



# Indiana's Plan for Juvenile Probation Standards

Youth Justice Oversight Committee

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# Contents

<b>Juvenile Probation Standards Deliverables .....</b>	<b>3</b>
Standards must include: .....	3
Juvenile Probation Standards.....	3
Sub-workgroups created.....	4
Research Reviewed .....	4
<b>Recommendations .....</b>	<b>5</b>
Risk and Needs Assessment/Risk Screening Tool.....	5
Guidelines for establishing consistent use of a validated risk and needs assessment tool and a validated risk screening tool.....	5
Conditions of Probation Supervision .....	7
Guidelines for establishing conditions of probation supervision for informal adjustment and formal probation that are tailored to a youth’s individual risk and needs, including standards for case contacts .....	7
Case Planning .....	10
Common case planning elements based on risk principles and guidelines for engaging youth, families, and providers in case planning .....	10
Out-of-Home Placement/Commitment to DOC .....	11
Common criteria for recommending the use of out-of-home placement and commitment to DOC .....	11
Incentives and Sanctions .....	12
A system of graduated responses and incentives to reward and motivate positive behavior and address violations of supervision.....	12
<b>Conclusion .....</b>	<b>13</b>
Juvenile Probation Standards Workgroup.....	13
<b>Juvenile Probation Standards Workgroup Members</b>	<b>14</b>

# Juvenile Probation Standards Deliverables

House enrolled Act 1359 (HEA 1359) required the Judicial Conference of Indiana, Juvenile Probation Standards Workgroup (JPSW), in consultation with the Youth Justice Oversight Committee to develop statewide juvenile probation standards for juvenile probation supervision and services that are aligned with research-based best practices and based on a youth's risk of reoffending as measured by a validated risk and needs assessment tool. The JPSW collaborated with the Diversion Workgroup as well as the Screening and Assessment Workgroup to coordinate various aspects of overlap between the committees.

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## Standards must include:

- Guidelines for establishing consistent use of a validated risk and needs assessment tool and a validated risk screening tool.
- Guidelines for establishing conditions of probation supervision for informal adjustment and formal probation that are tailored to a youth's individual risk and needs, including standards for case contacts
- Common case planning elements based on risk principles and guidelines for engaging youth, families, and providers in case planning
- Common criteria for recommending the use of out-of-home placement and commitment to the DOC
- A system of graduated responses and incentives to reward and motivate positive behavior and address violations of supervision.

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.

## Juvenile Probation Standards

The Board of Directors of the Judicial Conference of Indiana approved the first iteration of the Probation Standards in March 2001 and they have been updated several times since

enacted. The JPSW updated and enhanced the most current standards to accomplish the deliverables set out in HEA 1359.

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## **Sub-workgroups created**

The JPSW met initially on August 19, 2022 and reviewed the legislation and timelines for the group. The work group divided up the deliverables into three subgroups:

- Risk Assessment/Conditions of Probation focused on developing guidelines for the consistent use of the IYAS and establishing formal and informal conditions of probation supervision tailored to risk/need including case contacts
- Case Planning focused on developing common case planning elements based on risk principals; guidelines for engaging youth, families and providers including incentives
- Out-of-Home Placement/DOC Commitment focused on developing common criteria for recommending out-of-home placement and DOC commitment

Each subgroup worked on drafts of updates or additions to the probation standards as they related to their assigned focus area and brought them before the group at each monthly meeting for input.

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## **Research Reviewed**

The members of the workgroup reviewed research from the following resources as part of the process of completing drafts which aligned with research-based best practices and based on a youth's risk of reoffending as measured by a validated risk and needs assessment tool.

- American Probation and Parole Association (APPA)
- Annie E. Casey Foundation
- Fair and Just Prosecution (FJP)
- Institute of Judicial Administration/American Bar Association (IJA/ABA)
- National Center for Juvenile and Family Court Judges (NCJFCJ)
- National Juvenile Defender Center (NJDC)
- Robert F. Kennedy National Resource Center (RFK)

- State of Nebraska
- State of Pennsylvania
- The Council of State Government (CSG) Justice Center
- Urban Institute

# Recommendations

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## Risk and Needs Assessment/Risk Screening Tool

### Guidelines for establishing consistent use of a validated risk and needs assessment tool and a validated risk screening tool

The Indiana Youth Assessment System (IYAS) was adopted by the Board of Directors of the Judicial Conference of Indiana in January 2010 and is made up of six instruments to be used at specific points in the juvenile justice process to identify a youth’s risk to reoffend and criminogenic needs. These instruments are used to inform recommendations to the court and the development of individualized case plans. In April 2010 the Directors adopted a [policy](#) to ensure consistent use of the tools across all jurisdictions. The JPSW added reference to the corresponding statute and the consistent use of the instruments to the proposed Probation Standards, in addition to further guidance specific to the Predispositional Report which were approved on June 14, 2023. As part of the process the JPSW also updated language to gender neutral pronouns, where applicable, and the consistent use of “youth” throughout the areas the workgroup updated. The changes and additions are listed in bold below:

#### C. Preliminary Inquiry, Predispositional Report & Presentence Investigation Standards

- 3.6** Recommendations -- The PDR/PSI shall include a summary and evaluation of the information contained in the report and shall include recommendations for the court to consider in sentencing or disposition.

- a. The presentence/predisposition report shall address the needs of the individual. Supervision, treatment issues, and special conditions applicable to the individual shall be addressed in **their** conditions of probation.
- b. The predisposition report shall recommend services to the family that may be necessary to achieve the **youth's** conditions of probation and case plan goals, and promote appropriate care, supervision, and well-being of all children in the home, **consistent with Indiana Code 31-37-17-4.**

The following bolded language was also added to the "Supervision Standards" section to provide guidance on sharing the assessment tools with all parties prior to decisions being made as well as the use of complementary assessment tools:

4.1 Indiana Youth and Risk Assessment Systems -- Departments shall use the Indiana Youth Assessment System (IYAS) and the Indiana Risk Assessment System (IRAS) and corresponding INcite applications in accordance with all policies adopted by the Judicial Conference of Indiana. **These tools shall be made available to the court, prosecutor, and defense counsel prior to the hearing on the case.**

4.2 Complementary Assessment Tool -- Departments **may** use complementary assessment tools to assist in developing individualized case plans when specific risk, need, and responsivity factors are identified by an IYAS/IRAS assessment. **Departments may also use complementary assessment tools to identify additional risk, need, or responsivity factors as well as to assist in making decisions regarding the detention of youths.**

The JPSW added a "Youth Specific Supervision Standards" section to the existing standards to address the different assessment tools and guidelines for their consistent use. The entirety of this section is new.

## **E. Youth-Specific Supervision Standards**

- 5.1 Consistent Use of Validated Risk and Needs Assessment Tool – **Departments must consistently use the instruments in the Indiana Youth Assessment System to identify a youth's risk to reoffend and criminogenic needs at specific points in the juvenile justice process, in accordance with the policy adopted by the Judicial Conference of Indiana Board of Directors. The IYAS risk and needs assessment tools have been validated for use by Indiana probation departments.**

*IYAS Diversion Tool.* **Consistent use of the Indiana Youth Assessment System's diversion tool is critical to ensure low risk/low need youth are diverted from the juvenile justice system or placed on informal adjustment as deemed appropriate.**

*IYAS Detention Tool.* **Consistent use of the Indiana Youth Assessment System's detention tool is critical to assist in making hold/release decisions and decisions regarding release from detention.**

***IYAS Disposition Screener.*** Consistent use of the Indiana Youth Assessment System’s disposition screener is critical to quickly identify low-risk youth and determine if a full disposition tool should be completed. If a local policy requires a full risk assessment to be completed, the screener does not have to be completed for the case.

***IYAS Disposition Tool.*** Consistent use of the Indiana Youth Assessment System’s disposition tool is critical to assess a youth’s risk to re-offend and identify criminogenic needs to assist in making decisions regarding post-adjudication supervision. If youth will be sent to a qualified residential treatment, the Residential tool would be completed instead of the Disposition Tool.

***IYAS Residential Tool.*** Consistent use of the Indiana Youth Assessment System’s residential tool is critical to inform decisions regarding level of placement, case planning and length of stay recommendations.

***IYAS Reentry Tool.*** Consistent use of the Indiana Youth Assessment System’s reentry tool is critical to reassess a youth’s risk to reoffend and identify criminogenic needs for youth who have been released from residential placements back to community supervision.

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## **Conditions of Probation Supervision**

Guidelines for establishing conditions of probation supervision for informal adjustment and formal probation that are tailored to a youth’s individual risk and needs, including standards for case contacts

The following provides separate guidelines for Youth Informal Adjustment Supervision versus Youth Formal Probation Supervision and was included in the new section, “Youth-Specific Supervision Standards”. This section highlights the need for informal adjustment structure to be significantly different from formal supervision allowing for brief, strategic intervention consistent with evidence informed practices.

### **5.2 Youth Informal Adjustment Supervision Conditions – Youth informal adjustment supervision conditions must:**

- a. tailor to specific individual goals identified in collaboration with the youth and family**
- b. use developmentally appropriate language with simple and clear instructions**
- c. be kept as brief as possible to achieve identified goals, while ensuring that the duration does not exceed a maximum of six months**
- d. engage youth and their families only as needed to encourage successful completion of the informal adjustment agreement**

Conditions of informal adjustment should differ from formal probation conditions. A program of informal adjustment is not the same as formal probation and should be treated as a brief, strategic intervention. “Developmentally appropriate language” considers the youth’s age and uses simple language, clear instructions, and concise terms

**5.3 Youth Formal Probation Supervision Conditions – Formal youth probation supervision conditions should:**

- a. promote positive, long-term youth behavior change
  - i. order conditions of supervision consistent with the youth’s individualized demonstrated need as assessed by the Indiana Youth Assessment System and any supplemental assessment(s)
  - ii. order treatment consistent with the youth’s individualized demonstrated need as assessed by the Indiana Youth Assessment System and any supplemental assessment(s)
  - iii. limit standard conditions and restrictive conditions
  - iv. limit length of probation based on risk level and needs, employing the minimum time needed to connect youth with services and achieve goals
  - v. use incentives and graduated responses to support behavior change
  - vi. use developmentally appropriate language and expectations
- b. promote relationship building with the probation officer
  - i. engage youth and family in collaborative case planning
  - ii. engage youth and family in setting goals that are specific, measurable, achievable, realistic, and timely
  - iii. schedule contacts between probation officer, youth, and family in accordance with youth’s assessed risk level and needs
- c. provide positive youth development opportunities to develop youth skills and interests
- d. provide restorative programs for youth to repair specific harm caused to victims and communities
- e. promote racial, ethnic, and gender equity
- f. promote clear pathway to early release and successful completion of probation term

**5.5 Expectations for Youth Supervision – A probation officer must do the following in supervising youth on probation:**

- a. employ a developmentally appropriate approach to supervision and services, recognizing the distinct differences between adolescents and adults
- b. focus on youth and family engagement
- c. ensure access to opportunities and supports for prosocial development for all youth regardless of race, sex, ethnicity, language, culture, sexual orientation, gender identity, gender expression status, abilities, and socio-economic status
- d. use trauma-responsive practices that take traumatic experiences and their consequences into consideration when making decisions and providing services



- e. assist the youth's family to support the youth's achievement of the conditions of probation and case plan goals
- f. follow the principals of risk, need and responsivity to match youth with the appropriate level of supervision and services
- g. broker community connections and opportunities that support long-term behavior change
- h. encourage positive behavior change through the use of incentives and rewards for meeting expectations and goals
- i. use graduated responses to fairly address violations and noncompliant behavior while incorporating elements of procedural justice
- j. immediately contact the Indiana Child Abuse and Neglect Hotline or local law enforcement if the officer has reason to believe that the child is a victim of abuse or neglect
- k. recommend services to the family that may be necessary to achieve the youth's conditions of probation and case plan goals, and promote appropriate care, supervision, and well-being of all children in the home
  - i. document the identified needs and services in the case file
  - ii. notify the court about the identified needs and services

***Developmentally appropriate approach:*** The United States Supreme Court has cited a comprehensive body of research on adolescent development in its opinions examining youths sentencing, culpability, and custody. This research shows that adolescents differ from adults in three specific ways: (1) they are less able to regulate their own behavior, (2) they are more sensitive to external influences such as the presence of peers and the immediacy of rewards and, (3) they are less able to appreciate the long-term consequences of their actions.

***Youth and family engagement:*** Juvenile probation officer engagement with a youth and their family allows the officer to learn about the youth's interests and the family's goals for supervision, as well as gain insight on potential barriers to the youth attaining personal growth, positive behavior change, and long-term success. The relationships probation officers develop with youth and their families is important to youth achieving success. Youth and family engagement involves true partnership. It requires probation personnel to seek advice and opinions from families, honor and respect their insight and perspective, and treat them as essential participants in the development of their youth's case plans and the oversight of their youth's experience on probation ([Annie E. Casey Foundation, 2022, 'Family-Engaged Case Planning' A Practice Guide for Transforming Juvenile Probation](#) )

***Trauma-informed practices:*** Helping youth and families access services to appropriately process and cope with traumatic experiences is vital to helping them make long-term positive behavior changes. Traumatic experiences in infancy and early childhood

have been found to have a long-lasting impact into adulthood. Trauma can impair children’s ability to think clearly, reason, and solve problems.

***Risk, Need, Responsivity Principles:*** Using a risk-needs-responsivity (RNR) framework during youth probation can inform case processing decisions, guide case management, support more efficient use of resources, and reduce recidivism. The research based RNR model suggests that effective juvenile justice interventions target youth at high risk of reoffending (the *risk* principle); address the specific criminogenic needs that will reduce the youth’s likelihood of reoffending (the *need* principle); and are delivered in a way that is responsive to the youth’s individual learning styles, motivations, abilities, and strengths (the *responsivity* principle). Urban Institute, October 2018, “Bridging Research and Practice in Juvenile Probation” (citing Andrews and Bonta, 2010)

***Incentives and graduated responses:*** The Indiana Contingency Management Initiative Implementation Manual provides a template to develop the incentives and graduated responses program. The incentive program should include behaviors that may result in incentives and examples of incentives that may be awarded. The program should be designed in a way that enables the youth to experience success almost immediately. The graduated responses program should include the behaviors that may result in sanctions and the possible sanctions that may be imposed. The probation department should solicit input from youth and their family members to identify and secure rewards and incentives that are of high interest to the youth.

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## Case Planning

Common case planning elements based on risk principles and guidelines for engaging youth, families, and providers in case planning

The JPSW added the language below to the standards providing a separate section identifying the need to collaborate with the youth and family in creating a strength based and personalized case plan.

- 5.4 Collaborative Youth Case Plans – A probation officer must collaborate with the youth, family, and service providers to develop an individualized case plan that**

**identifies two or three clear, achievable goals related to the youth's criminogenic needs identified in the IYAS assessment**

**The collaborative youth case plan must match services and activities to address identified criminogenic needs and provide positive youth development. The plan should be strength-based, personalized to the youth's interests and talents, proactively state expectations for supervision and accountability, and promote positive behavior change and long-term success with the use of incentives and graduated responses. The plan should also address potential barriers to success and be designed to enable the youth to experience success almost immediately.**

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## **Out-of-Home Placement/Commitment to DOC**

### **Common criteria for recommending the use of out-of-home placement and commitment to DOC**

To comply with the statutory requirement to provide common criteria for recommending the use of out-of-home placement and commitment to the DOC the JPSW added the language below to section 3.6:

- c. When preparing to recommend that a youth be placed in an out-of-home placement, including a commitment to the Indiana Department of Correction, the juvenile probation officer shall, where possible, consult with any mental health professionals presently offering services to the youth and/or family. Consistent with Indiana Code 31-37-17-1.1, the juvenile probation officer shall additionally, where possible, consult with a multi-disciplinary team consisting of probation officers, educational professionals, mental health professionals, and/or other relevant services providers.**
- d. When making a recommendation for services, including placement of a youth in any out-of-home placement or in the Department of Correction, the juvenile probation officer shall consider the following: 1) any applicable statutes, especially those delineated in Indiana Code 31-37-17 et seq. and Indiana Code 31-37-19 et seq.; 2) the therapeutic and/or educational needs of the youth; 3) the recommendations of any mental health assessments, including psychological or psychiatric evaluations; 4) an assessment to determine the appropriateness of placement in a Qualified Residential Treatment Program (Q RTP); 5) any evidence-based risk and/or needs**

assessment such as the Indiana Youth Assessment System (IYAS); 6) the recommendations of any multi-disciplinary team who have reviewed the youth's case and/or status; and 7) any other factor(s) the probation officer deems relevant and/or appropriate.

- e. **When making recommendations for services in response to probation violations or violations of dispositional decrees, the nature of the violations should primarily guide the level of services recommended using the considerations in "d" above. If a recommendation for out-of-home placement, especially confinement in a secure facility or commitment to the department of correction, was not warranted by the initial offense, and is not warranted by the violation, it may not be warranted just because the youth has violated probation or terms of the dispositional decree. However, a pattern of conduct can be used to inform the recommendation for services in response to violations, especially where it demonstrates a concern for safety and welfare of the youth or safety of the community.**

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## **Incentives and Sanctions**

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

The language below was included in the "Youth Specific Supervision Standards" under 5.3, Youth Formal Probation Supervision Conditions, to address the statutory requirement for this area:

- v. **use incentives and graduated responses to support behavior change**
- vi. **use developmentally appropriate language and expectations**

In addition, under 5.5, Expectations for Youth Supervision, JPSW added the following:

- h. **encourage positive behavior change through the use of incentives and rewards for meeting expectations and goals**
- i. **use graduated responses to fairly address violations and noncompliant behavior while incorporating elements of procedural justice**

# Conclusion

The Juvenile Probation Standards Workgroup had the privilege of collaborating with several groups in an effort to ensure the recommendations not only met the expectations of the legislation but also embodied the spirit of the request. On March 4, 2023, a subcommittee from JPSW presented the draft recommendations which were focused on youth and family engagement, collaborative case planning, positive youth development and incentives to the Youth and Family Advisory Group. Participants shared their passion and vision and were able to provide valuable insight and support for the draft recommendations.

On March 10, 2023, several JPSW members had the opportunity to present the recommendations to the [Probation Committee](#) which unanimously approved them.

On April 18, 2023, the draft probation standards were reviewed by the [Judicial Conference Board of Directors](#) for input. The Board did not have any questions or comments. In addition to these presentations, the draft recommendations were also provided to judicial members of the [Child Welfare Improvement Committee](#), [Juvenile Justice Improvement Committee](#), and Indiana Council of Family Court and Juvenile Judges, no feedback was received. The YJOC reviewed the JPSW report at its meeting on May 10, 2023 and approved the recommendations and the revised juvenile probation standards. The Board of the Directors of the Judicial Conference, which must approve any changes to probation standards, voted to approve the [revised juvenile probation standards](#) at its meeting on June 14, 2023, making them effective July 1, 2024 to allow time for necessary training to be provided.

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## Juvenile Probation Standards Workgroup

The Juvenile Probation Standards Workgroup has fulfilled its purpose of developing/updating statewide juvenile probation standards for juvenile probation supervision and services that are aligned with research-based best practices and based on a youth's risk of reoffending as measured by a validated risk and needs assessment tool. The workgroup recommends that the final report be shared with the Indiana Office of Court Services Education Division to assist in implementation of these updated standards.

# Juvenile Probation Standards Workgroup Members

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ALLEN SUPERIOR COURT

**Jill Wesch**

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