Minnesota Department of Corrections

Policy:	**201.110**
Title:	**Juvenile Probation Supervision**
Effective Date:	**12/5/17**

PURPOSE: To ensure uniform standards for pre- and post-dispositional probation services for juveniles.

APPLICABILITY: Minnesota Department of Corrections (DOC); Community Corrections Act (CCA), and County Probation Office (CPO); agents supervising juveniles in the community

DEFINITIONS:
Agent – an employee in the job classification of state corrections agent, county probation officer, and CCA corrections agent.

Social history or predisposition report – a report provided to the court for the purpose of determining the most appropriate disposition alternatives for juveniles. Predisposition reports are only to be prepared by order of the court.

PROCEDURES:

A. General procedures

1. Agents must provide to the court all predisposition/social history reports based on prior history and level of risk and needs in the youth level of service/case management inventory 2.0 (YLS/CMI 2.0) prior to disposition, juvenile supervision, and out-of-home placement recommendations and referral.

2. All juveniles placed on probation must be assigned to an agent and supervised until discharged or transferred to another agent.

3. The agent must establish initial contact with the juvenile within 24-hours of release from placement and/or within ten business days of notification of placement on probation, whichever is less.

4. The agent must establish with the juvenile that the role of probation is to monitor the conditions of the court, but also work with the juvenile and the juvenile's family on areas that may reduce the juvenile's likelihood of continued involvement in the criminal justice system.

5. The agent must furnish written conditions of supervision to the juvenile and parents/guardians, and obtain signed acknowledgement.

6. Only one agent is assigned to any juvenile, irrespective of the number of conviction offenses.

7. Juvenile supervision includes contacts with the youth and family during regular business hours and non-traditional hours such as visits to the home, school, employment, and other settings.

8. Agents may also be called upon to address a variety of issues involving juveniles under probation supervision during non-traditional hours.

B. Mental health screening

1. Mental health screens must be conducted on youth ages 10 – 18 when:
   a) The youth has been found to be delinquent;
   b) The youth has been found to have committed a juvenile petty offense for the third or subsequent offense, per Minn. Stat. §260B.235, subd. 6;
   c) The youth is alleged to have committed a delinquent act and has had an initial detention hearing, with the court ordering the child continued in detention, per Minn. Stat. §260B.176, subd. 2 and §260B.178, subd. 1 (in this case, the agent must assure the detention center completes the screen and forwards a copy to the agent);
   d) A child is in out-of-home placement; or
   e) There is written informed consent from the parent or legal guardian before a screening is conducted.
   f) Exemption criteria:
      There is an exemption from the mental health screening when:
      (1) Screening or diagnostic assessment has been performed within the previous 180 days;
      (2) The youth is under the care of a mental health professional;
      (3) A parent or legal guardian prevents the screening in writing to the court, county, or tribal agency;
      (4) Agents are unable to locate the youth;
      (5) Case management is closed within 30 days of opening;
      (6) The youth is receiving mental health case management; and/or
      (7) The youth is in extended jurisdiction status.

2. DOC agents serving the juvenile courts must complete mental health screens on youth who meet the criteria in Procedure A.1., sections a) through e). The screening tools approved for youth in the juvenile justice system are:
   a) Massachusetts Youth Screening Instrument Version 2 (MAYSI-2); and
   b) Problem Oriented Screening Instrument for Teenagers (POSIT).

3. Agents must utilize one of the approved instruments in completing the screens. Agents must refer juveniles determined to be in need of services to an appropriate mental health professional or the county human services agency. DOC agents must work together with county human services agencies to accomplish compliance with Minn. Stat. §260B.157, subd. 1.

C. Predisposition reports

1. Upon receiving an order from the court to prepare a predisposition report, the agent must complete a Notice to Victims of Offenses Committed by Juveniles (Court Services Tracking System (CSTS) form) and send it, along with a Victim's Affidavit of Restitution (CSTS form) and Victim Impact Statement (attached), to the victim(s), via first class mail. If the victim(s) does not respond within 14 days, the corrections agent must attempt to telephone the victim(s).

2. The agent must explain the Privacy Act Statement (CSTS form) to the juvenile and parent/guardian prior to interview. The juvenile and parent/ guardian must sign the

Privacy Act Statement and the Authorization for Release of Information (CSTS form), as needed.

3. The format for Juvenile Pre-Disposition Reports (CSTS form) generally addresses the risk/need areas on the YLS/CMI 2.0:
   a) Legal and objective information, including the juvenile's name, address, birth date, race, county, and name of the sentencing judge.
   b) Current offense: provide detailed statement of the offense(s), including the date, time, place, accomplices, seriousness of the offense, and opinions of law enforcement (if pertinent).
   c) Juvenile's version: The juvenile's statement regarding the offense.
      (1) Field services staff may request the juvenile to submit a written statement, which must be included verbatim in the report.
      (2) This section must also include the juvenile's attitude toward the offense, the pertinent events occurring prior to the offense, and the accomplices, including his/her role in the offense.
   d) Victim statement: a brief account of victim damages or harm suffered.
      (1) This includes a summary of the damages, harm, or any other problems generated by the offense, a concise statement of what disposition the victim deems appropriate, including reasons (if any), and an attachment to the report consisting of the victim's written objections (if any) to the proposed disposition.
      (2) If the victim(s) does not respond to attempts made to gain input, the agent must note the attempts made to contact the victim(s).
   e) Prior record: list past offenses, date of offenses, and court dispositions, detailing the significant offenses.
   f) Placement history: chronologically list any previous out-of-home placements, including foster care, shelter care, group home, residential, and detention placements.
   g) Family history: provide basic family background information, including parent and sibling information. Include a summary of risk factors, as well as any family strengths also identified.
   h) Education/employment: briefly summarize current school situation.
      (1) Note future academic or vocational goals.
      (2) Describe current employment status and a brief employment history.
      (3) Include summary of risk factors, as well as any education/employment strengths also identified.
   i) Peer relations: include a summary of risk factors, as well as any strengths identified.
   j) Substance abuse: give a brief summary of the juvenile's chemical dependency (CD) intervention or treatment history.
      (1) Include the juvenile's use history and current pattern of use.
      (2) Also include a summary of risk factors, as well as any strengths also identified.
   k) Leisure/recreation: list all groups, clubs, or organizations the juvenile belongs to. List hobbies and interests the juvenile actively pursues. Include risk factors, as well as any strengths identified.
   l) Personality/behavior: briefly summarize previous or current mental health counseling, diagnoses, or need for medication.

(1) Include past and present suicide attempts or ideation. Include information regarding physical and sexual abuse.
(2) Include risk factors, as well as any strengths identified.

m) Attitudes/orientation: include risk factors, as well as any strengths also identified.

n) Final assessment: provide a brief summary or rationale for the recommendations, taking into consideration the criminogenic risk factors that are most predictive of his/her involvement in criminality, community safety, restorative accountability, and competency development.

o) Recommendation: provide specific recommendations to the court based upon rationale.

4. The agent must submit the report to the supervisor for review. Reports recommending out-of-home placement of the child require supervisory signature.

5. The agent must submit the report to the court as directed by the court to comply with the juvenile court rules, however, no later than 30 days of being ordered. The agent must ensure that the confidentiality of the report is maintained.

6. Predisposition reports must only be forwarded to the juvenile's placement, if the court orders confinement in a DOC correctional facility.

7. Predisposition reports may be used to assist the agent in evaluating the juvenile and family when placed under supervision.

D. Juvenile probation supervision

1. The district supervisor or designee (in state contract counties) must assign juvenile probation supervision cases.

2. The supervisor of juvenile services must assign juvenile probation supervision cases in Community Corrections Act (CCA) and Minn. Stat. Ch. 260 counties.

3. If a predisposition report was not completed on the juvenile, a Juvenile Face Sheet (attached) must be completed by the agent within 30 days of disposition.

4. Case contacts with the juvenile must be periodically conducted at the juvenile's home, place of employment or school, in the agent's office, or at other appropriate places.

a) The agent must allow the option of informing the juvenile and the juvenile's family of the YLS/CMI 2.0 results to help them understand the behavior patterns evidenced by the juvenile, and seek clarification on any identified criminogenic factors.

b) The agent must give the juvenile the Grievance Procedure (CSTS form) on initial contact and ensure that the juvenile understands the statement.

c) Juveniles placed on supervision must be photographed.
(1) The photographs are electronically saved in CSTS.
(2) Photographs are classified as private data.

d) Contacts may also be conducted with other persons interested in the juvenile's welfare, such as employers, relatives, friends, school officials, clergy, welfare, and other agencies. The agent must maintain data practices standards in these contacts.

e) Agents must ensure juveniles comply with all Minnesota laws pertaining to registration and must monitor continued compliance throughout the period of supervision.

f) The agent must maintain a written record of visits and contacts regarding the juvenile. This record must present an evaluation of the juvenile's progress and adjustment under supervision and is used as a basis for determining further supervision strategies. Record keeping of the chronological case record must be completed as follows:
   (1) Enter the date of contact under the "date" column;
   (2) Enter the "chrono" type per CSTS; and
   (3) The focus on the contact must be based on a risk/need domain change talk, any ambivalence, barriers to change, progress on goals worked on, and motivational interviewing (MI) principles used. This information, along with other notable developments or changes, requires the agent to update the status of special conditions and the Case Plan () CSTS form.

g) The agent must participate in the initial and ongoing staffings held for juveniles in placement.
   (1) Exceptions must only be made with supervisory approval.
   (2) The agent must conduct a YLS/CMI 2.0 assessment, if not completed within the last six months, and develop a case plan to address identified criminogenic areas.

5. File maintenance

Agents must clearly identify the source, verification, and confidentiality of the materials in the case file. Each file must be divided into four sections:

a) Section one:
   (1) Probation Agreement – Juvenile (attached, on top);
   (2) Face Sheet, if applicable;
   (3) Assessment (supervision level classification);
   (4) Case Plan;
   (5) Privacy Act Statement;
   (6) Record checks;
   (7) Community work service verification/Sentence to Service referrals/restitution/certificate of restitution/fine receipts; and
   (8) Authorizations (on bottom).

b) Section two:
   (1) Chronological case record (on top);
   (2) Juvenile Progress or Violation Reports (attached)/case updates;
   (3) Alcohol assessments;
   (4) Urinalysis test results;
   (5) Referrals to Mothers Against Drunk Driving (MADD) victim impact panel;
   (5) Juvenile questionnaires; and
   (6) Any confidential information.

c) Section three:
   (1) Correspondence;
   (2) Monthly reports;
   (3) School – grades;
   (4) Alcoholics Anonymous (AA)/Narcotics Anonymous (NA) attendance verification slips;
   (5) Travel permits; and

(6) Miscellaneous file materials.

d) Section four:

(1) Petitions/complaints;
(2) Police reports;
(3) Violation Reports/Pre-Dispositional Reports;
(4) Letters notifying police of court-ordered probation;
(5) Discharges;
(6) All court documents; and
(7) Incoming transfer requests.

6. Risk/need/responsivity assessments (YLS/CMI 2.0) must be completed as follows:

a) Juveniles under probation supervision for a petty-misdemeanor offense do not require an assessment and are classified as minimum risk.

b) Agents must administer a prescreen to all juveniles placed on probation or parole supervision for a delinquency within 30 days of disposition or case assignment.

(1) A prescreen score of zero-two does not require the completion of a full risk/need/responsivity assessment and the juvenile is placed on minimum supervision.

(2) When a prescreen score is three or more, a full risk/need/responsivity assessment must be completed to determine a juvenile's risk/need level within 30 days of disposition or case assignment.

c) Agents must complete a risk/need/responsivity assessment within 30 days of a juvenile's discharge from placement to the community, if one has not been completed by the placement agency at least 30 days prior to discharge. The agent must formulate a Juvenile Case Plan within 30 days of the juvenile returning to the community from placement.

d) Agents must reassess using the risk/need/responsivity assessment at the initial six-month interval, and then at least annually thereafter until the juvenile is classified as administrative/paper.

(1) Upon each assessment, the juvenile and family are provided the option of reviewing the results.

(2) Notwithstanding the six month requirement, agents must consider the need for a reassessment during each client contact.

(3) Reassessments are not required on administrative/paper supervision cases, unless new charges arise or problematic behavior occurs.

e) Professional overrides may be recommended to increase or decrease risk/need level upon supervisory approval.

f) The supervision contact levels based on the risk/need/responsivity assessment for focusing on addressing criminogenic risk factors identified in the YLS/CMI 2.0 and conditions are as follows:

(1) Enhanced supervision (high to very high on the YLS/CMI risk/need assessment; 22-42 for males and 20-42 for females):

(a) Phase I

i) A minimum of one face-to-face contact per week must occur. Two of these contacts per month must occur at the juvenile's residence.

ii) Where available and appropriate, juveniles must be referred to cognitive behavioral programming.

iii) Contacts while facilitating groups must count toward these standards.

iv) Phase I continues for a minimum of six months. The juvenile must not be moved to phase II until the juvenile is making positive progress toward completion of the juvenile's Case Plan.

v) Juveniles may be required to provide daily schedules.

vi) Electronic home monitoring and curfews may be included as an additional structure during this phase if ordered by the court or the hearings and release unit (HRU).

vii) Return to probation or parole following revocation must result in the juvenile starting over in phase I.

viii) Agents must complete a six-month Progress Report.

(b) Phase II

i) A minimum of two face-to-face contacts per month must occur. Of these contacts one must occur in the home.

ii) The juvenile must continue to make positive progress on the juvenile's Case Plan.

iii) Phase II continues for up to six months.

iv) Transfer to the next level of supervision is dependent on an YLS/CMI 2.0 reassessment reflecting a sore of 21 or less for males, and 19 or less for females.

v) Upon completion of phase II, the juvenile is transferred to an appropriate level of supervision based on the YLS/CMI 2.0 score.

vi) In no case is a juvenile transferred from the enhanced supervision caseload if the juvenile has had a violation within the past six months.

vii) Agents must complete a six-month Progress Report.

(2) Medium supervision (moderate risk on risk/need scores; 10-21 for juvenile males and 8-19 for juvenile females)
The agent must have at least one face-to-face juvenile contact every 30 days and collateral contact as necessary.

(3) Minimum supervision (low on risk/need scores; 0-9 for juvenile males and 0-7 for juvenile females)
The agent must have at least one face-to-face juvenile contact every 90 days and collateral contact as necessary to monitor compliance with special conditions. If conditions are met at 90 days, with supervisor approval, the agent may move the juvenile to administrative/paper supervision.

(4) Placements, new, courtesy, absconder, administrative (all types), and unclassified must account for juveniles whose statuses do not fit into the active supervision categories of enhanced, medium, and minimum.

(5) Unsupervised probation
A case placed on unsupervised probation by the district court does not receive services from the department. CCA and Minn. Stat. Ch. 260 counties may develop their own policies covering the use of this classification of juveniles.

g) Termination from supervision
When the court has approved and ordered discharge, the discharge must be entered into CSTS.

h) Workload measurement

Workload is managed by an automated system. The agent must provide data on new cases and report responsibilities to the staff that manage the system.

7. Juvenile Case Plans

a) The juvenile Case Plan, along with the risk/need responsivity assessment and Juvenile Probation Agreement, provides the focus for case management and supervision planning.

(1) Agents must develop a juvenile Case Plan for all juveniles assessed at enhanced supervision levels, according to the risk/need responsivity assessments.

(2) Agents are encouraged to develop case plans on medium supervision cases based on a juvenile's identified criminogenic risk/needs.

(3) The juvenile Case Plan form must be used and completed within 60 days of the juvenile being placed on supervision.

(4) Juvenile and parent/guardian input must be considered in the formulation of the Case Plan and signature(s) obtained upon establishment of a new goal. The juvenile; the juvenile's parent/guardian, if in attendance; and the supervising agent must review the Case Plan strategies at each visit.

(5) The agent must adjust the Case Plan according to the needs and performance of the juvenile.

c) The Case Plan is maintained in CSTS

b) The format for the juvenile Case Plan is as follows:

(1) Assets/strengths: list the juvenile's assets, strengths, and supports as identified during the risk/need responsivity assessment interview and/or with collateral contacts.

(2) Priority targets: prioritize the risk/need/responsivity assessment domains requiring attention; keeping in mind attitudes/orientation, companions, and pattern of anti-social behavior are the strongest indicators of risk to re-offend.

(3) Goals: focus on a maximum of two goal areas identified in the Case Plan that focus on asset building and reducing criminogenic needs identified in the YLS/CMI 2.0. The agent must work with the juvenile on completing and abiding by court conditions, but if the conditions are not directly related to a criminogenic factor, the conditions do not suffice as a Case Plan goal.

(4) Goal description: develop realistic goals with the juvenile which are short, measurable, attainable, realistic, and timely (SMART) that address or inhibit a criminogenic risk/need.

(5) Date goal initiated: the date the goal was first developed with the juvenile.

(6) Action: start date.

(7) Task: the specific steps to be taken in order to accomplish the goal.

(8) Action steps: an activity which may be accomplished within a few days or by the next visit until the goal is completed.

(9) Responsibility: identify who is responsible for completing the task (e.g., juvenile, probation officer, mental health center, or school).

(10) Target date: date task is to be completed.

(11) Contingencies/comments: list motivation, incentives, rewards and/or benefits that must be achieved after completing the task.

(12) Review date and status: indicate the date the task was reviewed with the juvenile and its status (achieved, partially achieved, satisfactory progress, or unsatisfactory progress).

(13) Completion date.

8. Case reviews
   a) Purpose: the purpose of the case review is to assist the agent in problem solving, case planning, classification and general discussion.
      (1) Case reviews are to assure the supervisor that cases are being supervised in accordance with DOC standards, policies, and procedures.
      (2) Case reviews contribute substantially to the agent's annual performance evaluation.
   b) Procedure: the procedure for case reviews consists of a discussion between agent and supervisor regarding the caseload in general and also individual specific cases.
      (1) The supervisor, on the basis of the agent's needs, workload, and experience determines the extent of the review.
      (2) With newer agents, the review is likely more extensive and may take on a training function.
      (3) With experienced agents, the extent of the review is determined by the individual supervisor.
   c) Frequency: the case review is on an ongoing process. It is expected that each agent's caseload be reviewed a minimum of at least annually.
   d) Copies of case audits must be retained in the employee's supervisory file.

9. Administrative reductions
   a) Purpose: administrative reductions provide a means for supervisors and agents to agree upon changes in client supervision levels when an agent's workload exceeds the level which may be supervised during the time available.
   b) Required supervision level: agents are expected to provide client supervision in accordance with established standards for the client's administratively reduced classification level.
   c) Recording: administrative reductions in supervision level must not be reflected as reductions in classification in CSTS, but rather CSTS is to reflect the level of supervision the client ought to receive if workloads permitted.
   d) Frequency: agent workloads fluctuate from month to month and cannot be maintained exactly at the optimal level.
      (1) Supervisors are expected to be aware of these fluctuations and review high caseloads regularly for administrative reduction.
      (2) Agents may also take the initiative at any time in requesting supervisory approval for administrative reductions.
   e) Procedures: the classification system must be used to provide the initial point of review for changes in supervision. Supervisors and agents are to utilize the following steps when reducing the caseload points; however, reduction in supervision levels are not to be automatic on the basis of established priorities. Each case is to be reviewed for appropriateness and professional judgment exercised.
      (1) Review all cases for legitimate reclassification based upon changes in the client's reduction in criminogenic factors that are strongly correlated with ongoing criminal behavior.
      (2) Review minimum and medium cases for possible administrative reductions.
      (3) Review all non-person offender enhanced cases for possible administrative reductions.
      (4) Review all remaining enhanced cases for possible administrative reductions.

(5) Note: enhanced cases whose current offense is an offense against a person may not be administratively reduced during the first six months of supervision.

10. Supervision consultation
When the court or district supervisor is not available for consultation regarding supervision decisions, the agent may contact the officer-of-the-day (OD). This may be considered only when a situation is critical and urgency is needed.

11. Probation agreement
When applicable, the agent must prepare a Probation Agreement (CSTS form). The agent must inform the parent/guardian of the probation conditions and must provide a copy of the Probation Agreement.

12. Per Minn. Stat. §260B.171, subd. 3, the agent must provide a copy of the juvenile court disposition order and a completed Juvenile School Adjudication Notice (CSTS form) to the superintendent or chief administrative officer of the juvenile's school, when the juvenile has been adjudicated for an offense committed on school property or an offense specified in Minn. Stat. §260B.171, subd. 3.
    (1) The standard notice form contains a listing of these offenses, and must be used for school notification by all department offices.
    (2) A copy of the notice must be provided to the juvenile's parent/guardian and a copy must be retained in the probation file. Minn. Stat. §260B.171, subd. 3 further authorizes juvenile probation agents to transmit a copy of the juvenile disposition order to the superintendent or chief administrative officer of the juvenile's school in matters where notification is not mandatory.
    (3) In these cases, however, the agent must also notify the school when the juvenile is discharged from probation.

13. Collection of payment for court-ordered restitution, fines, court costs, attorney fees, etc. is not handled by the department. Payment by juveniles must be made to, and disbursed by the court administrator or as otherwise directed by the court.

14. Intrastate transfer of juvenile cases
    a) For those counties using CSTS, all intrastate transfer requests, transfer of case assignments and related communications must use the electronic transfer feature within CSTS.
        (1) Condition statuses, addresses, employment, predatory offender information, and chronos are updated within CSTS prior to the initiation of the transfer process.
        (2) When policy directs electronic activity in CSTS, it is understood that Hennepin County accomplishes the procedure by postal mail, e-mail, or telephone.
    b) Transfer eligibility
    juveniles who are on probation for a delinquency or EJJ offense are eligible for transfer when the juvenile:
        (1) Has a period of no less than 90 days of probation remaining;
        (2) Is residing with a parent/legal guardian or another suitable adult via a family arrangement;

(3) Has no pending court matters and is in compliance with probation at the time of transfer request;

(4) Is assessed as medium or high risk within the last six months by the sending county using a current, validated risk/needs assessment or a detailed narrative which clearly articulates why the juvenile must be supervised in the receiving county;

(5) Is assessed as low risk within the last six months by the sending county using a current, validated risk/needs assessment or a detailed narrative which clearly articulates why the juvenile must be supervised in the receiving county, and has unsatisfied conditions remaining other than general conditions of probation, such as:

(a) To remain law abiding;
(b) Avoidance of same or similar behaviors;
(c) Attend school daily;
(d) Abide by curfew;
(e) Obtain permission before leaving state;
(f) Keep probation officer informed of whereabouts and activities;
(g) Report to probation officer as directed;
(h) To cooperate and be truthful with the probation officer; or
(i) Avoidance of mood-altering substance use without court-ordered testing; and/or

(6) Is in permanent, long-term foster care and the relevant supervisors in the sending and receiving counties agree to the transfer prior to a transfer request being initiated.

(7) Exceptions/Qualifications

(a) Stand-alone diversion, juvenile petty, pretrial, and continuance for dismissal offenses are not eligible for transfer. The only exception would be petty offenses with outstanding special conditions of probation may be transferred along with companion cases which meet eligibility for transfer;
(b) Delinquency cases with a stay of adjudication must comply with state statute in order to be eligible for transfer;
(c) Juveniles in out-of-home placement are not eligible for transfer;
(d) All statutory requirements such as DNA, predatory offender registration (POR), and dispositional advisory notice to the school must be completed by the sending county prior to transfer; and
(e) Courtesy supervision is not subject to this policy.

b) Transfer investigation process:

(1) A Transfer Investigation Request (Form 269 attached) is initiated by accessing the transfer wizard in CSTS upon learning of and confirming the juvenile's move to another county.

(2) To the extent possible, the sending county must verify the existence and legitimacy of the proposed residence prior to submitting a transfer request.

(3) The Transfer Investigation Request (these documents must be selected in the transfer wizard to be forwarded to the receiving county) includes:

(a) Completed form 269 and required attachments;
(b) Signed, legible probation agreement, where applicable;
(c) All relevant dispositional court orders;
(d) Appropriate assessments/evaluations, including risk/need assessment;

(e) Mental health screen;
(f) Updated status information on each condition for every transferring file;
(g) Current POR;
(h) Balances on unpaid financial obligations;
(i) Chronological case record of the past year;
(j) Predisposition investigations;
(k) Recent, relevant Progress Reports, Violation Reports, and sanction conferencing agreements;
(l) Complaints, police reports;
(m) Victim information;
(n) Updated legal history;
(o) Current photo, if available;
(p) Explanation of non-provided information; and
(q) A summary of adjustment to date.

(4) The receiving county must:
(a) Identify and electronically request information perceived to be missing or needed, in addition to that provided;
(b) Electronically advise the sending county of the name and telephone number or e-mail address of the assigned agent;
(c) Conduct a home study in cases where the proposed residence is not with a parent, legal guardian, or permanent foster care;
(d) Return a Reply to Transfer Investigation Request (TIR) (attached) within 30 days or advise the sending county electronically of the status of the investigation; and
(e) If the receiving county accepts supervision, the receiving county places the juvenile in the county's database with a status to indicate the identity of the new agent in the Statewide Supervision System. Supervision jurisdiction transfers to the receiving agent at this point.

(5) The sending agent:
(a) Upon receipt of a reply to TIR accepting supervision, electronically send any new file material not previously sent to the receiving agent; and
(b) Places the juvenile in the county's database with a status that maps to a transfer status in the Statewide Supervision System upload. The agent must verify the juvenile's supervision is accurately reflected in the Statewide Supervision System.

(6) Juveniles referred for transfer must not be denied transfer because of:
(a) A single positive drug test; or
(b) A single missed appointment.

(7) The agent in the receiving county must make a diligent effort to establish contact and to assess the proposed plan.

(8) The relevant supervisor in the receiving county must approve all denied transfer requests.

c) Supervision

(1) The juvenile must be supervised in accordance with the receiving county's policies and procedures for supervision.

(2) Any fees or costs for services are determined and assessed by the receiving county.

(3) If a juvenile moves from one county to a second county and later to a third county, it is the responsibility of the second county to arrange the transfer to the third county, since the agent in the second county is the agent of record.
   (a) Similarly, if a juvenile moves from one county to a second and later to another state, it is the responsibility of the second county to arrange the interstate transfer.
   (b) Once the third county or other state has accepted the juvenile, the originating county must be notified via a copy of form 279.

(4) If a juvenile moves from a sending county to a receiving county and later returns to the sending county, the receiving county must verify the juvenile's residence in the sending county before returning supervision via form 269.
   (a) For those counties not utilizing the electronic transfer wizard, a progress report update must be provided which addresses the juvenile's adjustment since transfer and compliance with conditions.
   (b) If the juvenile is in violation status, a violation report must also accompany form 269.

(5) If a juvenile moves from one county to a second county, becomes ineligible for transfer pursuant to this policy during residency in the second county, and moves to a third county, the current probation officer must confer with the originating county about whether to recommend discharge from probation or return supervision to the originating county via form 279.

(6) If a juvenile violates the conditions of supervision, subsequent to the transfer of supervision:
   (a) The supervising agent in the receiving county must submit a violation report to the corrections agency in the sending county;
   (b) The sending county must prepare orders and distribute the violation report according to the practice of the sending county;
   (c) Supervision may be returned to the sending county only:
      i) After 60 days have lapsed with no communication from the sending county;
      ii) The court in the sending county has issued a warrant for the juvenile and the juvenile is not apprehended within 60 days; or
      iii) The juvenile is deported; and
   (d) If supervision is continued, the agent in the sending county must advise the agent in the receiving county of the court's ruling and provide documentation available from the court.

(7) Discharges
   (a) The receiving county may transfer supervision of a juvenile back to the sending county by using form 279 when:
      i) The juvenile has satisfied all conditions of probation;
      ii) The juvenile has met the condition for discharge in the receiving county;
      iii) A report recommending discharge has been submitted; and
      iv) The correction agency in the sending county has advised it does not permit early discharge.
   (b) If the sentencing court in the sending county refuses to discharge a juvenile, the receiving county must continue to supervise the

juvenile according to the supervision standards of the receiving county.

(c) If the receiving county recommends discharge, the receiving county may not close the case or return it to the sending county until the receiving county has received notice from the supervision authority in the sending county or 60 days has lapsed without communication from the sending county.

d) Dispute resolution

When there is a dispute relative to transfer, agents must attempt to resolve matters by referring to the processes and standards identified in this policy. If the agents are unable to do so, the agents must refer the matter to the agents' respective supervisors.

15. Progress Reports

Probation Progress Reports (CSTS form) must be presented to the court and supervisors/designee. A Progress Report provides a brief summary of adjustment made by the juvenile in addressing criminogenic factors and court conditions since the last review and recommend modifications (and the reasons for the modifications) to the existing court order, continued supervision, or discharge.

a) Progress Reports must be prepared at court request or, at a minimum, once every six months (Minnesota Rules of Juvenile Procedure, 15.06).
   (1) The agent may initiate a Progress Report to recommend discharge.
   (2) The Progress Report recommending discharge must summarize the juvenile's performance in addressing criminogenic factors and court conditions during the entire period of supervision.
   (3) The agent must submit probation evaluations to the court one month before the juvenile's 19th birthday (or 21st birthday, if extended juvenile jurisdiction (EJJ) status).

b) The agent must use the Progress Report for probation evaluation. The format is as follows:
   (1) In the adjustment section, list the special conditions of probation and the extent to which the conditions have been met.
      (a) Describe areas (domains) on the risk/need/responsivity assessment where a reduction/increase in risk has occurred between initial assessment and reassessment, and to the extent possible, explain why.
      (b) Summarize the juvenile's progress since the last review.
   (c) Include an explanation of goals (as outlined in the Case Plan) that were developed and the status of those goals (achieved, partially achieved, not achieved, satisfactory progress, or unsatisfactory progress).
   (2) Provide a brief summary or rationale for continued probation supervision or discharge.
   (3) Provide a specific recommendation to the court.

16. A probation violation occurs when the juvenile fails to meet the conditions of probation.

a) This may necessitate a modification of probation conditions and/or violation hearing.

b) A violation hearing is initiated only after the agent and supervisor/designee confer, review the current circumstances, and conclude that violation is appropriate.

c) If modification of the Probation Agreement is a less restrictive alternative and is deemed appropriate by the court, the agent must exercise the agent's authority to do so.

d) New offense violations result in juvenile court proceedings, whenever possible.
   (1) The agent must immediately investigate all arrests, petitions, and alleged violations of probation conditions.
   (2) The agent and supervisor/designee must review all alleged violations of probation conditions to determine the action required.
   (3) Minor violations are resolved by the agent.
   (4) If the juvenile admits to a new offense to the agent and/or the agent concludes that sufficient evidence exists to support a finding of violation, the agent may initiate a probation violation hearing in accordance with statute, rules of the court, and/or another legal authority, as well as requesting a petition to be drawn up by the county attorney.
   (5) Alleged violations of probation conditions must be reported to the court, subject to the supervisor's review. The agent must be prepared to make a recommendation to the court if there is a finding of a violation. Any recommendation made to the court must include supporting justification as to final action or resolution.
   (6) Alternatives to confinement intervention measures must be considered to the extent that public safety and/or the best interest of the juvenile are not endangered and the possibility of successful community adjustment exists.

e) Technical violations of probation conditions are acts not constituting a new offense. Absconding from supervision, curfew violations, failure to comply with court order, and truancy are considered technical violations.
   (1) Recovered absconders who have not committed new offenses and are not viewed as an undue risk to the public or themselves may be restored to active supervision unless prohibited by statute.
   (2) A formal court hearing for a technical violation only occurs when it is not possible to respond to the violation through the modification of probation conditions and/or intermediate sanctions.
   (3) When a probation violation hearing is conducted and a technical violation is found to have been committed, the juvenile may still remain on probation. Prior to initiating probation violation hearings for technical violations, the agent and supervisor must address the following questions:
      (a) Is the violation part of a recurring pattern of violations or a relatively isolated event;
      (b) Is it possible for the violation to be addressed through less restrictive sanctions or untried remedies in the community; and
      (c) What action/treatment is needed to address the underlying causes of the violation?

f) Violation Reports must be completed on the Violation Report and the Order of the Court for Defendant's Appearance (CSTS form) to inform the court, supervisor, public defender or privately retained attorney, and other state or intrastate jurisdiction of the alleged violation(s) and the juvenile's overall adjustment while on probation. The report must be submitted, as per court policy, immediately after an investigation has been made to determine the facts of an alleged or proven violation. The reports must be completed as follows:

(1) Prior record - list past offenses, dates of offenses, and court dispositions, detailing the significant offenses, (the current expiration date is the juvenile's 19th birthday);
(2) Current offense - gives a brief description of the current offense, including all special conditions of probation;
(3) Special conditions - list court-ordered special conditions for current offense;
(4) Violations - list each alleged violation separately and provide information to support the allegation;
(5) Adjustment - briefly discuss measures the agent and juvenile have taken to reduce identified risks and needs. Include an explanation of developed goals and the status of those goals. Provide a brief chronological summary as to how the juvenile has done during probation supervision (school, employment, psychological or physical conditions), resources or service providers involved with the juvenile(s) and/or family;
(6) Recommendation rationale - summarize efforts to redirect the juvenile's behavior. Note possible alternatives to redirect the juvenile. Note community safety concerns. This section must provide explanation for the recommendation, and take into account the juvenile's areas of high/moderate risk, strengths, responsivity factors, what works, and the balanced approach;
(7) Recommendation - provide recommendations, including specific options for the court if violation is found; and
(8) Supervisory signature is required on all Violation Reports where a recommendation for out-of-home placement is made by the agent.

17. Discharge reports

Discharges and the types of discharges are determined by the court. The agent makes recommendations for discharges in the Juvenile Discharge Report (CSTS form).

a) The agent, with supervisor approval, may recommend early termination of probation when the juvenile has demonstrated successful adjustment to probation, is assessed to be low risk on a risk/needs/responsivity assessment, and has met all special and general conditions of probation and has demonstrated stability in terms of home adjustment, school attendance, employment, and social relationships. The discharge recommendation must be prepared summarizing the performance of the juvenile during the entire period of supervision.
b) The juvenile may be discharged to another authority in instances when a juvenile has been sentenced by the adult court or has received a new disposition in juvenile court.
c) If the juvenile reaches expiration, the agent must complete a Juvenile Discharge Report recommending discharge within 30 days of expiration. The Discharge Report must include a summary of the juvenile's performance of the entire period of supervision.
d) If the juvenile dies, the agent must submit a Juvenile Discharge Report listing the cause of death.
   (1) The agent must exercise sensitivity in determining whether the notice of discharge is sent to the family.
   (2) The determination to send the notice of discharge must be at the agent's discretion.
e) The juvenile's physical base file is retained until the juvenile is discharged from probation.

18. Apprehension and detention orders:
    a) Apprehension and detention orders (CSTS forms) provide written authority for probation officers or law enforcement agencies to apprehend and/or detain a juvenile under department supervision.
    b) Apprehension orders must be used sparingly and only when a judge is not available.
    c) The order must be authorized by a district supervisor. If the supervisor is not available, the agent must issue the order and notify the supervisor as soon as possible.
    d) A Violation Report must be prepared and submitted to the court as soon as possible.
    e) Juveniles may be detained up to 72 hours, excluding weekends and holidays.
    f) Agents must cooperate with law enforcement agencies, as necessary, to apprehend juveniles known to be or suspected of being involved in criminal activities.
    g) In the event of an apprehension and detention order issuance, the agent must cooperate and provide any assistance to local law enforcement agencies in order to bring about the timely apprehension of the juvenile.

19. The use of juveniles as informants or undercover agents is discouraged by the department.
    a) However, the department encourages juveniles under supervision to cooperate with law enforcement agencies.
    b) Juveniles are not provided with written permission to act as informants or undercover agents.
    c) A juvenile who acts as an informant or undercover agent must not violate the law or the conditions of probation.
        (1) Violations of the law or conditions of probation must be reported to the court.
        (2) If a juvenile participates as an informant or undercover agent, the participation must not serve as the basis for a recommendation to the court to reduce time under supervision.

20. Apology letters
    a) A juvenile is frequently required to write apology letters to the juvenile's victim(s).
    b) These letters may result from court orders, treatment or programming requirements, or other conditions of community supervision.
    c) Apology letters must communicate a full acknowledgement of fault, injury, responsibility, insult, and/or pain caused and must not be presented to the victim without the victim's expressed permission.
    d) Supervising agents must review and approve each letter before it is submitted to the victim, victim's family, or victim advocates.

E. Out-of-home placements
1. Out-of-home placements may be ordered by the court upon recommendation by the agent.

2. Out-of-home placements are considered based on the seriousness of the offense, the risk the juvenile poses to the community, and/or whether behavior or treatment needs cannot be met within the community.

3. Compliance with the Indian Child Welfare Act is required, when applicable.

4. In accordance with Minn. Stat. §260C.157, subd. 3, the agent must present the juvenile's case to the county's pre-placement screening team, if the agent feels an out-of-home placement is warranted.

5. If available, the agent must bring the following documents to help ascertain the extent out-of-home placement is needed and the potential goals the resident may work on to address the criminogenic factors while in placement YLS/CMI 2.0, prior treatment/placement and offense history, Pre Disposition Reports, past psychological and treatment discharge reports, and past/current case plans.

6. In addition, to support the findings of the court per Minnesota Rules for Juvenile Court 15.05, the pre-placement screening team must consider the following:
   a) Why public safety and best interests are served by out of home placement, including seriousness of the alleged offense, the culpability of the resident in committing the alleged offense, prior criminal and treatment history;
   b) What alternative placements/options were considered, but not recommended; and
   c) The suitability of the placement, taking into account the program of the placement facility, assessment of the resident's criminogenic needs, and least restrictive option available based on the resident's public safety risk.

7. If an out-of-home placement is then ordered by the court, the agent must coordinate the placement with the local DHS. All out-of-home placements must have a placement plan that includes:
   a) The name, date of birth, and date of placement;
   b) The specific reasons for placement and goals based on the YLS/CMI 2.0;
   c) The description of the specific actions the parent or parents would take in order to eliminate or correct any identified problems or conditions;
   d) The time period during which the actions are to be taken;
   e) An outline as to the visitation rights and obligations during the period that the juvenile is in placement;
   f) The description of the social and other supportive services that must be provided to the parent, juvenile, and/or foster parent during the period that the juvenile is in the residential home, including the nature of the efforts to reunite the family;
   g) An outline of any financial responsibility or obligation to the parents;
   h) The expectation that the juvenile must correct any indicated problems;
   i) The date that the juvenile is expected to return to the parental home;
   j) The date the plan must be reviewed; and
   k) The signatures of the parents, agent, and juvenile.

8. The agent assumes primary responsibility for discussing out-of-home placement with the juvenile's parents or guardian.

9. Prior to placement, the agent must establish who has the primary responsibility for providing direct service to the juvenile.

10. The agent or field services staff assumes case responsibility and initiates contact with the juvenile placed in confinement within ten days of secure confinement.

11. The placing authority (i.e., court or social service agency) may be authorized to remove any juvenile from a placement when there are substantial reasons to justify removal.

12. Transfers between similar facilities or to less secure facilities may be permitted upon written notification from the agent to the parent or guardian of the juvenile.
    a) The decision to transfer must be jointly made by the agent and placement staff with the approval of the placing authority.
    b) The transfer decision must be documented in the juvenile's case record.

13. When a transfer from one community placement to another is planned, the juvenile involved in the transfer must be given an opportunity to make any objections known to the agent, placement staff, and the placing authority.

14. The agent or other staff members must counsel the juvenile's parents or guardian while the juvenile is in a residential facility, in preparation for his/her return home. Provision may be made for trial visits before the juvenile's final release.

15. The agent must maintain monthly person-to-person contact with the juvenile while the juvenile is in an out-of home placement. Telephone contact is considered a person-to-person contact.

16. When specific placement alternatives and/or services ordered by the court or releasing authority are not available to the juvenile, the agent must refer the matter back to the court or releasing authority for further dispositional considerations.

17. It is common that a placement may be located in a county other than the county of the juvenile's legal residence. In cases when two counties are involved in a juvenile's placement, the agent must:
    a) Include DHS from both counties in all correspondence regarding the placement;
    b) Include the receiving agent in all correspondence preceding a case transfer; and
    c) Ensure that residential placements are licensed according to the county of residence standards.

18. Agents must not place a juvenile in a home prior to licensure.

INTERNAL CONTROLS:

A. Utilization of the YLS/CMI 2.0 determines the appropriate level of supervision, goals for case planning, and contact requirements. Contact levels and reporting are retained in CSTS.

B. Agents are audited at least annually to ensure compliance with policy regarding supervision and contact levels. Case audits are retained in the employee's supervisory file.

ACA STANDARDS: Juvenile Probation Standards 2-7102, 2-2107, 2-7116 through 2-7120, 2-7122, 2-7124 through 2-7126, 2-7129, 2-7130, 2-7131 through 2-7135, 2-7137 through 2-7139, 2-7143 through 2-7145, 2-7153, 2-7154, 2-7156, 2-7158, 2-7171 through 2-7174, 2-7181, 2-7182, 2-7184 through 2-7191, and 2-7198

REFERENCES: Minn. Stat. Chapters 401; 611A; and 260, especially §§ 260B.157, subd. 1; 260B.171, subd. 3, 260B.176, subd. 2, 260B.178, subd. 1, 260B.235, subd. 6, and 260C.157, subd. 3; and § 244.195

Policy 206.021, "Interstate Compact - Juvenile Community Supervision"
Minnesota Rules of Juvenile Procedure
Minnesota Department of Human Services bulletin #09-53-05

REPLACES: Division Directive 201.110, "Juvenile Offender Probation Supervision," 8/2/16. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Notice to Victims of Offenses Committed by Juveniles (201.110A)
Transfer Investigation Request (205.050H)
Reply to Transfer Investigation Request (205.050I)
Transfer of Case Assignment (205.050J)

APPROVED BY:
Deputy Commissioner, Facility Services
Deputy Commissioner, Community Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support