

Juvenile Probation Officer and Service Provider Reference Guide For Placement Review Hearings

The Court is required to review its disposition and conduct placement review hearings for the purpose of ensuring that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met.¹ When conducting a placement review hearing, the Court is to ensure that the disposition continues to provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, and the development of competencies to enable the juvenile to become a responsible and productive member of the community.²

Clear expectations should have initially been set at disposition for the juvenile, the probation department, and service providers. The juvenile, and the juvenile's attorney, should understand what the Court expects in the way of participation in treatment, education, restitution, community service, etc. Service provider staff need to understand about any specific conditions and goals the court sets forth, as well as any ongoing information and reporting responsibilities. Juvenile probation officers must also understand their responsibilities with respect to collaborating with placement staff in treatment planning, maintaining contact with the juvenile and the juvenile's family during the juvenile's placement, and ensuring that post-placement services and supports are ready when the juvenile needs them.³

A substantive placement review hearing is what ultimately drives good aftercare planning. It is the one forum where all parties are assembled and answerable regarding the progress that is being made toward the goal of successful reintegration. Sufficient time should be dedicated to review the quality of services, including whether the optimal dosage and duration of treatment is, or will be, delivered.

A representative of the service provider agency, who is knowledgeable about the goals in the juvenile's treatment plan and the juvenile's progress in achieving the goals in the treatment plan, should be present at the hearing. Aftercare, or re-entry services, for juveniles represent an attempt to bridge the gap between the residential and community environments to help ensure the successful transition from life in placement to the community. At every hearing, the discharge plan should be discussed to ensure that service providers are working toward discharge. The discharge plan should be considered a "work in progress", considering the progress made, changes in the family's situation, and the juvenile's desires.⁴

Graduated response systems provide empirically based strategies for responding to both positive and negative behaviors. Research suggests that responses are most effective in shaping behavior when they are certain, swift, targeted, proportionate, and fair. In practice, graduated response systems encourage prosocial behaviors by providing incentives, and discourage negative behaviors by providing sanctions in a structured, systematic, and fair manner. Residential programs should have a graduated response policy that includes the documentation of both sanctions and incentives/rewards, and a continuum of both sanctions and incentives/rewards.

¹ Pa.R.J.C.P. 610(A)

² *Comment* to Pa.R.J.C.P.610

³ JCJC Pa. Juvenile Delinquency Benchbook (2018), §10-7

⁴ JCJC Pa. Juvenile Delinquency Benchbook (2018), §10-7

While aftercare approaches vary, any well-designed strategy will feature some combination of preparatory planning during placement, transitioning from the residential facility to the community – perhaps including some testing of the juvenile’s readiness through home visits and other brief excursions outside the program, and post-release supervision and services designed to help the juvenile safely adjust and reintegrate into the community.⁵

The court may conduct dispositional review hearings at any time, but must do so at least every six months.⁶ As a matter of good practice, however, it is recommended that placement review hearings occur every 90 days, and more often when appropriate, to help ensure that rehabilitative progress is being made, that changing needs are being addressed, and that adequate attention is being given to discharge planning and continuity of care.⁷

Familiarity with Programs and Services

The Juvenile Act requires that the least restrictive intervention that is consistent with the protection of the community, the imposition of accountability for offenses committed and the rehabilitation, supervision and treatment needs of the child be utilized.⁸ All juvenile justice stakeholders should strive to visit residential programs to become familiar with their services, as well as the individuals providing treatment.⁹

Preparing for the Hearing

Juvenile probation officers, service providers, and other juvenile justice stakeholders should be prepared to describe the juvenile’s progress to the Court. Service providers should send written materials describing each juvenile’s progress to the assigned juvenile probation officer and juvenile probation officers and service providers should discuss their views about whether there is a need for continued treatment, prior to Court.

Information regarding the response of the juvenile and family to the specific interventions designed to reduce risk associated with criminogenic needs is critically important. Acknowledging pro-social behaviors and strengths should be included in any report, as well as any incentives or sanctions provided in response to the juvenile’s behavior. Understanding reasons for non-compliance and interventions employed to address responsibility factors should also be part of any report to the Court.

Service providers and juvenile probation officers should be prepared to discuss the aftercare plan for each juvenile at every placement review hearing, and service providers should be prepared for the unexpected release of a juvenile at every placement review hearing. Juveniles may need immediate access to medications or arrangements for other medical care if the juvenile is unexpectedly released, as well as access to personal belongings.

Education

Any order resulting in the removal of the juvenile from home, or a change in placement, is required to address the educational stability of the juvenile. A juvenile removed from home must remain in their school of origin unless the Court finds that remaining in the school of origin is not in the juvenile’s best interest or protective of the community. If a court orders the juvenile to be enrolled in another school, then the juvenile must attend public school unless the Court finds that a public school is not in the best interest of the juvenile or protective of the community.¹⁰

⁵ JCJC Pa. Juvenile Delinquency Benchbook (2018), §10-7

⁶ Pa.R.J.C.P. 610(A)(1)

⁷ JCJC Pa. Juvenile Delinquency Benchbook (2018), §10-3.

⁸ 42 Pa. C.S. §6301(b)(3)(i)

⁹ JCJC Pa. Juvenile Delinquency Benchbook (2018), §10-7

¹⁰ Pa.R.J.C.P. 148

Every juvenile must also have a clearly identified, legally authorized educational decision maker.¹¹ At any proceeding or upon motion, the court must appoint an educational decision maker for the juvenile if it has made a determination that it is in the juvenile's best interest to limit the guardian's right to make decisions regarding the juvenile's education.¹²

It is critically important that individuals responsible for educational or vocational programming for juveniles in placement communicate effectively with individuals who will be providing educational or vocational programming upon the juvenile's release from placement. For juveniles returning to their home school district, academic credits earned while in placement should be transferred to the home school district and the juvenile should be assigned to an appropriate academic curriculum. Juveniles receiving vocational training while in placement should be matched with employers upon their release from placement, or vocational training should be continued upon their release from placement.

Role of Juvenile Probation Officers in Monitoring Juveniles in Placement

Monitoring juveniles in placement is an essential task of juvenile probation officers. Questions should be asked of juveniles to ensure that they are healthy and safe, determine whether they have maintained communication with family members and other supportive people, confirm participation in treatment programs to address criminogenic needs, and whether progress is being made in educational and/or vocational programs. Although not exhaustive, a list of topics that should be addressed by juvenile probation officers during every placement visit is included within the *Monitoring Juveniles in Placement Questions and Guidelines* documents developed at the request of the Juvenile Court Judges' Commission. Juvenile probation officers should visit juveniles committed to residential programs at least every thirty days and also maintain monthly contact with the parent(s) of juveniles committed to residential placement as well.

Victims' Rights

Prior to ordering the change in the dispositional order, the Court is to give the victim an opportunity to submit an oral and/or written victim-impact statement if the victim so chooses.¹³ When there is a request for a change in the dispositional order, other than a motion to revoke probation, notice and an opportunity to be heard must be given to the parties and the victim.¹⁴ The victim must be notified in advance of home passes, community contact, and release.

Dually Adjudicated Youth

For youth who have been "dually adjudicated" (adjudicated both dependent and delinquent) holding joint delinquency commitment review hearings and dependency permanency hearings is a more effective way to provide oversight. Dual hearings enable the Court to more clearly define the responsibilities of the probation department and the child welfare agency, can help streamline services, and prevent the duplication of services and inconsistent treatment planning.¹⁵ In the event that a joint hearing cannot take place, the juvenile probation officer and children and youth agency caseworker assigned to the case should, at a minimum, update each other regarding the status of the case prior to the placement review hearing so the juvenile probation officer can provide the Court with the latest information regarding the efforts of both agencies.

¹¹ *Comment* to Pa.R.J.C.P. 147

¹² Pa.R.J.C.P. 147(A)

¹³ 11 P.S. §11.201 *et seq.*

¹⁴ Pa.R.J.C.P. 610(B)

¹⁵ JJC Pa. Juvenile Delinquency Benchbook (2018), §10-7

Recommended Elements of Placement Review Hearings

Individual Service Plan (ISP) / Interventions Received

Service providers, in conjunction with juvenile probation officers and parents/guardians, should develop individualized service plans (treatment plans) for juveniles within the first thirty days of placement. The ISP should be connected to Pennsylvania's balanced and restorative justice goals of accountability, community protection, and competency development.

Information regarding any clinical assessments performed and the specific treatment services that address the level of risk, criminogenic needs and responsivity factors of juveniles as identified by the Youth Level of Service (YLS) should be provided to the Court. The optimal dosage and duration of any treatment, as well as the remaining dosage and duration of treatment required to complete the program should be also be provided to the Court.

It is important to note that the ISP should be a working document and be flexible enough to address the changing needs and circumstances of the juvenile.

Graduated Responses

Service providers should inform the Court about any graduated responses delivered in response to behaviors exhibited by the child. In practice, graduated responses should provide incentives for positive behavior and discourage negative behaviors by providing sanctions in a structured, systematic and fair manner.

Family Engagement

Research demonstrates a positive link between family involvement and juvenile outcomes, with increased frequency of family visitation corresponding to improved behavior and academic performance for juveniles in placement. Juveniles placed in residential care who receive regular visits from family members demonstrate more positive behavioral and academic outcomes than juveniles who received infrequent, or no, visits from their family. The Juvenile Court Judges' Commission set forth [*Best Practices for Family Visitation and Contact for Juveniles in Placement*](#) that are intended to encourage communication between juvenile justice system personnel, families, and juveniles who have been placed outside of their homes. It is important to note that family can, and does, look different for each juvenile, and can go beyond the parents and/or immediate caregivers.

It is critical that parent(s) be involved in the development of the individual service plan and receive any necessary services or supports while the juvenile is in placement, and during post-placement supervision.

The Court should be informed about the strengths and challenges of the family, as well as any interventions to address family needs. The Court should also be provided with the number and nature of any contacts the juvenile has had with family members or other support persons during placement.

Although not directly related to recidivism, other conditions that can interfere with a successful transition home should be assessed and addressed. These "stabilization factors"¹⁶ include, for example, reliable public or private transportation (to facilitate access to employment, counseling, and appointments); sufficient financial support (to support basic human needs); prosocial and sustainable housing; government-issued identification (which is necessary to secure employment or sign a lease on an apartment); and medical care to address chronic illness and/or maintain a supply of prescribed medications.

¹⁶ Supervisor's EBP BriefCASE, Carey Group Publishing

When there is “shared case responsibility” between the juvenile probation office and the children and youth agency, the Court should be informed about the roles of the assigned juvenile probation officer and child welfare case worker, and the delineation of services provided by both agencies.

Home passes are critical to the successful transition from a highly structure program to home, where there may be little or no structure or supervision. Home passes afford an opportunity to assess the capacity of the parents to provide appropriate structure and supervision; to identify issues in the community or in the juvenile’s family relationships that may complicate reunification; or and to determine what services are necessary to increase the probability of success.¹⁷

The JCJC Standards Governing Home Passes to Delinquent Children in Placement¹⁸ lay out detailed procedures for authorizing and arranging short-term home visits for juveniles in placement. While such visits are essential to an orderly transition from placement to the community, home passes should be granted only upon due consideration and appropriate safeguards for the public and advance notification to any victim who has requested it.¹⁹

Educational Status / Needs

The Court should be informed about where the juvenile attends school and whether the school is located on-grounds or off-grounds; the specific provider of educational services; the juvenile’s grade or grade level; attendance; whether the juvenile has an Individualized Education Program (IEP); what classes the juvenile is taking and grades in various classes; both positive and negative behavior exhibited by the juvenile in school; credit recovery efforts; actual credits earned; whether the juvenile was placed in a General Educational Development (GED) program; extracurricular activities; and post-release educational planning.

Employment / Vocational Training / Job Readiness Activities

The goal for some juveniles in placement is to participate in vocational training/job readiness activities with the goal of obtaining employment during or after discharge from placement. The Court should be informed about the juvenile’s participation in any job readiness or vocational training activities, including whether the juvenile is involved with the Pennsylvania Academic and Career/Technical Training (PACTT) curriculum; whether any vocational training activities are “certificate bearing” in nature; and post-release employment/vocational training planning.

Accountability

The degree to which juveniles understand, acknowledge and have worked to repair the harm caused by their actions is critical to achieving healthy families and safe communities. The Court should be informed about participation in any Victim Awareness / Impact of Crime curricula and whether the juvenile has paid any restitution owed to victims of crime. The degree to which juveniles have performed any community service ordered by the Court should also be provided to the Court.

Safety Issues

The Court should be provided with information regarding any safety-related issues or concerning behaviors exhibited by the child. Service providers should provide information to the assigned juvenile probation officer, and the Court, regarding whether the juvenile “feels safe”, whether the juvenile was involved in any physical altercations, and whether the juvenile has made any allegations of abuse.

¹⁷ JCJC Pa. Juvenile Delinquency Benchbook (2018), §10-7

¹⁸<https://www.jcjc.pa.gov/Publications/Documents/Standards%20Governing%20Home%20Passes%20to%20Delinquent%20Children%20in%20Placement.pdf>

¹⁹ 18 P.S. §11.201(8.1)(i)

Juvenile probation officers should visit juveniles committed to residential programs at least every thirty days and pose questions of juveniles to ensure that they are healthy and safe. Juvenile probation officers should also maintain monthly contact with the parents of juveniles in residential placement to determine if there are any safety concerns and review the individualized service/treatment plan.

Medical Information

Juvenile probation officers should provide the Court with information regarding the overall health of the juvenile, including any physical or mental health conditions. Any medications prescribed for the child, along with their purpose and effectiveness as described by the child and/or parents, should also be provided to the Court.