool. Standards must include:
 - a. Guidelines for establishing consistent use of a validated risk and needs assessment tool and a validated risk screening tool
 - b. Guidelines for establishing conditions of probation supervision for informal adjustment and formal probation that are tailored to a child's individual risk and needs, including standards for case contacts
 - c. Common case planning elements based on risk principles and guidelines for engaging youth, families, and providers in case planning
 - d. Common criteria for recommending the use of out-of-home placement and commitment to the DOC

- e. A system of graduated responses and incentives to reward and motivate positive behavior and address violations of supervision.

9. The Conference shall also ensure that adequate training is provided to all juvenile probation officers on the use of a risk and needs assessment tool, the use of a risk screening tool, and the updated juvenile probation standards.

Office of Judicial Administration

10. Establish and administer a plan that will ensure that the juvenile justice data in each county is collected and shared with the office of judicial administration so that the office can compile and aggregate the data. (Include in the data plan to be developed)

11. Develop an annual report that includes information from local courts on their policies and procedures regarding the use of secure detention and the detention tool results and justification of overrides of the tool (Include in the data plan to be developed)

Criminal Justice Institute

12. Establish and administer

- a. the juvenile diversion and community alternatives grant program fund and
- b. the juvenile behavioral health competitive grant pilot program fund

13. May use available funds to strengthen the agency's grant management capacity to:

- a. Serve as an efficient pass through to counties
- b. Provide quality assurance and technical assistance to counties, and
- c. Support and coordinate data collection

PROPOSED IMPLEMENTATION STRUCTURE

Juvenile Oversight Body

- Appointed by Chief Justice
- Includes at least one representative of each work group
- Includes at least two community-based stakeholders
- May include selected others to fill out needed stakeholder voices
- Takes feedback from and submits it work to the Children's Commission

Work Groups

Already Existing Under the Children's Commission

1. DATA—(will be a sub-group of/coordinate with the existing Data Sharing Committee, with some additional members)
2. TRANSITIONAL SERVICES—current subcommittee of the Juvenile Justice and Cross-System Youth Task Force
3. PRETRIAL DIVERSION—current subcommittee of the Juvenile Justice and Cross-System Youth Task Force
4. CRITERIA FOR DIAGNOSTIC ASSESSMENT VIA TELEHEALTH—included in #5 below
5. STATEWIDE BEHAVIORAL HEALTH PLAN—(will be a sub-group of/co the existing Mental Health and Substance Abuse Task Force)

Need to be Created/Convened

6. SCREENING TOOLS PROCEDURES, POLICIES, IMPLEMENTATION PLAN
7. DIVERSION & COMMUNITY ALTERNATIVES GRANT PROGRAMS
8. JUVENILE PROBATION STANDARDS—[Not technically a work group under the Oversight Body, but does need to coordinate with the oversight body, and also with the screening protocols group.]

Work group membership should be inclusive of all stakeholder groups for each topic, with attention to a diversity of perspectives: state and local; urban/suburban/rural; variation by race, ethnicity, gender; diverse professional roles.

Process

The Oversight Body will convene in May or June 2022 (per statute must hold first meeting no later than July 1, 2022). At the first meeting, the requirements of HEA 1359 will be reviewed, work group co-chairs will be named/appointed, and a schedule of meetings will be set. Ideally meetings of the oversight body will take place approximately two to four weeks prior to meetings of the Commission on Improving the Status of Children, to allow for the possibility of presentation of updates from the oversight body to the Commission at any Commission meeting during fiscal year 2022-23, and feedback from the Commission on each work product as it is finalized.

Each work group will convene no later than July 31, 2022. At the first meeting, work groups will analyze their assignment, discuss related work already done or in progress, and determine an approach and steps to complete the work assigned. Regular meeting dates will be set, with attention to the dates of the oversight body meetings and Children's Commission meetings, to maximize efficiency and meet statutory deadlines.

Timeline

May 31, 2022—All appointments to the Juvenile Oversight Body will have been made by the Chief Justice. This may include the co-chairs of the work groups.

July 1, 2022—Oversight body will have convened for the first time

July 31, 2022—Work groups will have convened for the first time

August 24, 2022—Meeting of the Children's Commission. Oversight Body may present an update.

October 19, 2022-- Meeting of the Children's Commission. Oversight Body may present an update.

December 7, 2022—Meeting of the Children's Commission. Plan for grant programs (work group #7) presented for Commission's consideration and endorsement.

January 1, 2023—Plan for grant programs due to Legislative Council (but should be provided to Sen. Crider in November for bill drafting)

February 15, 2023*—Meeting of the Children's Commission. Oversight Body may present an update.

April 19, 2023*—Meeting of the Children's Commission. Oversight Body may present an update.

June 21, 2023*¹—Meeting of the Children's Commission. Any remaining work products will be presented for the Commission's consideration and feedback (unless finished early and presented at an earlier meeting.) This includes the data plan, screening tool procedures and plan, behavioral health plan (including criteria for diagnostic assessment), transitional services policies and plan, pretrial diversion policies and protocols, and juvenile probation standards.

Fiscal Year 2023-24: Training and technical assistance to counties for implementation, launch of grant programs if funded in state budget, begin implementing data collection and reporting plan (likely to happen in phases)

¹* 2023 Commission meeting dates have not yet been set; these are tentative

LOCAL RESPONSIBILITIES

Juvenile Courts

Use of a detention tool:

An intake officer shall use a validated detention tool prior to a decision to detain being made. The results of the detention tool shall be used by the intake officer to inform decisions around the use of secure detention and release conditions.

Results of the detention tool shall be made available to the court and any legal party to the case prior to the detention hearing.

Evidence of a child's statements and evidence derived from those statements made for use in preparing an authorized evidence-based detention tool are not admissible against the child in any other court proceeding.

Detention does not apply to a child less than twelve years of age unless:

- a. the child poses an imminent risk of harm to the community; or
- b. the court makes a written finding that detention is essential to protect the community and no reasonable alternatives exist to reduce the risk.

Any order approving or requiring detention of a child shall also include:

- a. the rationale and reasoning for approving or requiring detention of a child if the child did not score as high risk on the detention tool; and
- b. the child's detention screening results

The juvenile court shall send information related to:

- a. local policies and procedures regarding the use of secure detention; and
- b. the detention tool results and justification of overrides of the tool;

to the office of judicial administration on an annual basis.

Use of a risk screening tool for diversion:

Upon receiving a referral, the intake officer shall:

- a. immediately forward the information to the prosecuting attorney
- b. complete a dual status screening tool on the child, and
- c. complete a risk screening tool on the child.

The preliminary inquiry includes the use of a risk screening tool.

The intake officer will recommend whether to:

[in addition to existing options]

Refer the child to juvenile diversion

Refer the child to juvenile diversion and recommend that the child be referred for an assessment by the dual status assessment team

After the PI (which includes the risk screening tool) and before a petition is filed, the intake officer may recommend to the prosecuting attorney that the child participate in juvenile diversion. Information obtained from the risk screening may not be used as evidence in any fact finding hearing in which the child is accused.

Participation in diversion:

If prosecutor approves diversion, probation may:

- a. refer a child to community based programs or service providers, if necessary

- b. provide case management and service coordination
- c. provide assistance with barriers to completion, and
- d. monitor progress

The child and the child's parent, guardian, or attorney must consent to the child's participation in diversion.

Juvenile diversion may not exceed six months.

Juvenile diversion may include restorative justice.

If a child successfully completes diversion, no petition is filed and no further action is taken.

If a child fails to complete the terms of diversion or commits a new offense, juvenile probation shall inform the prosecutor at least 14 days prior to the end of the diversion period. In that case, the prosecutor may file a delinquency petition.

A local probation department shall collect individual data on any child diverted through juvenile diversion, including:

- a. demographic data on age, race, ethnicity, and gender
- b. risk screening information
- c. offense
- d. service participation
- e. outcome and completion data

and report the information to OJA on an annual basis.

Informal Adjustment:

Fees for participation in informal adjustment are eliminated.

Disposition:

Probation officers shall include in a predispositional report:

- a. the results of the validated risk and needs assessment tool the probation officer conducted on the child (plus everything else that's already in code). If PDR is waived, the risk and needs screening still needs to be provided to the court and all parties.

The juvenile court shall make a written finding that includes the results of the risk and needs assessment if the court orders an out-of-home placement.

Probation officer shall recommend care, treatment, rehabilitation, or placement that:

- a. is based on the results of a validated risk and needs assessment tool (plus everything else already in code)

Local JRAC:

Shall oversee and manage grants awarded under IC 31-40-5 and IC 31-40-6, unless another local collaborative body in the county is tasked with overseeing the grant awarded.