

## Summary of Expectations for the Statewide Juvenile Justice Oversight Committee and Other Tasks Assigned by HEA 1359:

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

### Judicial Conference

The judicial conference, *in consultation with the oversight body*, shall develop statewide juvenile probation standards for juvenile probation supervision and services that are aligned with research-based best practices and based on a child's risk of reoffending as measured by a validated risk and needs assessment tool. Standards must include:

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

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<sup>1</sup> "Risk screening tool" means a validated screening instrument approved by the judicial conference of Indiana that measures a child's risk to reoffend and informs a child's eligibility to participate in juvenile diversion and informal adjustment.

<sup>2</sup> "Risk and needs assessment tool" means a validated instrument approved by the judicial conference of Indiana for use at appropriate stages in the juvenile justice system to identify specific risk factors and needs shown to be statistically related to a child's risk of reoffending, and when properly addressed may reduce a child's risk of reoffending.

<sup>3</sup> "Detention tool" means a validated instrument that assesses a child's risk for rearrest to inform a decision on the use of secure detention.

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

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

### Office of Judicial Administration

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

Develop an annual report that includes information from juvenile courts on their local policies and procedures regarding the use of secure detention and the detention tool results and justification of overrides of the tool, as well as individual data collected by local probation departments on any child diverted through juvenile diversion (Include in the data plan to be developed)

### Criminal Justice Institute

Establish and administer (subject to available funding):

- a. the juvenile diversion grant program
- b. the juvenile community alternatives grant program fund
- c. the juvenile behavioral health competitive grant pilot program fund (grant recipients shall use a validated mental health screening tool and a full mental health assessment tool, if necessary and may use the funds for activities outlined in statute.

The purposes of each grant program are outlined in the new statute.

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

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

Prepare an annual report that details the performance and data measures, including equity measures, as established by the oversight body's plan, and collected and reported annually by participating counties

### Department of Correction

A child who is a ward of the department of correction may receive at least three months of transitional services to support reintegration back into the community and to reduce recidivism. The department of correction shall provide an annual report that includes data collected under this section that will help assess the impact of reintegration improvements, including tracking recidivism beyond reincarceration and into the adult system. The expense of administering transitional services may be paid, subject to available funding, from the division of youth services transitional services fund established by statute.

# LOCAL RESPONSIBILITIES

## Juvenile Courts

### **Use of a detention tool:**

If a child was not taken into custody under court order, an intake officer shall use a validated detention tool prior to a decision being made to detain a child. The results of the detention tool shall be used by the intake officer to inform decisions around the use of secure detention and release conditions. If the officer believes that the child needs to be detained, the intake officer shall document the reason for the use of detention (using the statutorily listed criteria).

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

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

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

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

The juvenile court shall use the results of the detention tool to inform decisions regarding detention or temporary detention of a child taken into custody. Any order approving or requiring detention of a child shall also include, but is not limited to:

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

The juvenile court shall send information related to:

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

to the office of judicial administration on an annual basis.

### **Use of a risk screening tool for diversion:**

Upon receiving a referral indicating a child is a delinquent child, the intake officer shall:

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

If the prosecuting attorney believes the child committed a delinquent act, the attorney shall instruct the intake officer to make a preliminary inquiry, which includes the use of a risk screening tool.

The intake officer will recommend, among other options, whether to:

1. refer the child to juvenile diversion; and
2. refer the child to juvenile diversion and recommend that the child be referred for an assessment by the dual status assessment team

After the preliminary inquiry (which includes the risk screening tool) and before a petition is filed, the intake officer may recommend to the prosecuting attorney that the child participate in juvenile diversion if the intake officer has probable cause to believe that the child is a delinquent child. Information obtained from the risk screening is not admissible into evidence in any factfinding hearing in which the child is accused. The child is not subject to subpoena or to any other court proceeding.

**Participation in diversion:**

If prosecutor approves diversion, probation may:

- a. refer a child to community based programs or service providers, if necessary
- b. provide case management and service coordination
- c. provide assistance with barriers to completion, and
- d. monitor progress

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

Juvenile diversion may not exceed six months.

Juvenile diversion may include restorative justice.

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

If a child fails to complete the terms of diversion or commits a new offense, juvenile probation shall inform the prosecuting attorney at least 14 days prior to the end of the diversion period. In that case, the prosecutor may petition the court to file a delinquency petition. Unless a delinquency petition is filed with the court, the prosecuting attorney must close the child's file regarding the diverted matter no later than six (6) months after the date of initiating diversion.

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

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

and report the information to OJA on an annual basis.

**Informal Adjustment:**

Results of a risk screening tool shall be used to inform recommendations for the use of informal adjustment. Fees for participation in informal adjustment are eliminated.

**Disposition:**

Probation officers shall include in a predispositional report, amongst other factors:

- a. the results of the validated risk and needs assessment tool the probation officer conducted on the child

If the juvenile court waives the preparation of a predispositional report, results of the validated risk and needs assessment tool must still be provided to the juvenile court and all parties.

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

A juvenile court may recommend telehealth services as an alternative to a child receiving a diagnostic assessment.

In addition to existing statutory factors, the probation officer shall recommend care, treatment, rehabilitation, or placement that is based on the results of a validated risk and needs assessment tool.

**Local Justice Reinvestment Advisory Council (JRAC) or another local collaborative body that includes stakeholders across the juvenile justice system:**

Shall manage grant solicitation, with support for rural communities as a required funding priority and determine how funding and programming could be used more effectively; oversee and manage grants awarded under IC 31-40-5 and IC 31-40-6, unless another local collaborative body in the county is tasked with overseeing the grant awarded.