Missouri Juvenile Officer Performance Standards

2017

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FOREWORD

The ***Standards for the Administration of Juvenile Justice*** were initially developed in 2001 for use by Missouri juvenile courts and juvenile justice professionals and intended to enhance performance in the juvenile justice system by providing a common framework for understanding and assessing the work of the juvenile and family courts. The standards were aspirational in nature and focused on eight general performance areas including: Access to Juvenile Justice Services, Independence and Integrity, Timeliness and Responsiveness, Records, Victim Rights, Delinquency Case Processing, Dispositions, and Detention Facilities and Services. Each standard provided a brief summary of the rationale of the performance area, performance indicators, and recommended methods for measuring performance. The standards were designed to be "fair, clear, adaptable, and connected to the overall mission of the juvenile justice system" and rooted in core values of the court system including equality, integrity, fairness, and justice.

The ***Standards for the Administration of Juvenile Justice*** were subject to further review and revision in 2004 resulting in the ***Revised Missouri Court Performance Standards for the Administration of Juvenile Justice (2004)***. The revised standards in 2004 remained aspirational while broadening the focus of the categories and elements of the selected standards. Thereafter, the ***Revised Missouri Court Performance Standards for the Administration of Juvenile Justice (2004)*** remained unchanged for more than a decade.

In February of 2014, Missouri's chief juvenile officers convened to discuss concerns as to consistency of practice throughout the state and proposed juvenile justice reforms in the context of the potential positive impact versus the unintended consequences of the same. There was clear consensus by the group that it was incumbent upon each juvenile officer to ensure - on an individual and collective basis – the highest standards of professionalism and accountability in carrying out not only the statutory duties of the juvenile officer but in fulfilling the ethical obligation of the juvenile officer to ensure "excellence" as the standard

for responsiveness and the provision of services to the children, youth, and families served by the juvenile office in each community.

It was that consensus that led to a collective request of the state courts administrator in March of 2014 to allow an extensive review and revision of the ***Revised Missouri Court Performance Standards for the Administration of Juvenile Justice (2004).***

The request was approved and the Missouri Juvenile Standards Work Group was established in April of 2014 to serve as the steering committee for the standards review. By design, the steering committee consisted primarily of chief juvenile officers as the work of the group intended to deal with in-depth case management processes in the juvenile office as managed by or on behalf of the chief juvenile officer. There was a strong belief and sense of ownership by those agreeing to serve on the Missouri Juvenile Standards Work Group that the burden of necessary corrections to practice and accountability for the same rested with the juvenile officers and the juvenile officers should be responsible for "carrying the water" on the process and complete the associated tasks on behalf of the profession. Thereafter, the work to create new and more specific standards for the juvenile officer was undertaken by the work group and the subcommittees. Additional input from stakeholders in the juvenile justice system was also a critical element in the process. The result of this process was a recommendation for performance standards for juvenile officers.

After reviewing the recommendations by the Missouri Juvenile Standards Work Group, and in the exercise of the authority under section 211.326, RSMo, the state courts administrator has adopted the attached ***Missouri Juvenile Officer Performance Standards (2017)*** which are intended to provide guidance and direction as to the legal mandates and ethical obligations of the juvenile officer in meeting challenges of the multifaceted and important role in the juvenile justice and child welfare systems and to elevate practice and accountability in each juvenile office. The implementation strategy of the new standards integrates the aspirational

values and intent of the existing standards with performance based standards that address current and emerging issues in juvenile justice and child welfare.

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ACKNOWLEDGEMENTS

The development of the ***Missouri Juvenile Officer Performance Standards (2017)*** is representative of the steadfast commitment of the myriad of juvenile justice practitioners, advocates, stakeholders, and agency partners to remain true to the purpose of the Missouri Juvenile Code and the stated child welfare policy of this state as "what is in the best interest of the child". The revised standards clearly establish a framework for collective consistency and improved practice throughout the Missouri juvenile justice system to ensure the best interest of each child at every stage in the process.

For the many juvenile officers engaged in this process, your willingness to look beyond the many positive outcomes and specialized services that hallmark the regular course of business in each juvenile office to examine practice in the most critical light has led to the development of a set of standards that strengthens our profession and ability to achieve the best possible outcomes for the children, youth, families, and communities we serve.

The ***Missouri Juvenile Officer Performance Standards (2017)*** would definitely not be the meaningful and comprehensive end product that creates a foundation for systemic juvenile justice improvements in Missouri and improvement in practice in the local juvenile offices without the contributions and input of the numerous other juvenile justice and child welfare professionals that offered their expertise, input, and even criticism to facilitate this process.

Lastly, this comprehensive review and revision of the standards would not have been possible without the support of the Family Court Committee and the assistance of the many dedicated staff from the Office of State Courts Administrator.

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INTRODUCTION

The juvenile officer plays a critical role in the Missouri juvenile justice and child welfare systems and bears substantial responsibility for carrying out the mission and objectives of the Missouri Juvenile Code. This highly complex and multi-faceted role includes balancing the interests of children with the interests of the community and general public in a constantly evolving context of changing societal factors and legal challenges.

The state courts administrator has issued the ***Missouri Juvenile Officer Performance Standards (2017)*** to provide guidance and direction as to the legal mandates and ethical obligations that lend to the challenges of this complex but important role in the juvenile justice and child welfare systems. These standards serve to elevate practice, promote consistency, and improve service delivery in Missouri. Clear guidelines for the daily operation of the juvenile offices would be the intended result with continued promotion of the innovative and local leveling programming that best serve the unique needs and circumstances of each local community.

The ***Missouri Juvenile Officer Performance Standards (2017)*** consist of five practice areas including: Administrative Standards for the Juvenile Officer, Standards for Pre-Disposition Delinquency and Status Offense Matters, Standards for Post-Disposition Delinquency and Status Offense Matters, Standards for the Juvenile Officer in Matters of Child Abuse and Neglect, and General Practice Standards for the Juvenile Officer.

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NOTE

The ***Missouri Juvenile Officer Performance Standards (2017)*** are categorized by specific standards the Juvenile Standards Work Group recommend as mandatory, best practices, and general recommendations. The standards recommended as mandatory are signified by language indicating the juvenile officer "shall" comply with the language or required elements of the standard. The standards intended to serve as best practice recommendations are identified by language indicating the juvenile officer "should" comply with the language or required elements of the standard. While not mandatory, it is expected that the juvenile officer also will implement standards identified as best practices or other recommendations as soon as practicable and make consistent progress toward the implementation of the same.

The term "juvenile officer" is utilized throughout the standards and is intended to encompass the statutory and administrative role and responsibilities of the juvenile officer as well as the tasks or processes the juvenile officer assigns to other juvenile office personnel or designees as may be appropriate.

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CODE OF ETHICS

Missouri Juvenile Officer Code of Professional Ethics

PREAMBLE

Since the Missouri Juvenile Code was enacted, the juvenile officer in Missouri has existed as the "primal instrument" to carry out its mandate to act in the best interests of the child. *In re F___ C___,* 484 S.W.2d 21, 25 (Mo. App. W.D. 1972). The juvenile officer has wide-ranging authority and a high level of responsibility in the multiple facets of the juvenile justice system. The juvenile officer must not act in a prosecutorial manner but in a manner wherein the interests of each child, youth, and family subject to the statutory elements of the juvenile code receives rehabilitative treatment and services within an appropriate context of accountability and a tenuous balance of the interests of the general public. The aforesaid authority and responsibility require the juvenile officer to exhibit the highest standard of personal accountability and ethical conduct in carrying out his or her duties. The juvenile officer must embody fundamental values of integrity, fairness, collaboration, responsiveness, inclusiveness, stewardship, equality, and justice in every process, activity, and action undertaken by the juvenile officer.

The Missouri Juvenile Officer Code of Professional Ethics serves as a compass to guide all administrative, operational, and case management decisions. The extent to which juvenile officers and those working on behalf of the juvenile officer adopt and embrace the Missouri Juvenile Officer Code of Professional Ethics will dictate the level of meaningful service and success achieved by the profession, will improve public trust and confidence in the role of the juvenile officer in Missouri's juvenile justice system, and substantiate that the interests and well-being of children, youth, families, and communities is appropriately entrusted to the profession of juvenile officers in the state of Missouri.

CODE OF ETHICS

I. The juvenile officer shall uphold the Constitution of the United States, Constitution of Missouri, statutes of Missouri, Supreme Court Rules, local court rules and other legal requirements in the performance of his or her duties and never be a party to the evasion of the same.

II. The juvenile officer shall assume an active role in the protection of the rights of others involved in the juvenile justice system - ensuring due process within the scope of his or her duties and safeguarding the purpose and intent of Missouri's Juvenile Code.

III. The juvenile officer will serve the court, clients, and other stakeholders with honesty, transparency, and integrity by conducting him or herself in an ethical manner at all times by refraining from engaging in any form of impropriety or placing self-interests over the interests of those served by his or her office.

IV. The juvenile officer shall administer his or her office bearing the responsibility of a public trust and performing each function with competence, promptness, and diligence.

V. The juvenile officer shall demonstrate professionalism at all times and conduct his or her personal life with the decorum befitting a profession entrusted with the care and well-being of children and public interests and refrain from any behavior that adversely affects the operations of the juvenile office and the integrity of the profession of juvenile officer.

VI. The juvenile officer shall continuously strive to improve the profession by cultivating increased knowledge of current and emerging issues in juvenile justice, public information and education, and measurement and assessment of service impact and outcomes.

VII. The juvenile officer shall make fairness and justice the cornerstones of practice and maintain a high degree of objectivity to promote equality and equal access to treatment and services at every stage in the process with deference to the social context, culture, and diversity of each person regarding race, color, creed, ethnicity, national origin, gender, sexual orientation, gender identity or expression, religion, economic status, and physical or mental disability.

VIII. The juvenile officer shall promote accountability on an individual and collective level for those referred to the juvenile office, as well as those serving in a capacity on behalf of the juvenile officer, to ensure accountability in all regards as accountability is paramount to the duty the juvenile officer has to the general public and stakeholders in the juvenile court process.

IX. The juvenile officer shall promote diversity and inclusiveness as a legal and moral requisite of the position of juvenile officer.

X. The juvenile officer shall recognize the victims in the juvenile justice and child welfare systems as persons with a legitimate interest in the proceeding and remain respectful and responsive to the victims at all stages of the process.

XI. The juvenile officer shall be responsive to the needs of those engaged in services at the juvenile office or the juvenile court process in a timely, developmentally appropriate and culturally sensitive manner, utilizing clear and understandable language in a professional, courteous, and respectful manner at all times.

XII. The juvenile officer shall ensure access to the services of juvenile office personnel at all times to meet the immediate and critical needs of children and families.

XIII. The juvenile officer will accurately report and document information and ensure data is maintained and presented with integrity.

XIV. The juvenile officer will maintain information in a confidential manner, respectful of the privacy rights of children and families, sharing information with those having a legitimate or lawful interest in the information to the extent necessary to provide services or facilitate legal processes.

XV. The juvenile officer shall limit practice and actions to those that exist within the confines of the law and refrain from activities that exceed the boundaries of his or her education, training, license, and professional expertise.

XVI. The juvenile officer shall uphold and advance the values of the profession.

XVII. The juvenile officer shall employ practices that promote the safety of children and families, the general public, and juvenile office personnel.

XVIII. The juvenile officer will serve as a responsible steward of public funds and regularly evaluate resource allocations for intended outcomes and cost-effectiveness.

XIX. The juvenile officer shall establish adequate measures to discourage, report, and correct unethical behavior.

XX. The juvenile officer will avoid unwarranted negative criticism of other members of the profession and agency partners or stakeholders and resolve disagreements through professional, respectful, and appropriate processes.

XXI. The juvenile officer shall cooperate and collaborate with professional partners and stakeholders, as well as clients, to facilitate informed decision-making, case planning, and recommendations.

XXII. The juvenile officer will respect the views of other parties and stakeholders and refrain from any attempt to unduly influence differing opinions.

SECTION ONE

Administrative Standards for the Juvenile Officer

1.1 GENERAL POLICY AND PROCEDURE

A. The juvenile officer shall have a general written policy and procedure manual consistent with a model manual developed by the state courts administrator including, but not limited to:

1) case management processes;
2) programs and services;
3) antidiscrimination and disproportionate minority contact;
4) reporting allegations of child abuse or neglect;
5) safety and security protocols;
6) emergency procedures;
7) transportation processes and limitations;
8) use of force;
9) critical incident management and reporting;
10) inventory control and asset management;
11) structural and equipment maintenance and repairs;
12) fiscal management and accounting practices;
13) video or audio recording and monitoring;
14) contractual services;
15) limited English proficiency services;
16) accessibility and accommodations for identified disabilities;
17) research projects and prohibitions; AND
18) public information and access.

Comment:

Written policies and procedures promote accountability and consistency in practice within the juvenile office and aid juvenile office personnel in day-to-

day decision-making. Written policies must be adaptable to changing operational facets, legal factors, and the needs of those served by the juvenile office.

B. The juvenile officer shall make available to all juvenile office personnel the applicable written policies and procedures.

Comment:

Availability of juvenile office policies and procedures will assist juvenile office personnel in carrying out their duties and must be provided as soon as practical upon employment with the juvenile office. The policies and procedures must remain accessible to juvenile office personnel as part of the regular course of business in the juvenile office.

C. On at least an annual basis, the juvenile officer shall update all written policies and procedures as needed and review for any necessary revisions.

Comment:

Regular updates of written policies and procedures ensure the relevance and accuracy of the same. Juvenile office personnel will receive the most benefit from having access to up-to-date policies and procedures in executing established protocols and operating within the established decision-making parameters.

1.2 ORGANIZATIONAL CHART

The juvenile officer shall maintain a current organizational chart clearly delineating the lines of authority and accountability for juvenile office personnel.

Comment:

The organizational chart is a visual depiction of the structure within the juvenile office. The organizational chart will provide juvenile office personnel with lines of communication and the staffing hierarchy to aid personnel within the organizational structure.

1.3 PERSONNEL MANAGEMENT

A. The juvenile officer shall have written policies consistent with model policies developed by the state courts administrator related to personnel practices within the juvenile office not otherwise controlled by Court Operating Rule 7 or county/circuit specific personnel policies. The written personnel policies shall include, but not be limited to:

1) no discrimination and harassment;
2) employment and job performance expectations;
3) electronic communication;
4) equal opportunity employment;
5) Americans with disabilities provisions;
6) family and medical leave;
7) military leave;
8) worker's compensation;
9) workplace violence prevention;
10) job related injuries and reporting requirements;
11) substance abuse monitoring;
12) employee performance reviews;
13) hiring and promotion practices;
14) probationary periods;
15) overtime classifications;
16) personnel record controls;

17) **leave requests and provisions;**
18) **intern, contractual service provider, and volunteer protocols;**
19) **nepotism and conflicts of interest;**
20) **employee discipline and corrective actions;**
21) **grievance and complaint procedures;**
22) **training requests;**
23) **work-related travel;**
24) **salary information;**
25) **job descriptions; AND**
26) ***Missouri Juvenile Officer Performance Standards (2017)*.**

Comment:

Written policies and procedures promote accountability and consistency in personnel practices within the juvenile office and aid juvenile office personnel in meeting employment expectations. Written personnel policies must be adaptable to changing personnel issues and operational needs.

B. The juvenile officer shall make available to all juvenile office personnel the applicable written policies and procedures.

Comment:

Availability of juvenile office policies and procedures will assist juvenile office personnel in carrying out their duties and must be provided as soon as practical upon employment with the juvenile office. The policies and procedures must remain accessible to juvenile office personnel as part of the regular course of business in the juvenile office.

C. On at least an annual basis, the juvenile officer shall update all written policies and procedures as needed and review for any necessary revisions.

Comment:

Regular updates of written policies and procedures ensure the relevance and accuracy of the same. Juvenile office personnel will receive the most benefit from having access to up-to-date policies and procedures in executing established protocols and operating within the established decision-making parameters.

1.4 TRAINING AND STAFF DEVELOPMENT

The juvenile officer shall provide regular training for juvenile office personnel, maintain written training guidelines for each employee or job classification, and comply with the published training standards as promulgated by the Juvenile Division Education Committee and approved by the Coordinating Commission for Judicial Department Education. Training shall include, but not be limited to:

1) **new employee orientation and basic training;**
2) **legal issues for juvenile office personnel;**
3) **circuit-specific case management protocols;**
4) **circuit-specific operational and personnel policies;**
5) **juvenile officer code of professional ethics;**
6) **electronic mail and computer applications;**
7) **Juvenile Detention Assessment (JDTA);**
8) **risk and needs assessment/classification matrix**
9) **mental health treatment including trauma-focused interventions, behavioral health, and suicide prevention;**
10) **adolescent development and related factors;**
11) **gender-specific considerations and trafficking indicators;**
12) **family dynamics and intervention strategies;**
13) **substance abuse identification and treatment;**
14) **role and responsibilities in the juvenile justice and child welfare systems;**
15) **cultural competency and implicit bias;**

16) **court etiquette and professionalism; AND**

17) **appropriate communication and interactions for juvenile office personnel.**

Comment:

Training for new and experienced personnel in the juvenile office is critical to ensuring quality outcomes and consistency in practice throughout the Missouri juvenile justice system. The juvenile officer must actively engage juvenile office personnel in training opportunities at both the local and state level to facilitate the highest level of competence of juvenile office personnel.

1.5 COMPLIANCE REVIEW OF THE JUVENILE OFFICER

The juvenile officer shall comply with the *Missouri Juvenile Officer Performance Standards (2017)* and shall be subject to regular compliance reviews pursuant to section 211.326, RSMo 2000.

Comment:

The juvenile officer serves in a public office requiring the highest standards of public trust and confidence as he or she endeavors to improve outcomes for children, youth, and families involved in the juvenile justice and child welfare systems in Missouri. It is incumbent upon the juvenile officer to carry out his or her duties in a manner conducive to the welfare of each child or juvenile and the interests of the state. Regular reviews of the activities in the juvenile office as subject to the administrative authority of the juvenile officer are necessary to ensure the same.

Measuring the compliance of each juvenile office with the standards will promote consistency and accountability and must be welcomed by the juvenile officer and his or her staff to facilitate any necessary corrections and to best advance the interests of those served by the juvenile office.

1.6 FORMAL COMPLAINT PROCESS

The state courts administrator shall establish a centralized complaint process. All meritorious complaints shall be referred to the appropriate presiding circuit judge for review and resolution includingdisciplinary measures up to and including removal of the juvenile officer from office.

Comment:

A formal complaint process consisting of an independent, centralized reporting resource for complaints will allow for a fair and appropriate review and assessment of each complaint and improve public confidence in the resulting determination.

1.7 CONFLICT OF INTEREST

A. The juvenile officer shall not present a case or have any case heard before a juvenile or family court judge who is the appointing authority for the juvenile officer and/or other necessary juvenile employees.

Comment:

The juvenile officer must respect the independence of the juvenile judge as the "trier of fact" in juvenile matters with a duty to ensure fundamental fairness to all appearing in juvenile court. There must be distinct and continuing efforts by the juvenile officer to avoid an overly familiar professional relationship with the juvenile judge to preclude the appearance of a preferential status to the juvenile officer in juvenile court proceedings. The appearance of the same or any impropriety diminishes the view of fundamental fairness in the proceedings to the detriment of all involved.

B. The juvenile officer shall ensure conflicts of interest are prohibited or knowingly waived by the party or parties when appropriate and the potential conflict is within the control of the juvenile officer.

Comment:

The juvenile officer must be attentive to potential areas of conflict of interest, especially in smaller jurisdictions wherein the likelihood of family or community connections is common, and proactively address the same. Potential conflicts for the juvenile officer and juvenile office personnel include issues related to familial or personal relationships, financial interests, and other personal interests including employment outside of the juvenile office.

Cross-Reference(s)

Missouri Revised Statutes
§ 211.351 "Juvenile officers, appointment. . ."

Missouri Supreme Court Operating Rule
COR 14.01(b) "Assignment of Judicial Personnel"

1.8 EX PARTE COMMUNICATION WITH THE JUVENILE JUDGE

The juvenile officer shall not engage in ex parte communication with the juvenile judge except in circumstances of:

1) **presentation of an initial order requesting the temporary protective custody or temporary detention of a juvenile(s);**
2) **the initial request for a warrant or order to take a juvenile into judicial custody;**
3) **an emergency circumstance necessitating immediate notification to the court including, but not limited to, emergency medical and mental health needs of a juvenile, the death of a party or juvenile, unforeseen emergency situations concerning placement of a juvenile, and other**

critical circumstances where there are substantial safety concerns or issues that make an emergency notification prudent and necessary;

4) **for general scheduling purposes; and**

5) **as expressly authorized by statute.**

Comment:

Ex parte communication undermines due process and fairness in juvenile court proceedings. The juvenile officer must ensure all personnel in the juvenile office do not initiate or engage in ex parte communication with the juvenile judge outside the presence of the parties or their legal counsel concerning a pending or impending matter before the judicial officer.

Cross-Reference(s)

Missouri Revised Statutes
§ 211.081.1 "Preliminary inquiry as to institution of proceedings. . ."
§ 211.447.1 "Petition to terminate parental rights filed. . . "

Missouri Supreme Court Rule
Rule 2-2.9 "Ex Parte Communications"

1.9 INDEPENDENT DECISION-MAKING

A. The juvenile officer shall operate independently from the juvenile court, making decisions consistent with the statutory duties and responsibilities of a juvenile officer.

Comment:

The juvenile officer must always be respectful of the court and comply with any orders of the court but remain steadfast in his or her obligation to make independent assessments and recommendations in the interest of the juveniles and families served by the juvenile officer. The juvenile officer must be an independent advocate by and through his or her legal counsel against findings or rulings the juvenile officer believes to be unsupported by evidence

or contrary to the interests of the juvenile subject to the juvenile court proceeding.

B. The juvenile officer shall make decisions related to necessary actions or recommendations in each circumstance pursuant to his or her statutory duties and responsibilities without undue consideration or influence from a specific party, agency representatives, external stakeholders, and the general public.

Comment:

The juvenile officer must carefully consider the input and recommendations of each party, agency representative, and stakeholder at every decision point where the juvenile officer is involved but must be conscientious to avoid any bias or preference in considering the same and make decisions that carefully contemplate the legal implications and the best interests of the juvenile. The juvenile officer must also remain cognizant of public standards and expectations but diligent in exercising his or her decision-making authority balancing the interests of the state, affected parties' rights, and best interests concerns.

1.10 AUTHORITY OF THE JUVENILE OFFICER AND LIMITATIONS

The juvenile officer shall exercise his or her authority within legal and ethical boundaries appropriate to the office of the juvenile officer.

Comment:

The juvenile officer has wide-ranging authority and serves many of the functions that hallmark the Missouri juvenile justice system from case initiation to release of jurisdiction. The same authority requires a heightened level of responsibility to ensure the juvenile officer operates within lawful and ethical boundaries without infringing upon the rights, interests, or opposing

viewpoints of others involved in the juvenile court process. This standard is not intended to preclude a juvenile officer from advocating for his or her position but to ensure the same is accomplished in a respectful, appropriate manner.

1.11 THE JUVENILE OFFICER AND LEGAL REPRESENTATION

A. The juvenile officer shall not engage in the practice of law unless licensed in Missouri to do so.

B. The juvenile officer shall not appear in any required proceeding wherein the juvenile officer is a party and present argument or evidence without legal counsel.

C. The juvenile officer shall be represented by an attorney for the juvenile officer serving as a zealous advocate of the juvenile officer's position and consistent with the code of professional responsibility for attorneys.

D. The juvenile officer shall rely on the attorney for the juvenile officer to:

1) litigate matters of delinquency, status offenses, child abuse and neglect matters, certifications, and termination of parental rights cases filed on behalf of the juvenile officer;

2) file pleadings on behalf of the juvenile officer as requested; and

3) perform appellate work as needed.

E. The juvenile officer may consult with the attorney for the juvenile officer regarding:

1) legal implications of dispositional recommendations;

2) training as to legal issues for juvenile office personnel;

3) the legal sufficiency of referrals to the juvenile officer as needed;

4) legislation, statute or rule changes, and case law updates relating to policies or procedures in the juvenile office; and

5) **administrative, employment and other legal issues as may be appropriate.**

Comment:

A significant portion of the multi-faceted role of the juvenile officer exists in the legal arena, and competent legal counsel for the juvenile officer is necessary to ensure appropriate and legally sufficient actions on behalf of the juvenile officer and to minimize legal risk to the juvenile officer in carrying out the complicated duties associated with the position. The juvenile officer must work with the attorney for the juvenile officer regarding the responsibilities associated with the limited prosecutorial considerations in delinquency proceedings while remaining protective of the clearly defined non-prosecutorial role of the juvenile officer.

The juvenile officer must be prepared to address the potential issues of the outside practice of law and possible conflicts of interest for the attorney for the juvenile officer. The juvenile officer must carefully monitor the activities of juvenile office personnel to ensure the assistance provided to the attorney for the juvenile officer through the drafting of documents, contacting necessary witnesses, and other tasks as authorized by the assigned attorney does not extend to any activities that would constitute giving legal advice to any person.

The juvenile officer should maintain an appropriate role delineation with the attorney for the juvenile officer. This is an attorney-client relationship whereby the attorney for the juvenile officer acts as legal counsel to, and a representative of, the juvenile officer.

Cross-Reference(s)

Missouri Supreme Court Operating Rule
COR 29 "Juvenile Officer Practice of Law"

1.12 AVAILABILITY OF THE JUVENILE OFFICER

A. The juvenile officer shall maintain regular office hours in a proximal location for the area served and publish contact information for the general public.

B. The juvenile officer shall ensure access to necessary services or responses from the juvenile officer at all times.

C. The juvenile officer shall make available to law enforcement, the Missouri Children's Division, and other necessary local entities or agency partners information as to the process to contact the assigned juvenile office personnel outside of the regular office hours.

Comment:

Access to services or responses from the juvenile officer at all times is an essential component of carrying out the purpose of the Missouri juvenile code. The juvenile officer must clearly communicate to the general public, other governmental and agencies serving children, youth, and families, as well as those currently receiving services from the juvenile officer the current contact information for the juvenile office. The contact information should be updated as needed and published in a manner that makes the information readily available to those requiring the same.

1.13 RECORD RETENTION AND INTEGRITY

A. The juvenile officer shall ensure records generated or maintained by the juvenile officer in written form or electronic capacities are true and accurate representations of the information to the best of the juvenile officer's knowledge and belief.

B. The juvenile officer shall maintain confidential information in a secure manner allowing access only to those lawfully entitled to the same.

C. The juvenile officer shall request and facilitate the destruction of juvenile records consistent with relevant statutory provisions.

Comment:

The juvenile officer must establish appropriate documentation standards to ensure the integrity of the information. The juvenile officer must utilize appropriate building and electronic security measures to protect confidential information. The juvenile officer should also request an order to destroy the juvenile records at regular intervals on behalf of the juveniles no longer subject to the jurisdiction of the juvenile court or receiving services from the juvenile officer.

Cross-Reference(s)

Missouri Revised Statutes
§ 211.319 "Juvenile court records and proceedings. . .'
§ 211.321 "Juvenile court records, confidentiality, exceptions. . ."

Missouri Supreme Court Rules
Rule 122.02 "Open Records"
Rule 122.03 "Law Enforcement Records of Juveniles to be Kept Separate"

Missouri Supreme Court Operating Rule
COR 8.04.5 "Juvenile Cases"

1.14 JUVENILE DETENTION ASSESSMENT (JDTA)

A. The juvenile officer shall utilize the JDTA in contemplation of all decisions to detain a juvenile, keep and report data related to the administration of the JDTA, and make available alternatives to detention.

B. The juvenile officer shall classify a juvenile detained upon the execution of the authorization of temporary detention.

C. The juvenile officer shall ensure the authorization for temporary detention is only executed upon the administration of the JDTA, circumstances requiring the

detention of the juvenile, and within the requisite timeframe of no more than six hours of being taken into custody by law enforcement or the juvenile officer.

D. The juvenile officer shall present the order of detention with the JDTA attached to the judge within 24 hours of the juvenile being taken into custody by law enforcement or the juvenile officer.

Comment:

The JDTA provides juvenile officers with objective criteria for evaluating the need to detain a juvenile. The JDTA is a validated, evidence-based practice that provides guidance for detention for juvenile office personnel as to the need for placement in secure detention based on a risk to public safety, the juvenile's failure to appear in court, the need for an alternative to detention, or the recommendation to release or not detain the juvenile with or without conditions pending further action by the juvenile officer.

The JDTA must be administered by trained personnel in the juvenile office or juvenile detention facility at the time the juvenile is initially presented for detention or prior to making application for an order of detention based on a written referral to the juvenile officer or supervision violation. The juvenile officer shall provide for the administration of the JDTA and detention alternatives at all times, including circumstances occurring outside of regular business hours.

The juvenile officer may establish in local policy certain offense types that will be precluded from an initial assessment based on local practice if the juvenile shall not be considered for detention for lower level delinquent offenses or status offenses. The juvenile officer in circuits contracting for secure juvenile detention services must administer the JDTA and provide a copy to the juvenile detention facility as soon as practical. The juvenile officer shall not be required to complete a JDTA for administrative hold requests by the Missouri Division of Youth Services.

The provision for an override of the JDTA scoring recommendation shall include supervisory approval, and the juvenile officer must make reasonable efforts to limit overrides from detention alternatives or release to no more than 15% of the juveniles assessed for placement in secure juvenile detention.

The reporting requirements of the juvenile officer as to the JDTA shall include, but not be limited to, the following factors: the number of juveniles detained and released; the gender, race, ethnicity, age, and offense for each juvenile; and the JDTA outcome information inclusive of the decision of juvenile office personnel, information regarding overrides, and information regarding related programs and alternatives to detention.

Cross-Reference(s)

Missouri Supreme Court Operating Rule
COR 28.01 "Use of Juvenile Detention"

1.15 ANTIDISCRIMINATION AND DISPROPORTIONATE MINORITY CONTACT

The juvenile officer shall prohibit discrimination and proactively address racial and ethnic disparities to ensure fundamental fairness and equal justice for those served by the juvenile office and specifically:

A. provide equal access and opportunity for all individuals, without discrimination on the basis of race, color, creed, ethnicity, national origin, gender, sexual orientation, gender identity or expression, religion, economic status, and physical or mental disability;

B. ensure the environment at the juvenile office and extensions of the same are free from prejudice, bigotry, harassment, and violence; and

C. develop a comprehensive strategy and action plan based on established best practices inclusive of data collection and review, mechanisms to eliminate intentional or unintentional bias in decision-making, the provision of culturally and racially competent alternatives and practices, the

establishment of equalized case management processes, and training for juvenile office personnel.

Comment:

It is incumbent upon each juvenile officer to initiate practices to reduce disproportionate minority contact and prohibit discrimination in any form. The juvenile officer must adequately equip juvenile office personnel with the knowledge and understanding to preclude disparate treatment and actions and to appropriately and respectfully serve those requiring interventions by the juvenile officer or juvenile detention.

The juvenile officer must ensure the implementation of juvenile delinquency prevention efforts and system improvement efforts designed to reduce the disproportionate number of juveniles in minority groups, at all points of contact with the juvenile justice system, including minority populations of American Indians, Alaska Natives, Asians, Black or African Americans, Hispanics or Latinos, and Native Hawaiians or other Pacific Islanders. The following phases offer direction for implementation purposes:

1) Identification - to determine the extent to which disproportionate minority contact exists;
2) Assessment - to assess the reasons for disproportionate minority contact, if any;
3) Intervention - to develop and implement intervention strategies to address the identified reasons;
4) Evaluation - to evaluate the effectiveness of the chosen intervention strategies; and
5) Monitoring - to note changes in disproportionate minority contact trends and to adjust intervention strategies as needed.

The juvenile officer must ensure no discrimination exists toward the diverse identities and lives of lesbian, gay, bisexual, transgender, questioning, intersex,

and asexual (LGBTQIA) juveniles and others having contact with the juvenile officer.

Cross-Reference(s)

Missouri Supreme Court Operating Rule
COR 18.01 "Bias or Prejudice in the Judicial System"

1.16 USE OF SOLITARY CONFINEMENT

The juvenile officer shall prohibit the use of solitary confinement of juveniles and limit seclusion, room restriction, and segregation to short-term emergency circumstances only. All forms of seclusion shall be utilized for the least amount of time possible and only for the immediate physical protection of the subject juvenile and others and shall not be utilized as discipline, the convenience of facility personnel, or staffing resource issues.

Comment:

The use of solitary confinement for juveniles has been identified as especially harmful and contrary to the rehabilitative premise of the juvenile justice system.

1.17 SHACKLING OF A JUVENILE IN JUVENILE COURT

A juvenile shall not be shackled in a juvenile or family court proceeding absent a demonstrated safety risk the juvenile poses to him or herself or others and approval of the court.

Comment:

Instruments of restraint including handcuffs, chains, irons, or straitjackets may not be used by the juvenile officer to restrain a juvenile during a juvenile court proceeding. If the juvenile officer believes the juvenile represents an

immediate safety risk to him or herself or others or a substantial flight risk, the juvenile officer shall advise the attorney for the juvenile and make a request to the court prior to the commencement of the hearing for the juvenile to remain restrained during the court proceeding in the presence of the parties. The juvenile officer shall advise the court as to the reason lesser restrictive safety measures are not appropriate. The juvenile shall not be restrained to a stationary object.

1.18 TRAUMA INFORMED PRACTICE AND BEHAVIORAL HEALTH

A. The juvenile officer shall address mental health issues in an informed manner cognizant of the high risk of prior exposure to trauma and the associated emotional, physical, social, and developmental impacts on those served by the juvenile officer by integrating trauma-informed principles and practice in the daily operations of the juvenile office.

B. The juvenile officer shall provide training for juvenile office personnel in suicide risk and appropriate responses.

C. The juvenile officer shall provide training for juvenile office personnel in identifying mental health needs and substance abuse issues.

D. The juvenile officer shall arrange for a valid mental health screening of all detained juveniles within 12 hours of admission.

E. The juvenile officer shall provide for specific monitoring of the mental health status of detained juveniles at admission to detention, following critical events, and prior to and following court proceedings.

Comment:

The juvenile officer shall ensure all juveniles are appropriately screened for past and current mental health history. The juvenile officer must maintain

appropriate consents to communicate with behavioral health providers regarding the participation of the juvenile or family, the progress in treatment services and to identify any safety concerns.

The juvenile officer must ensure detained juveniles with identified behavioral health issues receive elevated care in the detention environment inclusive of increased direct observation, individualized plans of care and reassessments as needed.

1.19 DEINSTITUTIONALIZATION OF STATUS OFFENDERS

A. The juvenile officer shall provide appropriate alternatives and community-based resources for juvenile status offenders.

B. A juvenile status offender shall not be placed in secure juvenile detention or otherwise held securely except in limited circumstances as provided by state and federal law.

Comment:

The juvenile officer must develop services to address specifically the unique needs of status offenders that are treatment focused and responsive to specific behaviors. Detention of status offenders should be avoided as best practice, and the juvenile officer shall ensure the specific guidelines regarding the limited provisions for detaining a status offender are closely followed.

Cross-Reference(s)

Missouri Revised Statute
§ 211.063 "Secure detention, limitations. . ."

1.20 FAMILY AND COMMUNITY ENGAGEMENT AND COLLABORATION

A. The juvenile officer shall administer the juvenile office in a manner such that all juvenile office personnel recognize the family of the juvenile at the forefront of a compelling interest in the juvenile and treat family members with dignity, respect, and deference as to knowledge of the juvenile and his or her needs as may be appropriate while addressing the behavior, safety, and well-being of the juvenile.

B. The juvenile officer shall be actively engaged in community partnerships and collaborative efforts to facilitate improved decision-making, resource development, and outcomes for the juveniles, families, and communities served by the juvenile officer.

Comment:

The juvenile officer has an obligation to engage the family and community in the various elements and operational processes related to juvenile justice and child welfare proceedings. The juvenile officer should be ever mindful of the value of an engaged parent or family member in the rehabilitative process and empower the same to serve as a partner in the process and also receive the benefit of services from the juvenile officer. The use of community resources can aid in improving outcomes, supplement juvenile office resources, and provide a source of continuing support for the juvenile and family.

SECTION TWO

Standards for Pre-Disposition Delinquency and Status Offense Matters

2.1 ADVISEMENT OF RIGHTS AND PARENTAL PRESENCE

A. The juvenile officer or a designee approved and trained by the juvenile officer to act on behalf of the juvenile officer shall advise a juvenile of his or her rights during a custodial interrogation by law enforcement.

B. The juvenile officer shall ensure any designee of the juvenile officer approved to advise a juvenile of his or her rights complies with the specific requirements for the juvenile officer.

C. The juvenile officer or designee shall ensure a juvenile is advised of their limited role during the interrogation by law enforcement and specifically advise the juvenile that the juvenile officer or designee is not legal counsel for the juvenile or an advocate for the juvenile during the questioning by law enforcement.

D. The juvenile officer or designee shall not participate in the questioning by law enforcement by asking any questions or soliciting any information from the juvenile regarding the alleged offense(s).

E. The juvenile officer or designee shall prohibit or end questioning by law enforcement wherein the juvenile appears to lack the capacity to understand the advisement of rights and waiver, requests the questioning to stop, or requests legal counsel.

F. The juvenile officer or designee shall ensure a parent, guardian, custodian, or friendly adult of the juvenile's choosing is present during the questioning and has sufficient time to consult and advise the juvenile before and during the questioning.

G. **The juvenile officer or designee shall administer the advisement of rights orally and in writing and ensure appropriate language or required assistive resources are available before the initiation of the questioning.**

H. **The rights advisement to a juvenile shall include:**

1) **the juvenile has the right to remain silent;**

2) **any statement the juvenile does make can be and may be used against the juvenile in subsequent juvenile court proceedings;**

3) **any statement made to law enforcement can and may be used against the juvenile if the juvenile is transferred to a court of general jurisdiction to be prosecuted under the general law;**

4) **the juvenile has the right to have a parent, guardian, or custodian present during questioning;**

5) **the juvenile has a right to consult with an attorney and that one will be appointed and paid for if the juvenile cannot afford one; and**

6) **the juvenile has the right to stop talking at any time.**

I. **The juvenile officer or designee shall address with the juvenile potential conflicts in circumstances wherein the alleged victim or co-defendant is the parent to aid in ensuring a "friendly adult" is available to consult with the juvenile.**

J. **The juvenile officer or designee shall ensure the location and timeframe of the questioning by law enforcement are appropriate.**

K. **The juvenile officer shall establish a written protocol to facilitate the prompt consideration by the court as to the appointment of legal counsel for a juvenile upon request before or during a questioning by law enforcement.**

Comment:

The role of the juvenile officer in the questioning of juveniles is complicated. It is incumbent upon the juvenile officer to ensure the intended purpose of providing the juvenile an additional layer of protection in the interrogation process is carefully guarded by the actions of the juvenile officer and any designee of the juvenile officer. The juvenile officer must make every effort to aid the juvenile in understanding the role of the juvenile officer as limited to the advisement of rights and to end any interrogation deemed to be inappropriate. The juvenile officer must consider the age of the juvenile, the time of day of the questioning, and the length of time the juvenile is questioned. There should also be consideration as to the capacity of the juvenile to comprehend the advisement of rights and questions by law enforcement and the demeanor of the law enforcement officer in conducting the questioning in determining the appropriateness of the process.

The voluntariness of a juvenile's statement and waiver of rights are determined by the "totality of the circumstances" test which includes assessing the juvenile's age, experience, education, background, intelligence, and capacity to understand the warnings given, the nature of the Fifth Amendment rights, and consequences of waiving those rights.

The juvenile officer must demonstrate due diligence in the designation of other agency personnel to perform the advisement of rights to a juvenile. The intended protective capacity of the role of the juvenile officer must be maintained and specific training as to the role of the juvenile officer in the rights advisement, developmental considerations and recognizing the capacity of the juvenile to understand the rights advisement, the process for requests for legal counsel by the juvenile, the role of the parent or a "friendly adult" on behalf of the juvenile, and the appropriate circumstances and limitations for interrogations by law enforcement.

Cross-Reference(s)

Missouri Revised Statute
§ 211.059 "Rights of child when taken into custody. . .'

Missouri Supreme Court Rule
Rule 126.01 "Notification of Rights"

2.2 INITIAL REFERRAL REVIEW

A. The juvenile officer shall date stamp any referral received upon receipt in the juvenile office.

B. The juvenile officer shall require all referrals to be in writing and signed by the person making the referral to the juvenile officer whenever practicable.

C. The juvenile officer shall make an initial and prompt determination regarding the sufficiency of the referral and determine whether:

1) the jurisdictional elements are established in the referral;

2) the referral contains a clear statement of the act alleged;

3) there is sufficient evidence to support action by the juvenile officer; and

4) the information supports the need for action by the juvenile officer.

D. The juvenile officer shall make a written request of the referring party for additional investigation or information necessary to determine the sufficiency of the allegations in the referral and include a reasonable period for response by the referring party or person.

E. The juvenile officer shall require referrals relating to allegations of a delinquent act to include an investigation by law enforcement.

F. The juvenile officer shall close the case as soon as practicable upon a determination that the referral is not legally sufficient or no action is required by the juvenile officer.

G. The juvenile officer shall provide, in writing, to the referring party or person the reason the referral is not sufficient to establish jurisdiction or warrant action by the juvenile officer.

H. The juvenile officer or attorney for the juvenile officer shall consult with the referring party, upon request, regarding any referral rejected by the juvenile officer and review additional information or information provided during that consultation.

Comment:

The decision point for the juvenile officer at the time of receipt of a referral is critical on many levels. The juvenile officer must make a timely decision, an informed decision based on the sufficiency of the referral and the evidence, as well as an appropriate decision as to whether or not action should be taken and, if so, what action should be initiated. Each decision must be made in the context of the duty of the juvenile officer to balance action that "will conduce to the child's welfare and the best interests of the state."

The juvenile officer must also be responsive promptly to the reporting agency or complainant as to the referral. The juvenile officer should remain mindful that no action is an "action" from the perspective of the reporting agency or complainant. Additionally, failure to act may deny the juvenile the opportunity to receive services to aid the juvenile in correcting the behaviors alleged in the referral, so a timely initial review is critical. The juvenile officer must not act when there is not a legally sufficient referral or fail to act in the interests of the juvenile when there is a need for action and ensure either course happens in a timely manner as delays fail to serve the interests of all involved.

Cross-Reference(s)

Missouri Revised Statute
§ 211.081 "Preliminary inquiry as to the institution of proceedings. . ."

Missouri Supreme Court Rule
Rule 111.01 "Preliminary Inquiry"

2.3 PRELIMINARY INQUIRY

The juvenile officer shall conduct a preliminary inquiry and make an informal adjustment or file a petition within thirty 30 days of the receipt of a referral absent an extenuating circumstance related to the referral presented to the juvenile officer.

Comment:

It is imperative that the juvenile officer make a timely decision regarding the course of action in the case. The juvenile officer shall conduct the preliminary inquiry and proceed to an informal adjustment or the filing of the petition as soon as practicable absent an extenuating circumstance requiring additional time, investigation, or consideration by the juvenile officer.

Cross-Reference(s)

Missouri Revised Statute
§ 211.081 "Preliminary inquiry as to the institution of proceedings. . ."

Missouri Supreme Court Rule
Rule 111.01 "Preliminary Inquiry"

2.4 DIVERSION

A. The juvenile officer shall utilize evidenced-based diversion programming whenever appropriate.

B. The use of diversion services by the juvenile officer shall be guided by written policy inclusive of the purpose, program goals, service delivery, and relative merits of the diversion program.

C. The use of community-based diversion services by the juvenile officer shall require the juvenile officer's regular review as to each program and the program outcomes.

D. Informal diversion services shall not exceed a term of six months without a six month extension specifically reviewed and approved by the juvenile officer and

limited to a one time extension from the date of referral or initiation of the diversion program or service, no informal diversion service can exceed a period of one year.

E. Prevention program participants and those participating in programs to divert juveniles from receiving a referral to the juvenile officer shall not be entered into the statewide case management system by the juvenile officer.

Comment:

Diversion should be an essential case management component for the juvenile officer. Diversion services provide a cost-effective mechanism to meet the goal of successful rehabilitative processes without formal juvenile justice system involvement and reduce any associated stigma of involvement in the system. Diversion programming should be non-punitive in nature, promote protective factors, and avoid negative peer associations.

Diversion services can be categorized as follows:

Level One: Prevention Programs

Any community-based program designed and implemented to promote juvenile competency development or psychosocial functioning with a primary purpose of reducing the likelihood of referral to the juvenile officer. Preventative diversion program participation by a juvenile shall not be entered into the statewide case management system and should have no implication or consequence in subsequent assessments of prior referral history.

Level Two: Diversion from a Referral to the Juvenile Officer

Any community-based program designed and implemented to provide diversion services to a juvenile wherein the alleged actions of the juvenile could result in referral to the juvenile officer. The diversion program would intend to aid the juvenile in accepting responsibility for his or her actions, repair harm to the victim, and promote competency development and psychosocial

functioning with a primary purpose of diverting the juvenile from a referral to the juvenile officer. Level two diversion cases shall not be entered into the statewide case management system and should have no implication or consequence in subsequent assessments of prior referral history.

Level Three: Diversion from Formal Court Proceedings

Any program designed and implemented to provide a juvenile the opportunity to assume responsibility for his or her actions, repair harm to victims, and to receive services to divert the juvenile from formal court action.

Level Four: Diversion from Commitment to the Division of Youth Services

Any program designed to divert an adjudicated juvenile from a commitment to the Division of Youth Services. The program should provide services in the local community to the juvenile and family, including formal supervision and other necessary services and sanctions.

Diversion programming at all levels should include a corresponding written policy inclusive of objective criteria for program participation, the process for maintenance of program records and information sharing, the specific program goals and intended outcomes, and the evaluation process for the program. The juvenile officer must also be mindful of the need to ensure each level of diversion includes necessary procedural and due process elements and, if the diversion is "voluntary", that the voluntariness of the process is protected and there is a full and ongoing disclosure of any potential consequences for failure to comply with the elements of the diversion program.

Cross-Reference(s)

Missouri Revised Statutes
- § 211.011 "Purpose of law. . ."
- § 211.083 "Informal adjustments. . .'

Missouri Supreme Court Rules
- Rule 111.01 "Preliminary Inquiry"
- Rule 112.01 "Informal Adjustment"

2.5 INFORMAL ADJUSTMENT CONFERENCE

A. The juvenile officer shall not require an admission by a juvenile to receive an informal adjustment.

B. The juvenile officer shall not use any admission made by the juvenile after the commencement of an informal adjustment in any adjudicatory hearing related to the alleged offense.

C. The juvenile officer shall provide guidance and advice to the juvenile and the parent, guardian, or custodian and obtain the written consent of the juvenile and the parent, guardian or custodian of the juvenile as to any terms of informal supervision or services as part of the informal adjustment process.

D. The juvenile officer shall advise and explain to the juvenile and the parent, guardian, or custodian that:

1) The purpose of the informal adjustment is to provide an alternative to formal court action in the juvenile court.

2) The informal adjustment is not a requirement and merely an offer by the juvenile officer to provide advice and guidance without formal court action.

3) The juvenile has the right to remain silent and to not answer any questions or make any verbal or written statements.

4) The juvenile officer is required to maintain confidentiality regarding the informal adjustment process and will not release any information without the consent of the juvenile and parent, including the release of any verbal or written statements, admissions made, or case plans developed during the informal adjustment, subject to the following exceptions:

a. Statements made or evidence given of child abuse shall not be confidential.

b. **Statements made during the discussion perceived to be threats to commit crimes; damage property or cause serious bodily injury in the future, or details of a past uncharged crime shall not be confidential and may be reported to the appropriate authorities.**

5) **The juvenile officer will not file a petition during the informal adjustment process.**

6) **The informal adjustment process is voluntary, and the juvenile or parent, guardian, or custodian may choose to terminate the informal adjustment process at any time.**

7) **The informal adjustment process will not commence or continue if the juvenile or parent, guardian, or custodian denies that the juvenile court has jurisdiction or requests the facts to be determined by a judge at a formal hearing.**

8) **The juvenile officer may also terminate the informal adjustment process at any time and dismiss the case without further action or file a petition in juvenile court.**

9) **The juvenile has the right to have a parent, guardian, or custodian present during any questioning by the juvenile officer during the informal adjustment process.**

10) **The juvenile has the right to have an attorney present during the informal adjustment process and have an attorney appointed if the juvenile cannot afford an attorney.**

11) **The informal adjustment will include the juvenile officer providing advice and guidance to the juvenile and parent, guardian, and custodian regarding the juvenile's behavior, home and school environments, and other relevant concerns identified during the informal adjustment process.**

12) **The informal adjustment may include supervision by the juvenile officer including meetings with the juvenile officer and referrals to programs or services.**

13) **The juvenile officer may use information or offer evidence regarding the informal adjustment in a future dispositional or certification proceeding if the same were to occur.**

F. **The period of informal adjustment shall not exceed a term of six months without a six month extension specifically reviewed and approved by the juvenile officer and limited to a one time extension from the date of referral or initiation of the informal adjustment, no informal adjustment can exceed a period of one year.**

G. **The juvenile officer shall provide written notice to the juvenile and parent, guardian, or custodian of the termination of informal adjustment inclusive of the reason for the termination of the informal adjustment.**

Comment:

The informal adjustment process is an essential component of the Missouri juvenile justice system and serves the interests of the juvenile and juvenile court as a diversionary process from formal court action for juveniles subject to the jurisdiction of the juvenile court. A critical component of the informal adjustment process is to ensure the process is voluntary and that fundamental due process elements are protected during the informal adjustment, it is incumbent upon the juvenile officer to do so. The juvenile officer must fully advise each juvenile and parent, guardian, or custodian of the rights afforded to the juvenile and parent, guardian, or custodian during the informal adjustment, as well as the process and potential outcomes of the informal adjustment.

Cross-Reference(s)

Missouri Revised Statute
§ 211.083 "Informal adjustments. . ."

Missouri Supreme Court Rules
Rule 112.01 "Informal Adjustment"
Rule 112.02 "Notice to Parties"
Rule 112.03 "Initial Informal Adjustment Conference"
Rule 112.04 "Termination of Informal Adjustment"

2.6 RISK ASSESSMENT

A. The juvenile officer shall complete the Missouri Juvenile Offender Risk Assessment for all juveniles with a legally sufficient referral for a delinquent or status offense if an informal adjustment conference was conducted, or the matter was subject to adjudication.

B. The juvenile officer shall complete a subsequent risk assessment if a juvenile receiving services is subject to a new delinquent or status offense referral, and additional sanctions or services will be required.

C. The juvenile officer shall complete a risk assessment if the prior case is closed and a new referral for a delinquent or status offense is received.

D. The juvenile officer shall complete the Missouri Juvenile Offender Risk Assessment for the most serious presenting offense if multiple referrals are received for related offenses or within a ten day period.

E. The juvenile officer shall utilize the Missouri Offender Risk Assessment Scale and corresponding Missouri Risk and Offense Case Classification Matrix in contemplation of appropriate action by the juvenile officer in the absence of a significant basis for deviation from the objective risk classification.

Comment:

The Missouri Juvenile Offender Risk Assessment Scale is designed to assess the relative likelihood that a juvenile referred to the juvenile officer for a delinquent or status offense will return with a subsequent referral or recidivate. The risk assessment shall be administered by juvenile office personnel appropriately trained in the use of the instrument.

The juvenile officer shall utilize the indications of the risk assessment for the purpose of assessing risk and as guidance, but not as the sole determining factor, in the decision as to whether a case should proceed in an informal or formal manner or to determine the appropriateness of a recommendation for certification.

The juvenile officer shall not conduct subsequent risk assessments for technical violations of supervision if the violation does not result in a subsequent referral for a delinquent or status offense. The usual factors of technical violations, including the failure to complete recommended programs, do not generally impact risk factors, and there the same is unnecessary. Referrals for technical violations must be associated with the original referral or charge.

The Missouri Risk and Offense Case Classification Matrix or another validated matrix must be utilized to assist the juvenile officer in determining the level of supervision and necessary sanctions pursuant to the corresponding risk level. The juvenile officer must also consider additional elements, including protective factors and the needs assessment in determining an appropriate graduated approach to supervision and sanctions.

Cross-Reference(s)

Missouri Revised Statutes

§ 211.141 "Child returned to parent. . .when – assessment of child required. . ."
§ 211.326 "State courts administrator – valuation of services. . ."

2.7 NEEDS ASSESSMENT

A. The juvenile officer shall complete the Missouri Juvenile Offender Needs Assessment for all juveniles with a legally sufficient referral for a delinquent or status offense if an informal adjustment conference was conducted or the matter was subject to adjudication.

B. The juvenile officer shall use the Missouri Juvenile Offender Needs Assessment Scale as a collective index of needs with consideration as to the specific assessment variables for identification of necessary treatment and services.

C. The juvenile officer shall complete an additional Missouri Juvenile Offender Needs Assessment upon significant changes in the juvenile's circumstances or every 90 days as an indicator of progress toward the supervision or treatment goals.

D. The juvenile officer shall use the structured interview process to complete the Missouri Juvenile Offender Needs Assessment.

Comment:

The Missouri Juvenile Offender Needs Assessment Scale is designed to assess the psychosocial needs of a juvenile referred to the juvenile officer for a delinquent or status offense. Psychosocial needs are those representative of the psychological and social factors that impact the well-being of the juvenile in the context of mental health issues and maladjusted cognitive and behavioral processes influenced by the environment or life experiences. The needs assessment provides objective guidance as to needs of the juvenile and as an indicator of protective factors that serve the interests of the juvenile. The needs assessment shall be administered by juvenile office personnel appropriately trained in the use of the instrument.

The juvenile officer must use the indications of the needs assessment for the purpose of assessing the needs of the juvenile and as guidance, but not as the sole determining factor, in decisions related to service provision.

Cross-Reference(s)

Missouri Revised Statutes

§ 211.141 "Child returned to parent. . .when – assessment of child required. . ."
§ 211.326 "State courts administrator – valuation of services. . ."

2.8 FILING CONSIDERATIONS

The juvenile officer shall, with the advice of legal counsel, consider the implications prior to the filing a petition or motion alleging acts of delinquency or status offenses including:

A. the sufficiency of the investigation and admissible evidence to support the adjudication;

B. the age of the juvenile;

C. the impact of the adjudication on the victim and the wishes of the victim;

D. the availability and appropriateness of diversion or informal services as an alternative to an adjudication;

E. the amenability of the juvenile to alternatives to an adjudication;

F. the history of juvenile's participation in informal or diversion programs;

G. whether the extent of the implications of an adjudication for the juvenile outweighs the extent the of harm caused by the act alleged;

H. the potential requirement of restitution;

I. the impact of factors relating to the juvenile's education including the Safe Schools Act;

J. the impact of required registration as a sex offender; and

K. the decisions made for similarly situated juveniles.

Comment:

The juvenile officer, with the advice of his or her legal counsel, has an obligation to carefully and diligently screen matters as to the filing of a petition or allegations where an adjudication may not be necessary or justified and fails to serve the best interests of the juvenile and the interests of the state. The juvenile officer has a continuing obligation in this regard and should reevaluate

any decision in light of any new information made available to the juvenile officer. The juvenile officer must resist outside influence or pressure in filing decisions and make decisions in the context of the statutory duties of the juvenile officer with an understanding of the profound effect the decision will have on the juvenile charged, the family of the juvenile, the victim, and the community as a whole.

The juvenile officer must also be cognizant of the critical decision point formal filing represents as to disproportionate minority representation in the juvenile justice system and ensure filing decisions are consistent, culturally relevant, and necessary to ensure justice and the interests of the juvenile and state. The juvenile officer should also carefully consider the impact of filing decisions related to the necessity of registration of the juvenile as a sex offender and school related issues.

Cross-Reference(s)

Missouri Revised Statutes

§ 167.115 "Juvenile officer or other law enforcement authority to report to superintendent. . ."
§ 211.071 "Certification of a juvenile for trial as an adult. . ."
§ 211.185 "Court may order parents and child to make restitution. . . "
§ 211.425 "Registration of juvenile sex offenders. . ."

2.9 COMPETENCY

A. The juvenile officer shall make determinations regarding the competence or capacity of a juvenile in a delinquency matter on a case by case basis and examine factors including the juvenile's action immediately before, during, and after the alleged offense; the school, mental health, and juvenile court record of the juvenile; and the juvenile's age, maturity level, and experience.

B. The juvenile officer shall not initiate a delinquency proceeding on a formal or informal basis if the juvenile officer believes the juvenile lacks the developmental capacity to comprehend the difference between right and wrong and the nature of his or actions.

C. The juvenile officer shall file a motion requesting a competency examination if not previously requested by the attorney for the juvenile or ordered by the court in any delinquency proceeding if the juvenile officer has reasonable cause to believe the juvenile lacks a sufficient present ability to consult with his or her attorney and a rational and functional understanding of the pending proceeding.

Comment:

There is no current Missouri statutory or case law guidance regarding the minimum age for the jurisdiction of the juvenile court as to a juvenile alleged to have committed a delinquent act. The juvenile officer must carefully consider issues relating to the capacity and competency of a juvenile in reference to allegations of delinquency and carefully weigh each relevant factor and act accordingly.

The juvenile officer, upon the belief that a juvenile lacks the capacity to proceed on a delinquency offense, may consider proceeding formally or informally on a status offense if services from the juvenile officer would benefit the juvenile.

2.10 WAIVER OF COUNSEL

The juvenile officer shall advise the juvenile and the parent, guardian, or legal custodian of the right to legal counsel in writing at the earliest possible time in the case and shall not advocate for the juvenile to waive legal counsel.

Comment:

The juvenile officer, as the primary instrument for carrying out the goals and purpose of the Missouri Juvenile Code, must be actively engaged in the pursuit of justice, which can only be achieved by fundamental fairness in the process. Therefore, the juvenile officer must be attentive to the sufficiency of any waiver of counsel by the juvenile before proceeding in any potentially adverse

manner against the juvenile and shall in no manner advise or advocate that the juvenile waive legal counsel.

Cross-Reference(s)

Missouri Revised Statute
§ 211.211 "Right to counsel – appointed, when – waiver."

2.11 JUVENILE REPRESENTATION

After the filing of a petition or motion, the juvenile officer shall not proceed in any delinquency matter in the absence of legal counsel for the juvenile except in cases of waiver made in accordance with the law.

Comment:

As with the standard relating to the waiver of counsel by a juvenile, the juvenile officer serves as the primary instrument for carrying out the goals and purpose of the Missouri Juvenile Code and must be actively engaged in the pursuit of justice, which can only be achieved by fundamental fairness in the process. Therefore, the juvenile officer must be attentive to the issue of representation for juveniles in juvenile court and decline to proceed in delinquency matters if the juvenile is not represented by legal counsel or has not waived counsel in accordance with the law.

Cross-Reference(s)

Missouri Revised Statute
§ 211.211 "Right to counsel – appointed, when – waiver."

Missouri Supreme Court Rules
Rule 115.01 "Right to Counsel"
Rule 115.02 "Right of Juvenile to Appointed Counsel"
Rule 115.04 "Appearance by Counsel"

2.12 DISCOVERY

A. The juvenile officer shall provide information as available and may be practicable prior to the detention hearing and all discovery as soon as practicable but no later than ten days following a detention hearing or the filing of a petition or motion wherein a detention hearing is not held.

B. The juvenile officer shall, through the attorney for the juvenile officer, comply with all legal requirements for discovery in accordance with applicable Missouri rules.

C. The juvenile officer shall request discovery protective orders for any documents or records as may be appropriate and consistent with the interests of the juvenile or alleged victim in a pending proceeding.

Comment:

The juvenile officer has an obligation to provide the information that served as the basis for the filing of a petition or motion as soon as practicable to ensure the timeliness of any subsequent hearings and as a matter of fundamental fairness in the proceeding. The obligation of the juvenile officer is a continuing obligation, and the information shall be provided to each party including non-represented parties and the attorney for parties represented by counsel.

The juvenile officer should, through the attorney for the juvenile officer, file a Request for Disclosure in delinquency cases in accordance with the applicable rule, file a formal response to discovery requests from opposing counsel, conduct a diligent search of available criminal databases related to a request for prior convictions of an endorsed witness, and make available the file and information maintained by the juvenile officer, excluding any privileged information, upon prior notice and arrangements with the attorney for the juvenile officer during standard business hours and make available

photocopies from the file in a reasonable amount or provide electronic copies of the same.

The juvenile officer must consider the need to make a request of the court for a protective order for any document or record if the same is appropriate and serves the interests of the juvenile or alleged victim.

Cross-Reference(s)

Missouri Supreme Court Rule
Rule 127.11 "Discovery"

2.13 STATUS OFFENDER CONSIDERATIONS

The juvenile officer shall have written policy and procedure as to the assessment and case management processes specific to status offenders.

Comment:

Status offenders present unique challenges for the juvenile officer as the behaviors of the juvenile are problematic but non-criminal or delinquent in nature. The typical case is generally classified as low risk but is also identified as high needs, crisis-driven, and in need of immediate attention to ameliorate the issues and avoid further involvement in the juvenile justice or child welfare systems.

The juvenile officer must develop practices that divert juvenile status offenders from formal proceedings at case initiation and actively steer the family from court-based services to community-based services whenever possible.

The juvenile officer should work to engage the family and develop an array of community supported and locally-based, treatment-focused, and family-centered services tailored to the specific needs of each juvenile and family while avoiding costly and counterproductive endeavors such as detention of status offenders and lengthy out of home placements of juveniles.

2.14 SOCIAL INVESTIGATIONS AND REPORTS

A. The juvenile officer shall prepare a social investigation for dispositional proceedings in matters of juvenile delinquency and status offenses to provide the court with relevant information regarding the juvenile and family. The social investigation shall substantially conform to the suggested format included in the Missouri Juvenile Offender Risk and Needs Assessment and Classification System manual.

B. The juvenile officer shall submit documents not generated by the juvenile officer and to be offered as evidence in the original form and content.

C. The juvenile officer shall make the social investigation and any supplemental documents available to the parties a minimum of five business days prior to the scheduled hearing or as soon as practicable.

Comment:

The juvenile officer must provide relevant and meaningful information to the juvenile court to aid in appropriate dispositional orders in the form of a social investigation. The juvenile officer shall exercise due diligence to ensure the information in the report is accurate and representative of the current circumstances of the juvenile and family. The juvenile officer shall not alter documents or information, prior to offering the same as evidence, if the document or report was not generated by the juvenile officer but should call to the court's attention any information the juvenile officer believes to be inaccurate.

The juvenile officer must provide the social investigation or other information as soon as possible in the interest of ensuring each party has sufficient time to review the information and prepare to dispute information believed to be inaccurate.

Cross-Reference(s)

Missouri Supreme Court Rule
Rule 118.01 "Social Study"

2.15 FINGERPRINTS AND PHOTOGRAPHS

The juvenile officer shall not fingerprint or photograph a juvenile except as provided by law.

Comment:

Law enforcement is required by statute to fingerprint and photograph any juvenile alleged to have committed any act that would constitute a felony if committed by an adult. The juvenile officer must not assume or undertake the responsibility for fingerprinting and photographing a juvenile in the aforesaid circumstance. The juvenile officer may aid in the effort to obtain the consent of the court for photographs as needed in other circumstances.

Cross-Reference(s)

Missouri Revised Statutes
§ 43.503 "Arrest, charge and disposition of misdemeanors… procedure for certain juveniles."
§ 211.151 "Places of detention – photographing and fingerprinting, restrictions. . ."

2.16 NON-CARETAKER REPORTS

A. The juvenile officer shall have written policy and protocol related to the receipt of non-caretaker reports to the juvenile officer.

B. The non-caretaker report shall be managed in the county of residence of the juvenile.

C. The juvenile officer shall not serve as the primary investigator in a non-caretaker report.

D. The juvenile officer shall conduct a review of the report to ascertain the level of immediate risk of harm to the juvenile or others and make direct contact with law enforcement regarding the status of the investigation by law enforcement.

E. The juvenile officer shall not proceed with a non-caretaker report as a delinquent offense absent a corresponding and legally sufficient law enforcement investigation and report to the juvenile officer.

F. The juvenile officer shall cause a report to be made to the Missouri Children's Division upon reasonable cause to believe a lack of supervision issue is a substantial contributing factor to the non-caretaker report.

Comment:

The non-caretaker process is currently evolving in an attempt to correct the challenges associated with the same. The juvenile officer must collaborate with other local agencies including the Missouri Children's Division and law enforcement to establish protocols that ensure the appropriate local processes are in place in the interest of the juvenile subject to the non-caretaker report and any alleged victim.

Cross-Reference(s)

Missouri Revised Statute

§ 210.115 "Reports of abuse, neglect. . ."

SECTION THREE

Standards for Post-Disposition Delinquency and Status Offense Matters

3.1 DISPOSITIONAL CONSIDERATIONS

A. The juvenile officer shall ensure dispositional recommendations are within the appropriate statutory limitations, provide consistency for similarly situated juveniles and circumstances, and are evidence-based.

B. The juvenile officer shall contemplate each of the following dispositional considerations in making recommendations and the provision of services:

1) Dispositional services for each juvenile should consist of programming that is evidence-based and identified as a best practice, a model program, or a promising program;

2) Services should offer a balanced approach wherein the juvenile is held accountable for law violation, public safety is promoted, and the risk of the juvenile to reoffend is appropriately addressed, as well as, the collective needs of the juvenile and family;

3) The nature and frequency of dispositional services should correspond to the level of risk and needs of the juvenile identified in the Missouri Juvenile Offender Risk and Needs Assessment and Classification System;

4) The scope and extent of dispositional services shall be delineated in written form by a supervision agreement or case plan;

5) Dispositional considerations will be utilized in light of the least restrictive appropriate intervention for the juvenile;

6) Emphasis should be placed on community-based services, and, therefore, a robust, targeted, and effective continuum of community-based services should be developed by the juvenile officer through collaborative community

efforts and resource development and reallocation as may be appropriate; and

7) **Any use of secure detention shall be consistent with the legal requirements for the detention of a juvenile and consistent with the Missouri Standards for the Administration of a Juvenile Detention Facility.**

Comment:

The juvenile officer shall regularly assess the effectiveness of programs and services and ensure that all juveniles have equal access and opportunity in rehabilitative programs and services.

Cross-Reference(s)

Missouri Revised Statute
§ 211.181 "Order for disposition or treatment of child. . ."

3.2 PURPOSE AND SCOPE OF SUPERVISION

A. **The juvenile officer shall utilize supervision of juveniles to ensure accountability, develop competencies, repair harm to victims and the community, and promote public safety.**

B. **The juvenile officer shall limit the scope of supervision to that necessary to correct the behavior of the juvenile, facilitate the best interests of the juvenile, and safeguard the general public.**

Comment:

Supervision is the primary vehicle used by the Missouri juvenile justice system to meet the needs of adjudicated juveniles and informal adjustments. Supervision serves as a sanction for juveniles adjudicated in court and, in many circumstances, as a way of diverting status offenders or lower-risk juveniles from further penetration in the juvenile court system.

The focus of supervision must center on strategies to identify and implement necessary behavior modifications for the juvenile while empowering the family to manage future behavioral concerns and prevent additional referrals to the juvenile officer. The juvenile officer must give clear directives and provide written protocols for supervision practice to juvenile office personnel and service providers.

Reassessment of the status of the supervision should occur on a continual basis and, at a minimum, each ninety 90 days. Adjustments to the case plan should contemplate any new referrals, violations of the supervision agreement, progress in treatment services, and risk re-assessment changes based on the Missouri Juvenile Offender Reassessment Form. Supervision modifications should occur as may be appropriate based on the reassessment, including consideration of reducing restrictions or sanctions based on a reduction in risk factors and progress in treatment or completion of assigned sanctions or services.

The juvenile officer should monitor supervision outcomes and target recidivism as an identified reduction strategy outcome of the supervision process. The juvenile officer should also have written guidelines for necessary releases with treatment providers and the standard for contacts and receipt of reports. The juvenile officer should obtain written reports from treatment providers whenever possible.

3.3 SUPERVISION AGREEMENTS AND CASE PLANS

A. The juvenile officer shall use written supervision agreements and case plans with individualized treatment recommendations, restrictions, and sanctions that clearly state the requirements and conditions of supervision for the juvenile.

B. The juvenile officer shall prepare an individualized supervision agreement or case plan for each juvenile.

C. The juvenile officer shall include the juvenile and parent, guardian, or custodian in the development of the supervision agreement and case plan.

Comment:

A critical component of successful supervision is the involvement of the family and community stakeholders as partners in the process, including the development of the case plan. Increasing and fully engaging the support system for the juvenile will produce tangible improvements in the outcomes for the juvenile.

The recommended interventions for the juvenile must be rooted in the risk principle and focused on moderate to high-risk indicators with lesser intensive services for low-risk classifications. The services included in the supervision agreement or case plan must specifically address criminogenic needs, which are the dynamic, changeable elements directly related to the juvenile's presenting offense.

3.4 FORMAL SUPERVISION

The juvenile officer shall monitor the juvenile's compliance with the orders of the court and provide services consistent with the orders of the court and the identified needs of the juvenile and family.

Comment:

Formal supervision requires the juvenile officer to monitor the juvenile's compliance with the conditions ordered by the court. The frequency and type of contact with the juvenile in formal supervision cases should correspond to the supervision level indicated by the risk assessment and classification matrix unless otherwise ordered by the court. The recommended contact standards for formal cases are as follows:

a. High-risk supervision shall include a minimum of four face to face contacts per month at the juvenile office, the family home, school, or another appropriate community setting. The contact should include the parent, guardian, or custodian whenever possible, but minimally include one direct contact per month with the parent, guardian, or custodian. Supplemental contacts with service providers or other resources should be conducted as needed to ensure the juvenile officer remains informed of the status of treatment services or other supervision elements.

b. Moderate risk supervision shall include a minimum of two face to face contacts per month with the juvenile at the juvenile office, the family home, school, or another appropriate community setting. The contact should include the parent, guardian, or custodian whenever possible, but minimally include one direct contact per month with the parent, guardian, or custodian. Supplemental contacts with service providers or other resources should be conducted as needed to ensure the juvenile officer remains informed of the status of treatment services or other supervision elements.

c. Low-risk supervision shall include a minimum of one face to face contact per month with the juvenile, inclusive of direct contact with the parent, guardian, or custodian and collateral contacts with treatment providers as needed.

The juvenile officer should be cognizant of the responsivity principle in the management of formal supervision and ensure the services provided and the case management process parallel the relevant characteristics of the juvenile including the juvenile's gender, culture, developmental stage, the level of comprehension, reading level, mental health diagnosis, and motivating factors.

3.5 USE OF INCENTIVES AND SANCTIONS

A. The juvenile officer shall establish written policy and procedures for the use and documentation of incentives and sanctions in the supervision process.

B. The juvenile officer shall ensure consistency in the administration of incentives and sanctions for similarly situated juveniles and circumstances.

Comment:

The use of incentives and sanctions, as well as services, in general, should correspond to the best interest standard and the engagement of the family, address the needs of the juvenile and family, reduce the risk level of the juvenile, and build competencies for the juvenile. Documentation of the use of incentives and sanctions must be appropriately entered into the statewide case management system. The juvenile officer must analyze the information to ensure decisions related to future use of specific incentives and sanctions are supported by the actual outcomes and indicators.

The use of incentives and sanctions shall be strength based and graduated in scope and impact. Incentives should represent a positive reinforcement or reduction in a restriction and be used more frequently than sanctions. Incentives should be a motivating factor for the juvenile, and input from the juvenile and others involved in the juvenile's supervision should be considered in the development of meaningful incentives. Sanctions should be administered for verified violations of the conditions of supervision, correspond to the specific violation of supervision, and be initiated as soon as practicable in relation to the violation. The juvenile officer shall ensure the sanction is proportionate to the violation, and completion of the sanction shall render the issue addressed and closed.

3.6 PROGRESS REPORTS

The juvenile officer shall prepare a supervision progress report for each juvenile subject to formal supervision every six (6) months or more frequently as required by the court or conditions in the case and provide the same to all parties.

Comment:

The juvenile officer shall provide the court and parties regular reports regarding the supervision status of the juvenile. The report should address the compliance with conditions of supervision; services provided by the juvenile officer and completed by the juvenile, newly developed or improved competencies, subsequent referrals to the juvenile officer, and changes in the risk level or needs of the juvenile. The juvenile officer should include recommendations for reductions in sanctions or services based on progress, as well as recommendations for additional actions to remedy a lack of progress by the juvenile.

3.7 RISK REASSESSMENT

The juvenile officer should reassess the risk level of a juvenile subject to formal supervision every 90 days and initiate appropriate modifications to the case plan based on the risk reassessment.

Comment:

Reassessment of the status of the supervision should occur on a continual basis and, at a minimum, 90 days. Adjustments to the case plan should contemplate any new referrals, violations of the supervision agreement, progress in treatment services, and risk re-assessment changes based on the Missouri Juvenile Offender Reassessment Form. Supervision modifications should occur as may be appropriate based on the reassessment, including

consideration of reducing restrictions or sanctions based on a reduction in risk factors and progress in treatment or completion of assigned sanctions or services.

3.8 TECHNICAL VIOLATIONS

The juvenile officer shall have written policy and procedures for addressing technical violations of supervision including alternatives to placement of the juvenile in secure detention.

Comment:

Technical violations represent a failure by the juvenile to comply with a term of supervision. The juvenile officer should make attempts to address technical violations without the use of secure juvenile detention or subsequent formal filings and endeavor to remove barriers to compliance whenever possible through behavioral modification strategies and relevant sanctions. The juvenile officer must ensure prior to the request for a juvenile warrant or request to take the juvenile into custody that requisite services and sanctions have been provided or attempted and a Juvenile Detention Assessment or JDTA has been properly prepared.

The juvenile officer should also conduct a staffing involving the juvenile, family members, and other support persons and treatment providers for the juvenile to discuss recommendations for additional services or alternatives to returning to the court regarding the technical violation.

3.9 SUBSEQUENT ALLEGATIONS

The juvenile officer shall file a formal motion regarding subsequent allegations or technical violations if a change in the status of the case is requested including a

request to lift a stay of a suspended commitment to the Missouri Division of Youth Services.

Comment:

The juvenile officer should carefully consider actions that revoke the supervision of a juvenile subject to formal supervision. Any adverse actions must have a formal filing with appropriate service of the motion and discovery and the juvenile afforded a full hearing regarding the allegations and recommendations to change the status of the case.

The juvenile officer should ensure a comprehensive progress report is prepared regarding the services and interventions provided to the juvenile and family, including information regarding the educational status and the involvement and responsiveness of the juvenile and parent, guardian, or custodian to the services provided.

The juvenile shall be entitled to legal representation in any related proceeding unless a waiver of the right to legal counsel has been approved by the court.

Cross-Reference(s)

Missouri Supreme Court Rule
Rule 114.05 "Service and Filing of Other Pleadings, Motions. . ."

3.10 GRADUATED SANCTIONS

The juvenile officer shall use graduated sanctions and maintain a graduated sanctions grid representative of available services and the application of the same.

Comment:

Graduated sanctions provide a conceptual framework for the provision of services within a multi-tiered continuum of interventions that match sanctions and services to the specific characteristics and needs of the juvenile and to monitor and evaluate the impact. The graduated sanction grid should provide

a visual representation of the available services and the incremental increases in the intensity of the interventions based on repeat offenses or the severity of the offense. Graduated sanctions serve to facilitate efficient management of available resources, promote consistency in decision-making, and reduce disparity in service provision.

3.11 STATUS OFFENDER ISSUES

The juvenile officer shall have written policy and procedures regarding appropriate dispositional alternatives for juveniles adjudicated for status offenses including the available services, incentives, sanctions, and alternatives to placement in secure juvenile detention.

Comment:

The juvenile officer shall have defined processes to serve the interests of status offenders. Supervision contact standards may be consistent with those established for delinquency matters, but service provision should be tailored to the needs of status offenders and treatment focused.

3.12 JUVENILE CASE REVIEW HEARINGS

Post-dispositional case review hearings shall be held every six months or more frequently as may be necessary to review the status of the juvenile's progress with the court.

Comment:

Regular case review hearings shall be facilitated to:

a. assess compliance with the terms of supervision by the juvenile and family;

b. review the appropriateness of the efforts of the juvenile officer and treatment providers in meeting the supervision and treatment needs of the juvenile;
c. identify additional services needed;
d. resolve disputed factors related to supervision; and
e. reinforce positive change by the juvenile and parent, guardian, or custodian.

The juvenile officer should ensure that in the event additional sanctions for the juvenile are recommended, a recommended placement change is disputed, or any other adverse actions for the juvenile resulting in placement outside of the family home, including placement in secure juvenile detention, residential care, or commitment to the Missouri Division of Youth Services, shall not be recommended by the juvenile officer at a case review hearing in the absence of the filing of a motion and timely service of the same upon the parties. The juvenile is entitled to legal representation in any related proceeding unless a waiver of the right to legal counsel has been approved by the court.

Cross-Reference(s)

Missouri Revised Statute
§ 211.063 "Secure detention, limitations. . ."

Missouri Supreme Court Rule
Rule 115.01 "Right to Counsel"

3.13 SPECIALIZED SERVICES AND TREATMENT

The juvenile officer shall provide specialized services and treatment specific to the offense, gender, and culture of the juvenile to the extent practicable based on available resources.

Comment:

The goal of specialized services and treatment is to provide interventions that effectively address a juvenile's risk to reoffend and the needs of the juvenile to promote successful supervision and case outcomes. Offense-specific services should be available to the juvenile based on his or her needs. Offense-specific services may include but are not limited to sex offender treatment, truancy programs, anger management counseling, and domestic violence interventions.

Gender specific services should be offered to ensure adolescent females receive equitable services while recognizing the unique issues specific to female adolescent development. Gender specific services are based on the aforesaid understanding and should be designed to address the special needs of adolescent females and may include consideration as to education, emotional needs, physical and mental health, trauma, family relationships, social interactions, substance abuse, and sexual abuse or exploitation.

The race, ethnicity, and culture of the juvenile and family should be considered and respected when determining the appropriate services in the case management process.

SECTION FOUR

Standards for the Juvenile Officer in Matters of Child Abuse and Neglect

4.1 INITIAL REFERRAL REVIEW AND DETERMINATION

A. Upon receipt the juvenile officer shall date stamp any referral received in the juvenile office.

B. The juvenile officer shall require all referrals to be in writing and signed by the person making the referral to the juvenile officer whenever practicable.

C. The juvenile officer shall make an initial and prompt determination regarding the sufficiency of the referral and determine whether:

1) the jurisdictional elements are established in the referral;

2) the referral contains a clear statement of the act alleged;

3) there is sufficient evidence to support action by the juvenile officer; and

4) the information supports the need for action by the juvenile officer.

D. The juvenile officer shall make a written request of the referring party for additional investigation or information necessary to determine the sufficiency of the allegations in the referral and include a reasonable period for response by the referring party or person.

E. The juvenile officer shall provide, in writing, to the referring party or person the reason the referral is not sufficient to establish jurisdiction or warrant action by the juvenile office.

F. The juvenile officer shall close a case as soon as practicable upon a determination that the referral is not legally sufficient or no action is required by the juvenile officer.

G. In allegations of child abuse and neglect the juvenile officer shall require or cause a report to be made to the Missouri Children's Division if a report was not previously made to the child abuse and neglect hotline.

H. The juvenile officer shall consult with the referring party, upon request, regarding any referral rejected by the juvenile officer and review additional information or information provided during that consultation.

Comment:

The decision point for the juvenile officer at the time of receipt of a referral is especially critical in matters of child abuse and neglect. The juvenile officer must make a timely and informed decision based on the sufficiency of the referral and the evidence as well as an appropriate decision as to whether or not action should be taken and if so, what action that should be initiated in the interest of the child subject to the referral. Each decision must be made in the context of the duty of the juvenile officer to balance action that "will conduce to the child's welfare and the best interests of the state."

The juvenile officer must also be responsive to the reporting agency. The juvenile officer should remain mindful that no action is an "action" from the perspective of the reporting agency. Additionally, failure to act may place the child at risk of additional harm, so the initial review is critical. The juvenile officer must not act when there is not a legally sufficient referral or fail to act in the interests of the child when there is a basis for action and must ensure either course happens in a timely manner, as delays fail to serve the interests of all involved.

Cross-Reference(s)

Missouri Revised Statutes
§ 211.011 "Purpose of law. . ."
$ 210.115 "Reports of abuse, neglect. . ."

4.2 ROLE OF THE JUVENILE OFFICER IN CHILD WELFARE INVESTIGATIONS

The juvenile officer shall not serve as the primary investigator of child abuse and neglect.

Comment:

The juvenile officer must be cognizant of the limited role of the juvenile officer in child abuse and neglect investigations. The juvenile officer is the petitioner and must avoid any potential conflicts or an overreach of his or her authority. The Missouri Children's Division and appropriate law enforcement agency are to lead the investigative process. The juvenile officer shall adhere to the following limitations:

1) the juvenile officer shall not conduct investigations in response to reports of child abuse or neglect made to the Children's Division Central Registry Unit;
2) the juvenile officer may conduct investigations as specifically ordered by the court consistent with statutory provisions allowing the same; and
3) The juvenile officer may seek additional information or evidence as needed subsequent to the receipt of a referral in reference to child abuse or neglect and upon the placement of a child in protective custody if the jurisdiction of the court has attached.

The juvenile officer is not precluded from cooperating in child abuse and neglect investigations by this standard and shall ensure an appropriate report has been made to the Missouri Children's Division Central Registry Unit regarding any circumstance reported directly to the juvenile officer. The juvenile officer shall immediately report or cause a report to be made in any such circumstance.

The juvenile officer may also provide assistance with the multi-disciplinary team investigative process by using his or her statutory authority to file petitions in juvenile court when the allegations and investigative findings

warrant such action, taking protective custody when deemed appropriate and necessary, and properly adjudicating child abuse and neglect as well as delinquency or status offense allegations.

Cross-Reference(s)

Missouri Revised Statutes
§ 210.109 "Child protection system established by children's division. . ."

4.3 PRELIMINARY INQUIRY

The juvenile officer shall conduct a preliminary inquiry and make an informal adjustment or file a petition within 30 days of the receipt of a referral absent an extenuating circumstance related to the referral to the juvenile officer.

Comment:

It is imperative that the juvenile officer makes a timely decision regarding the course of action in the case. The juvenile officer must conduct the preliminary inquiry and proceed to an informal adjustment or the filing of the petition as soon as practicable.

Cross-Reference(s)

Missouri Revised Statute
§ 211.081 "Preliminary inquiry as to the institution of proceedings. . ."

Missouri Supreme Court Rule
Rule 111.01 "Preliminary Inquiry"

4.4 INFORMAL ADJUSTMENT

A. The juvenile officer shall not require an admission by a parent to receive an informal adjustment.

B. The juvenile officer shall provide written notice prior to the informal adjustment conference advising that the informal adjustment process is voluntary, advising as to the right to representation by an attorney, and advising that though

attendance at the informal adjustment conference is voluntary, and the juvenile officer may file a petition regarding the referral allegation the failure to participate may terminate the informal adjustment process.

C. The juvenile officer shall provide guidance and advice to the parent and obtain the written consent of the parent as to the terms of the informal adjustment and may include supervision, but supervision is not required to receive services in the informal adjustment process

D. The informal adjustment shall include the Missouri Children's Division upon request and agreement to joint efforts to assist the parent.

E. The juvenile officer shall provide a copy of the agreed upon terms of the informal adjustment to the parent and Missouri Children's Division when appropriate.

F. The informal adjustment with supervision shall include a minimum of one face-to-face contact per month with the parent and child during the period of informal adjustment when appropriate.

G. The period of informal adjustment shall not exceed a term of six months without a six month extension specifically reviewed and approved by the juvenile officer and limited to a one time extension from the date of referral or initiation of the informal adjustment, no informal adjustment can exceed a period of one year.

H. The juvenile officer shall provide written notice to the parent, guardian, or custodian of the termination of an informal adjustment stating the reason for the termination.

Comment:

The informal adjustment process is an essential component of the Missouri juvenile justice system and may also be used to serve the interests of a juvenile referred to the juvenile officer for allegations of child abuse and neglect. As in the juvenile justice process, the informal adjustment can serve as a diversionary process from formal court action. The emphasis of the informal

adjustment shifts to services to aid the parent in referrals relating to child abuse and neglect. The juvenile officer must be diligent in assessing the risk to the child in the family home and mitigate the same to the extent possible prior to entering into an informal adjustment.

A critical component of the informal adjustment process is to ensure the process is voluntary and that fundamental due process elements are protected during the informal adjustment; it is incumbent upon the juvenile officer to do so. The juvenile officer must fully advise the parent of the rights afforded to the parent during the informal adjustment as well as the potential outcomes of the informal adjustment.

Cross-Reference(s)

Missouri Revised Statute
§ 211.083 "Informal adjustments. . ."

Missouri Supreme Court Rules
Rule 112.01 "Informal Adjustment"
Rule 112.02 "Notice to Parties"
Rule 112.03 "Initial Informal Adjustment Conference"
Rule 112.04 "Termination of Informal Adjustment"

4.5 REQUESTS FOR PROTECTIVE CUSTODY

A. The juvenile officer shall review and respond to the referring agency or person within three hours of receipt of a referral for protective custody.

B. The juvenile officer shall provide an immediate written response to the agency or person requesting protective custody if the juvenile officer does not believe the request for protective custody is sufficient and the juvenile officer will not proceed with an authorization for protective custody.

C. Before making a determination as to the appropriate course of action, the juvenile officer should consider the legal sufficiency of the referral and the credibility of the evidence.

D. The juvenile officer shall provide a written response to the referring agency or person as soon as practicable if the review of the referral leads to a determination that the information is not legally sufficient for the juvenile officer to intervene. The written response shall include the basis for the decision by the juvenile officer.

E. The juvenile officer shall not authorize protective custody of any child absent a written request from the requesting agency or person unless the juvenile officer believes the child is at risk of immediate harm or threat to life based on his or her direct observation and knowledge as to the alleged child abuse or neglect.

Comment:

Each element and aspect of the protective custody process must be facilitated in a timely and legally sufficient manner. The juvenile officer must be concerned with the immediate protection of the child and the rights of the parents. The juvenile officer must make a concerted effort to maintain clear lines of communication with the investigative agency or referral source to ensure the appropriate and lawful outcome for the child. The juvenile officer should always provide written responses to requests for protective custody inclusive of the reason for the decision of the juvenile officer in circumstances where the request was not granted.

Cross-Reference(s)

Missouri Revised Statute
§ 210.125 "Protective custody of child. . ."

Missouri Supreme Court Rules
Rule 123.01 "When Juvenile May Be Taken Into Judicial Custody"
Rule 123.03 "Temporary Protective Custody"
Rule 123.04 "Court Action to Place Juvenile in Temporary Protective Custody"
Rule 123.05 "Protective Custody Hearing"

4.6 FILING CONSIDERATIONS

The juvenile officer, with the advice of legal counsel, shall consider the implications of a decision prior to filing a petition or motion alleging acts of child abuse or neglect including:

1) **the sufficiency of the investigation and admissible evidence to support the adjudication;**
2) **the impact of the adjudication on the child and family;**
3) **the availability and appropriateness of services and treatment as alternatives to an adjudication;**
4) **the amenability of the parent to alternatives to an adjudication;**
5) **the history of the parent's participation in services and treatment;**
6) **whether the extent of the implications of an adjudication for the parent and family outweighs the extent of the harm caused by the act alleged;**
7) **the safety risk to the child; and**
8) **the decisions made for similarly situated circumstances.**

Comment:

The juvenile officer, with the advice of his or her legal counsel, has an obligation to carefully and diligently screen matters as to the filing of a petition or allegations if an adjudication may not be necessary or justified and fails to serve the best interests of the child and the interests of the state. The juvenile officer has a continuing obligation in this regard and should reevaluate any decision in light of any new information made available to the juvenile officer. The juvenile officer must resist outside influence or pressure in filing decisions and make decisions in the context of the statutory duties of the juvenile officer with an understanding of the profound affect the decision will have on the child, parent, family, and the community as a whole.

The juvenile officer must also be cognizant of the critical decision point formal filing represents as to disproportionate minority representation in the juvenile justice system and ensure filing decisions are consistent, culturally relevant, and necessary to ensure justice and the interests of the child and state. The juvenile officer must also carefully consider the impact of filing decisions related to family integrity and potential trauma and protective issues for the child.

4.7 DISCOVERY

A. The juvenile officer shall provide information as available and may be practicable prior to the protective custody hearing and all discovery as soon as practicable but no later than ten days following a protective custody hearing.

B. The juvenile officer shall provide all discovery within 14 days of the filing of a petition or motion if a protective custody hearing is not held.

C. The juvenile officer shall comply with the continuing obligation to provide discovery.

D. The juvenile officer, through the attorney for the juvenile officer, shall comply with all legal requirements for discovery in accordance with applicable rules.

E. The juvenile officer shall request discovery protective orders for any documents or record containing confidential or sensitive information as may be appropriate and consistent with the interests of the child in a pending proceeding.

Comment:

The juvenile officer has an obligation to provide the information that served as the basis for the filing of a petition or motion as soon as practicable to ensure the timeliness of any subsequent hearings and as a matter of fundamental fairness in the proceeding. The obligation of the juvenile officer is a continuing

obligation, and the information must be provided to each party including non-represented parties or the attorney for parties represented by legal counsel.

The juvenile officer must consider the need to make a request to the court for a protective order for any document or record if the same is appropriate and necessary.

Cross-Reference(s)

Missouri Supreme Court Rule
Rule 123.08 "Discovery"

4.8 PRELIMINARY CHILD WELFARE PROCESS

The juvenile officer shall have written policy and procedures regarding the preliminary child welfare process.

Comment:

The juvenile officer shall appear with legal counsel for the requisite proceeding within three business days of the filing of the petition holding a full hearing and having provided notice to the parties as best practice.

Cross-Reference(s)

Missouri Supreme Court Rule
Rule 123.07 "Preliminary Child Welfare Proceeding"

4.9 GUARDIAN AD LITEM (PARENT)

The juvenile officer shall provide information to the court upon a reasonable belief that a parent in the proceeding regarding child abuse and neglect may require a guardian ad litem due to the parent's mental status, competence, or age.

Comment:

The juvenile officer should file a motion requesting the appointment of a guardian ad litem for a parent if not previously requested by the attorney for

the parent or ordered by the court in any proceeding where the juvenile officer has reasonable cause to believe the parent's mental status would necessitate the same.

Cross-Reference(s)

Missouri Revised Statutes
§ 210.160 "Guardian ad litem, how appointed. . ."

4.10 PARENT REPRESENTATION

The juvenile officer shall advise the parent of the right to legal counsel and explain the process for requesting an attorney to the parent as soon as practicable in the case.

Comment:

The juvenile officer shall advise the parent as soon as practicable of the right to legal counsel in a matter of child abuse and neglect. The juvenile officer, as the primary instrument for carrying out the goals and purposes of the Missouri Juvenile Code, must be actively engaged in the pursuit of justice, which can only be achieved by fundamental fairness in the process. Therefore, the juvenile officer shall ensure parents are fully advised of the right to representation at the earliest possible point in the process and ensure a waiver of counsel in any informal process is made by the parent with a full understanding of the potential implications insofar as the juvenile officer is able to make the parent aware of the same.

Cross-Reference(s)

Missouri Supreme Court Rules
Rule 115.01 "Right to Counsel"
Rule 115.03 "Right of Parents, Guardian or Custodian to Appointed Counsel"
Rule 115.04 "Appearance by Counsel"

4.11 PATERNITY

The juvenile officer shall assist in the establishment of paternity by soliciting and presenting any information available to the juvenile officer to the juvenile court and other agencies as may be appropriate.

Comment:

The failure to establish paternity can serve as a factor that delays permanency or impedes progress toward other appropriate placement and parental connections for a child. The juvenile officer, as a matter of best practice, must ensure paternity is established as quickly as possible for all children in protective custody in recognition of the importance of maintaining and strengthening appropriate parental connections for each child.

The juvenile officer shall immediately provide information received as to the identity and location of a putative father to the Missouri Children's Division and to the court when appropriate to facilitate paternity testing in a reasonable period of time.

The juvenile officer should request a review of the issue of paternity where paternity has not been established and document the same at every family support team meeting and juvenile court proceeding until the issue of paternity has been resolved.

Cross-Reference(s)

Missouri Revised Statutes
§ 210.817 - 852 "Uniform Parentage Act"

4.12 DISPOSITIONAL RECOMMENDATIONS BY THE JUVENILE OFFICER

A. The juvenile officer shall ensure dispositional recommendations are within the appropriate statutory limitations, provided consistently for similarly-situated circumstances, proposed in light of the least intrusive level of intervention for

the family, germane to the safety and well-being of the child, and reasonable based on the relevant factors of the case.

B. The juvenile officer shall provide information available to and utilized by the juvenile officer in formulating recommendations with all parties, including the Court Appointed Special Advocate where applicable.

Comment:

Dispositional considerations are critical to the intended outcome in matters of child abuse and neglect. Dispositional recommendations can provide a pathway to permanency and successful resolution to the case and require the juvenile officer's diligence in adhering to informed practices and collaborative problem-solving. The juvenile officer must resolve to carefully manage his or her role in the child welfare process as that of a team member and carefully consider the views of the other parties and stakeholders in making dispositional recommendations.

The juvenile officer must review the outcomes of dispositional recommendations for the intended results and be attentive to eliminating barriers to successful outcomes such as "frontloading" requirements for parents or requirements that do not meaningfully impact the safety and well-being of the child or fail to adequately address safety concerns and treatment needs of the parent or child. The juvenile officer must also ensure the application and opportunity for services in a consistent manner for similarly-situated parents, children, and circumstances.

Cross-Reference(s)

Missouri Revised Statute
§ 211.181 "Order for disposition. . ."

4.13 RELATIVE RESOURCES

The juvenile officer shall demonstrate a commitment to maintaining and strengthening family connections for the juvenile by making or supporting efforts to fully engage relatives and kinship resources as may be appropriate throughout the juvenile court process.

Comment:

The juvenile officer should assist in the identification of relative and kinship resources at the time the child enters protective custody. The juvenile officer should encourage active engagement of the relatives and kinship resources in providing ideas and support for the child and family, including specific activities to maintain or strengthen familial relationships.

The juvenile officer should aid the Missouri Children's Division in efforts toward identification of relatives or kinship resources appropriate as potential placement providers and continue to review and consider those options at every family support team meeting and juvenile court hearing. The juvenile officer should also encourage the child and family members to provide contact information for other relatives and potential kinship supports for the child and family.

Cross-Reference(s)

Missouri Revised Statutes

§ 210.305 "Grandparent placement preferred in emergency placements. . ."
§ 210.565 "Relatives of a child shall be given foster home placement. . ."
§ 211.171 "Grandparent's right to intervene in action. . ."

4.14 CAREGIVER COURT INFORMATION REPORT

A. The juvenile officer shall make available to placement providers the Caregiver Court Information Form.

B. The juvenile officer shall file with the juvenile court a Caregiver Court Information Form completed by the placement provider as soon as practicable and make the document available to the other parties.

C. The juvenile officer shall ensure the Caregiver Court Information Form is submitted as provided to the juvenile officer by the placement provider.

Comment:

The observations and input from the placement providers are critical factors in appropriate decision-making in matters of child abuse and neglect. Those engaged in the day-to-day care of the child have critical information that should be considered in any decision related to the interest of the child and – many times – the interests of the family. The juvenile officer should aid in ensuring the information is available to the juvenile court. The assistance provided by the juvenile officer does not constitute an endorsement of the information but simply a mechanism on behalf of the placement providers to provide the information to the juvenile court and other parties.

4.15 INDIAN CHILD WELFARE ACT

The juvenile officer shall comply with all requirements of the Indian Child Welfare Act.

Comment:

The juvenile officer should work cooperatively with the Missouri Children's Division and the parent of the child to determine potential eligibility for membership in a tribe or other applicable group subject to the Indian Child Welfare Act. The juvenile officer shall provide the requisite notice in a timely manner and consistent with the requirements of the Indian Child Welfare Act.

Cross-Reference(s)

Indian Child Welfare Act of 1978
25 U.S.C. § 1902

4.16 FOSTER PARENTS AND PLACEMENT PROVIDERS

A. The juvenile officer shall provide written notice of each hearing to the current foster parent, relative or kinship placement provider.

B. The juvenile officer shall include in the aforesaid notice the date, time, and location of the hearing as well as advising of the right to be heard with respect to the care, custody, and welfare of the child.

Comment:

The juvenile officer is responsible for providing timely notice as to each scheduled hearing to the foster parent, pre-adoptive parent, and relative or kinship placement provider. The notice shall include advising of the right to be heard and information regarding the date, time, and location of the hearing. The juvenile officer should provide assistance to the placement provider as to understanding the court process and be available to answer questions as may be appropriate and otherwise actively engage the placement provider to facilitate informed decision-making by the juvenile officer and to assist the placement provider as is appropriate.

Cross-Reference(s)

Missouri Revised Statutes
§ 210.566 "Foster parents/ bill of rights. . ."
§ 210.790 “Foster parent standing. . . “
§ 211.171.3 “Hearing procedure – notification of current foster parent. . .“
§ 211.453.2(3) “Service of summons. . .”
§ 211.464 “Foster parent and others. . .notice and opportunity. . .”

Missouri Supreme Court Rules
Rule 124.02 "Notice of Hearing"

4.17 COURT APPOINTED SPECIAL ADVOCATE

A. The juvenile officer shall provide written notice of each hearing to the court appointed special advocate including of the date, time, and location of the hearing.

B. The juvenile officer shall not require any reports or information on behalf of the court appointed special advocate to be presented by the juvenile officer but if the same is usual practice in a circuit pursuant to mutually agreed upon local protocols, the juvenile officer shall not alter, edit, or correct any reports or information presented on behalf of the court appointed special advocate.

Comment:

The juvenile officer is responsible for providing timely notice to the court appointed special advocate. The juvenile officer should actively communicate with the court appointed special advocate regarding the child and the assessment of the court appointed special advocate. The juvenile officer should not offer reports or information on behalf of the court appointed special advocate absent a formal agreed upon process regarding the same and, even in that circumstance, refrain from altering the information in form or substance prior to presenting the same to the court.

Cross-Reference(s)

Missouri Revised Statute
§ 210.160 "Volunteer advocates may be appointed. . ."

Missouri Supreme Court Rules
Rule 123.08 "Discovery"
Rule 124.02 "Notice of Hearing"

4.18 GRANDPARENT RIGHTS

The juvenile officer shall be cognizant of the rights of the grandparent in juvenile court proceedings.

Comment:

The juvenile officer must be mindful of the rights of a grandparent in juvenile court proceedings to receive initial emergency placement of a grandchild absent a determination placement in the home of the grandparent is not in the best interests of the child, to receive first consideration as to placement by the juvenile court absent a finding by the court that placement in the home of the grandparent is contrary to the best interests of the child, and to intervene unless the juvenile court finds intervention by the grandparent is not in the best interests of the child.

Cross-Reference(s)

Missouri Revised Statutes

§ 210.305 "Grandparent placement preferred in emergency placements. . ."
§ 210.565 "Relatives of a child shall be given foster home placement. . ."
§ 211.171 "Grandparent's right to intervene in action. . ."

4.19 TERMINATION OF PARENTAL RIGHTS FILED BY THE JUVENILE OFFICER

The juvenile officer shall ensure the timely filing and management of matters of termination of parental rights filed on behalf of the juvenile officer.

Comment:

The juvenile officer is responsible for the timely review of information that may justify the filing of a petition to terminate parental rights, or as otherwise ordered by the court. Because termination of parental rights is a complex process and involves the permanent severing of the legal relationship between the child and parent, the juvenile officer shall consult with the attorney for the juvenile officer prior to making a determination regarding the filing of a petition to terminate parental rights.

If the juvenile officer believes there is insufficient information to justify the filing of a termination of parental rights proceeding, or that the filing of such a petition would not be in the best interest of the juvenile, the juvenile officer

shall notify the requesting party in writing no later than 30 days after the information was received.

If the juvenile officer believes there is sufficient information to justify the filing of a petition for termination of parental rights, the juvenile officer shall ensure compliance as to the timeliness of the filing of a petition to terminate parental rights.

In those cases involving a juvenile currently subject to the jurisdiction of the juvenile court and placed in alternative care, the juvenile officer and the attorney for the juvenile officer should review all information that could justify the filing of a petition to terminate parental rights prior to supporting a change in the child's permanency plan to adoption.

If the juvenile officer files a petition to terminate parental rights, the juvenile officer shall comply with all requirements regarding service, the appointment of a guardian ad litem, and any other procedural requirements.

The juvenile officer should request the appointment of the same guardian ad litem and court appointed special advocate as previously appointed in the underlying juvenile court case as a matter of best practice.

Cross-Reference(s)

Missouri Revised Statutes
- § 211.447 "Petition to terminate parental rights. . ."
- § 211.452 "Petition for termination, when filed - contents. . ."

Missouri Supreme Court Rules
- Rule 125.01 "Termination, When"
- Rule 125.02 "Style and Content of the Petition"
- Rule 155.03 "Order of Proceedings"

4.20 ADOPTIONS

The juvenile officer, upon an order where adoption is the permanency plan in the matter before the juvenile court and when sufficient grounds exist for termination of parental rights based upon a voluntary consent for termination of parental rights

and adoption or abandonment by the parent, recommend an adoption staffing to facilitate the termination of parental rights and adoption by private counsel to expedite permanency for the child.

Comment:

The juvenile officer should ensure the aforesaid process for termination of parental rights and adoption in the appropriate circumstances affords the juvenile officer the ability to use the resources of the juvenile officer to manage other termination of parental rights matters in a timely manner.

Cross-Reference(s)

Missouri Revised Statute
§ 453.010 "Petition for permission to adopt. . ."

4.21 ORDERS OF CHILD PROTECTION

The juvenile officer shall have written policy and procedures for the handling of orders of child protection.

Comment:

The practice regarding the juvenile officer role in orders of child protection varies greatly throughout the state. The best practice as to orders of child protection would include a timely review of the information and an assessment of the need for action by the juvenile officer or the impact of the order on any pending case being managed by the juvenile officer.

Cross-Reference(s)

Missouri Revised Statutes
§ 455.004.1 "Juvenile court records. . ."
§ 455.513.3 “Ex parte orders, issued. . .”

SECTION FIVE

General Practice Standards for the Juvenile Officer

5.1 ALTERNATIVES TO SECURE JUVENILE DETENTION

A. The juvenile officer shall use alternatives to secure juvenile detention whenever an alternative meets the needs of the juvenile and safely serves interests of the community.

B. The juvenile officer shall have written guidelines for the use of alternatives to secure juvenile detention including a provision for a consistent application for similarly situated juveniles and circumstances.

C. The juvenile officer shall use the Juvenile Detention Assessment Instrument to assess the appropriateness of the use of an alternative to secure juvenile detention prior to the detention of a juvenile.

D. The juvenile officer shall actively engage in efforts to decrease the time a juvenile may be detained, reduce over-rides resulting in placement of a juvenile in secure juvenile detention, and the creation of meaningful alternatives to secure juvenile detention that allow for competency building and strengthening the ties of the juvenile to the community.

E. Alternatives to secure juvenile detention may include:

1) in-home confinement with supervision;

2) electronic monitoring;

3) global positioning system monitoring;

4) day or evening reporting programs;

5) substance abuse treatment;

6) medical, psychological, or psychiatric treatment;

7) **therapeutic services in a non-secure setting;**

8) **crisis intervention services;**

9) **shelter or respite care;**

10) **residential treatment;**

11) **voluntary placement with a relative;**

12) **conditional release; and**

13) **monitoring by a tracker or juvenile office personnel.**

F. **The juvenile officer shall give to the juvenile and parent, guardian, or custodian clear guidelines and expectations as to an alternative to secure juvenile detention and advise the juvenile and parent, guardian, or custodian of potential consequences, sanctions, or outcomes for violations or failure to comply with the terms of the alternative to secure juvenile detention.**

G. **Restrictive alternatives to secure juvenile detention, including in-home confinement or any form of electronic monitoring, shall require a written agreement between the juvenile, parent, guardian, or custodian, and the juvenile officer identifying the terms and limitations of the alternative to secure juvenile detention.**

Comment:

The juvenile officer should establish a robust set of alternatives to secure juvenile detention within his or her circuit. The juvenile officer should use and train juvenile office personnel in the use of a graduated alternative scale specific to the resources available in the local communities. The juvenile officer should ensure consistency in the application of alternatives to secure juvenile detention and collaborate with community-based resources to promote comprehensive alternatives and supports.

The juvenile officer should cultivate a shared understanding of the mission and focus of the alternatives to secure juvenile detention and develop measures for increasing contact, restrictions, and case management activities in response to noncompliance when appropriate. Each alternative should be grounded in a fundamental understanding of adolescent development and behavior as well as activities that address the needs of the juvenile and reflect the culture and traditions of the family. The juvenile officer should actively engage the family of the juvenile in the assessment and implementation of alternatives to secure juvenile detention.

5.2 CROSSOVER YOUTH

The juvenile officer shall have written policy and procedures to appropriately identify and serve crossover youth as part of the case management processes within the juvenile office.

Comment:

Crossover youth are at a significantly higher risk for negative outcomes than juveniles referred for child abuse and neglect or delinquency issues alone. The juvenile officer should have written policies and cooperative agreements with the Missouri Children's Division and other youth-serving agencies to ensure uniform practice in the identification and service provision for crossover youth at each decision point and stage of case management process by the juvenile officer. The juvenile officer should assess each referral in the context of identification of crossover youth to aid in the early identification during the first contact with the juvenile and family.

When possible, crossover youth should be diverted from also becoming dually-involved (simultaneously receiving services, at any level), from both child

welfare and juvenile justice systems or ultimately becoming dually-adjudicated.

The goals of a crossover youth practice model are to: reduce the number of juveniles placed in out-of-home care, reduce the use of congregate care, reduce the number of foster care children also under delinquency supervision, and to reduce the historically disproportionate percentage of minority youth and female youth who are dually-involved or dually-adjudicated. In order to meet these goals, the juvenile officer should adhere to the following best practices when working with any juvenile identified as being a crossover youth or deemed to be at high risk of becoming a crossover youth to some degree:

1) Case planning should involve the family, with a unique strengths-based plan put into effect that empowers the family to propose their own solutions and supports to address and resolve the presenting delinquency and child abuse and neglect issues. All aspects of a family-wide problem should be considered when striving for lasting family change. Case plans must be focused in scope, time limited, behaviorally specific, and outline measurable objectives for accurate tracking and reporting of case progress. The generation of one jointly-created case plan between the family and all supervising agencies is best practice to allow for minimal duplication of efforts and minimal confusion for the juvenile and family as to what actions need to be undertaken on a day-to-day basis.
2) Permanency planning (with concurrent planning from the earliest stage) must be forefront in case planning. The emphasis for all services, supports, and education for the juvenile and family should be directly relevant to helping achieve the permanency plan for the juvenile or begin preparing the juvenile for the concurrent plan should the permanency plan appear unlikely to be achieved in a timely manner.
3) Written policies should be in place, with supervisory oversight implemented, to ensure the full and timely sharing of information with

appropriate agencies and service providers, including but not limited to the Children's Division, the Division of Youth Services, mental health providers, drug and alcohol treatment providers, school administration, or case managers and social workers as well as other agencies and persons as appropriate for the juvenile's case plan. The team working with any crossover youth should meet in person with the family on at least a monthly basis to discuss service provision and progress made toward implementing the permanency plan. To assist families, required meetings with various agencies should be combined whenever possible to increase effective information sharing, reduce duplicated use of limited resources, decrease the family's time in multiple meetings, and increase the time available for case managers to provide direct resources and service provisions to the family.

4) Case management should be coordinated across agencies to prevent duplication of services and conflicting directives. One team member should be identified as the primary point of contact for all service providers for the juvenile and family, who should disseminate information to the rest of the team as quickly as situations merit. Requests for information, updates, and reports from service providers should also originate or channel through the primary contact. When possible, one deputy juvenile officer should be assigned to oversee all concurrent cases or referrals to improve the gathering and sharing of information, improve workforce efficiency, maintain productive inter-office relationships, and reduce system-related stressors and confusion for the youth and family.

5) For juveniles adjudicated regarding child abuse and neglect and, upon receipt of a delinquency or status offense referral, the juvenile officer and the existing family support team should confer on the need for diversion efforts to prevent additional formal court supervision. This staffing should determine whether or not such placement, services, education,

supervision, and accountability as might be provided for a juvenile under supervision could be safely and effectively replicated through existing case management and service providers, or additional community-based services that are readily available to serve the family. In this manner, a juvenile may receive the benefit of services without increasing the risk of further harm to the community and avoid becoming dually-adjudicated. The juvenile's willingness to fully participate in and cooperate with rehabilitative services must be taken into account.

6) For a juvenile adjudicated as delinquent and, upon receipt of a child abuse and neglect referral, the juvenile officer should confer with the Children's Division and other members of the investigative team to determine the need and availability of diversion services. The staffing should determine whether or not such placement, services, education, supervision, and parental accountability are readily available to serve the family that may prevent dual-adjudication. Consideration should be given if an allegation of child abuse and neglect could be safely and effectively managed through family and community resources. The willingness of the parent, guardian, or custodian and juvenile to fully participate in and complete such services must be taken into account.

7) The juvenile officer, Children's Division, and Division of Youth Services should conduct periodic reviews of the circuit's policies and practices with regard to crossover youth cases to evaluate the performance of involved staff, assess the effectiveness of collaboration, communication, and case planning patterns, reassessing the need for policy or practice changes, and determine joint education and training needs for front-line staff.

5.3 VICTIM RIGHTS AND ISSUES

The juvenile officer shall recognize the victim in any matter referred to the juvenile officer or subject to the jurisdiction of the juvenile court as a person with a legitimate interest in the process and remain responsive to the victim and the rights of the victim at each applicable decision point by the juvenile officer and throughout the case management process.

Comment:

The juvenile officer has a statutory and ethical obligation to consider the victim in each case. The juvenile officer must recognize and support the victim. The juvenile officer should ensure the victim is treated with dignity and respect and the rights of the victim protected throughout the juvenile justice process.

The juvenile officer shall establish written protocols to ensure victim impact statements are received, the victim is notified of hearings, a separate waiting area for victims be provided, and restitution information and all other rights and notifications are afforded to the victim consistent with the Crime Victims Bill of Rights.

Cross-Reference(s)

Missouri Revised Statutes

§ 211.171 "Hearing procedure…, victim impact statement permitted, when."
§ 211.321 "Juvenile court records… exceptions, release of certain information to victim."

5.4 CERTIFICATION

A. The juvenile officer shall consider the implications of certification and consider certification only in circumstances wherein there are issues of public safety that cannot be mitigated by supervision and services in the juvenile justice system.

B. The juvenile officer shall communicate with the prosecuting attorney regarding matters relating to certification of a juvenile and should establish a formal protocol with the prosecuting attorney regarding the review of the case in a

timely manner and the provision of information for consideration by the prosecuting attorney.

Comment:

When a petition alleges that a juvenile between the ages of 12 and 17 years of age has committed an offense that would be considered a felony if committed by an adult, the juvenile officer may move that the court dismiss the petition and transfer the juvenile to a court of general jurisdiction for prosecution under the general law. When a motion to dismiss a petition is filed, the juvenile officer shall provide the prosecuting or circuit attorney who has jurisdiction with a copy of such motion.

The juvenile officer also shall consult with the prosecuting attorney concerning any offense for which the juvenile could be certified as an adult pursuant to the agreed upon protocol. The juvenile officer also should provide written notice to the prosecuting attorney for any certification hearing to be held in juvenile court.

When a motion to dismiss a petition is filed, juvenile officer consults with the office of prosecuting attorney and shall ensure the prosecuting or circuit attorney has access to police reports, reports of the juvenile officer, statements of witnesses, and all other records or reports relating to the offense alleged to have been committed by the juvenile. The juvenile officer shall also ensure the prosecuting or circuit attorney has access to any disposition records of the juvenile that follow adjudication by the juvenile court.

For the purpose of the juvenile officer's investigation and report, the juvenile officer shall fully gather, develop, and provide all available information relevant to the criteria considered by the court in determining whether to grant the motion to dismiss for prosecution under the general law. The criteria to be covered by the investigation should be consistent with that required by statute.

The juvenile officer shall take care during the investigation and in preparing the report to observe the due process rights of the juvenile.

In fulfilling the statutory obligations, the juvenile officer shall provide credible and pertinent statistical data concerning racial disparity in the certification in the circuit or state, to the extent such information is reasonably available.

The juvenile officer should make efforts to determine the outcome of any subsequent criminal action in reference to the certified offense as a matter of best practice.

Certification is an action that should be carefully considered by the juvenile officer and only recommended in circumstances of a serious nature wherein there are no available services in the juvenile justice system.

Cross-Reference(s)

Missouri Revised Statutes
§ 211.068 "Copy of motion for certification as adult to be provided to prosecuting attorney…"
§ 211.071 "Certification of juvenile for trial as an adult…"

Missouri Supreme Court Rules
Rule 129.01 "Order for Hearing"
Rule 129.03 "Investigation"

5.5 INFORMATION SHARING

A. The juvenile officer shall keep all records and information obtained confidentially in delinquency matters unless:

1) the juvenile officer is required to disclose the records or information as discovery;

2) an adjudication has occurred in reference to an offense that would constitute a felony if committed by an adult;

3) the records of the dispositional hearing involving any other felony that would be open to the public to the same extent as that of a record of a criminal proceeding;

4) **requested by a probation officer for the limited permissible purpose relating to a presentence investigation report;**

5) **the juvenile officer is ordered to disclose information pursuant to an order of the court; or**

6) **there exists another permissible basis for the release of records or information pursuant to statute.**

B. **The juvenile officer may, in matters of delinquency, share information with victims, witnesses, school officials, law enforcement, prosecuting attorneys, and a person or agency having or proposed to have the legal or actual care of the juvenile or any person or agency providing or proposed to provide treatment for the juvenile.**

C. **The juvenile officer shall maintain all information and records related to matters of status offenses in a confidential manner and only disclose information to the parties and attorneys involved in the matter or pursuant to an order of the court.**

D. **The juvenile officer shall maintain all information and records related to matters of child abuse and neglect in a confidential manner and only disclose information consistent with the rules of discovery and to those found by the court to have a legitimate interest in the information.**

E. **The juvenile officer shall not compel any party to submit documents to the juvenile officer for filing or to be submitted as evidence.**

F. **The juvenile officer shall provide any discoverable document and secure CaseNet information used to formulate recommendations to the court with the parties subject to the rules of discovery.**

Comment:

The sharing of information is a tenuous process defined by case type and the statutory implications of the same and the prevailing need to avoid labeling or unnecessary identification of juveniles engaged in some aspect of the child

welfare or juvenile justice systems. The juvenile officer is challenged in the release of information as a critical aspect of case management is the timely receipt of relevant information from other agencies and service providers, which typically requires a reciprocal information sharing agreement. The juvenile officer must establish clear protocols related to information sharing and train juvenile officer personnel accordingly. The juvenile officer should actively engage the attorney for the juvenile officer in requests for information beyond the scope of usual case management processes to aid the juvenile officer in considering the potential legal implications of the release or sharing of information.

Cross-Reference(s)

Missouri Revised Statutes
§ 211.321 "Juvenile court records…"

Missouri Supreme Court Rules
Rule 123.08 "Discovery"
Rule 127.011"Discovery"

5.6 NOTICE TO PARTIES AND SERVICE OF PROCESS

A. The juvenile officer shall ensure all parties are provided with timely notice of proceedings consistent with applicable rules and statutes.

B. The juvenile officer shall ensure service of process is consistent with applicable rules and statutes and provided to the parties as soon as practicable.

Comment:

The juvenile officer must ensure appropriate notice and service in matters before the juvenile court. The juvenile officer, as the petitioner in the proceeding, has the burden of issues related to service. Delays or errors have potentially negative implications for the juvenile or family and fundamentally fail to meet the requirements of due process. In the course of legal processes involving juveniles and families, the need to avoid delays is paramount so the

juvenile officer must view the responsibility related to appropriate notice and service as absolute and act accordingly.

Cross-Reference(s)

Missouri Supreme Court Rules
Rule 114.01 "Summons and Service of Petition"
Rule 114.02 "Form and Content of Summons"
Rule 114.03 "Waiver of Service by Parent, Guardian or Custodian"
Rule 114.05 "Service and Filing of Other Pleadings, Motions and Notices"
Rule 129.02 "Notice of Hearing"

5.7 TIMELINESS OF PROCEEDINGS AND APPLICABLE TIME STANDARDS

A. The juvenile officer shall ensure the timely scheduling of all hearings and not be a party to undue and unnecessary delays.

B. The juvenile officer shall comply with established time standards in the scheduling of hearings to the extent such is in control of the juvenile officer and serves the interest of justice.

Comment:

The juvenile officer must ensure timely hearings in the interest of the juvenile and family. The juvenile officer should actively advocate against unnecessary delays. The juvenile officer must manage cases and resources within the juvenile office to ensure compliance with established time standards for hearings. There is likely no other legal realm where the consequences of unnecessary delays are more detrimental than in the juvenile court. Delays impact permanency for a juvenile, result in unnecessarily lengthy stays in secure juvenile detention and potentially deny necessary services and treatment to a juvenile, so it is incumbent upon the juvenile officer to guard against unnecessary delays in the interests of the juvenile and families served by the juvenile officer.

The time standards for delinquency or status offense proceedings include:

Adjudication Hearings

Hearings should be held within 45 days of the filing of the petition or motion with 50% of the hearings held.

Hearings should be held within 60 days of the filing of the petition or motion with 80% of the hearings held.

Hearings should be held within 90 days of the filing of the petition or motion with 90% of the hearings held.

Dispositional Hearings

Hearings should be held within 60 days of the filing of the petition with 80% of hearings held.

Hearings should be held within 90 days of the filing of the petition with 90% of hearings held.

Detention Hearings

Detention hearings shall be held within three business days, excluding Saturdays, Sundays, and legal holidays, from the date the juvenile was taken into judicial custody.

Requests for hearings to review the detention of a juvenile based on a change in circumstances should be held as soon as practicable.

Probable Cause Hearings (Status Offender)

A probable cause hearing shall be held within 24 hours, excluding Saturdays, Sundays, and legal holidays.

Case Review Hearings

Case review hearings should be held every six months to advise the juvenile court of the status of the juvenile's supervision.

All hearings related to matters of child abuse or neglect shall be held consistent with the statutory requirements including:

Protective Custody Hearings

Protective custody hearings shall be held within three business days, excluding Saturdays, Sundays, and legal holidays, from the date the juvenile was taken into judicial custody.

Requests for a subsequent protective custody hearing based on a change of circumstances should be held as soon as practicable.

Adjudication Hearings

Adjudication hearings shall be held within 60 days of the date the juvenile was taken into temporary protective custody.

Disposition Hearings

The disposition hearing shall be held within 90 days of the date the juvenile was taken into temporary protective custody. The disposition hearing may immediately follow the adjudication hearing upon agreement of the parties to proceed immediately to disposition.

Dispositional Review Hearings

Dispositional review hearings shall be held every 90 to 120 days following the disposition in the case for the first 12 months.

Permanency Hearings

The permanency hearings shall be held within 12 months of the date the juvenile was taken into temporary protective custody and at least annually thereafter or within 30 days of a judicial finding that reasonable efforts to reunify the family are not required.

Permanency Review Hearings

The permanency hearings shall be held within six months of the permanency hearings and at least annually thereafter.

Preliminary Child Welfare Hearing

The preliminary child welfare hearing should be held within three business days.

Termination of Parental Rights

There are no prescribed hearing timeframes for matters where a petition to terminate parent rights has been filed except for the requirement for the juvenile officer to advise the court of the status of service and to request an order for the investigation and social summary within 30 days of the filing of the petition to terminate parental rights. The juvenile officer as a matter of best practice shall have a full hearing with notice to the parties within the 30 day timeframe although not specifically required. The juvenile officer should otherwise ensure the timely processing of matters of termination of parental rights toward the end of achieving permanency for the juvenile.

Cross-Reference(s)

Missouri Revised Statutes

§ 210.720 "Court ordered custody. . . permanency hearing when, purpose."
§ 211.032 "Child abuse and neglect hearings, when held. . ."
§ 211.063 "Secure detention, limitations – probable cause hearing required. . ."
§ 211.183 "Order to include determination of efforts. . ."
§ 211.447 "Petition to terminate parental rights filed. . ."

Missouri Supreme Court Rules

Rule 123.04 "Court Action to Place Juvenile in Temporary Protective Custody"
Rule 123.05 "Protective Custody Hearing"
Rule 123.07 "Preliminary Child Welfare Proceeding"
Rule 124.01 "Schedule of Hearings"
Rule 124.05 "Untimely Hearings"
Rule 124.06 "Adjudication Hearing"
Rule 124.07 "Dispositional Hearing"
Rule 124.08 "Dispositional Review Hearing"

Rule 124.09 "Permanency Hearing"
Rule 124.10 "Permanency Review Hearing"
Rule 125.03 "Order of Proceedings"
Rule 127.08 "Detention Hearing"
Rule 128.02 "Adjudication Hearing"
Rule 128.03 "Dispositional Hearing"

5.8 INTERVIEWS OF REPRESENTED JUVENILES

The juvenile officer shall not discuss the allegations in a petition or motion with a juvenile represented by legal counsel until the matter has been adjudicated or the attorney for the juvenile has consented to the interview.

Comment:

If legal counsel has given notice to the juvenile officer that the juvenile does not wish to speak with the juvenile officer, the juvenile officer will not speak with the juvenile. The juvenile officer shall ask that the request is reduced to writing as soon as possible. The prohibition pertains to speaking with the juvenile about the allegations in the petition or motion and does not preclude the juvenile officer from having contact unrelated to the same regardless of whether the juvenile is detained or not detained in secure juvenile detention.

5.9 TRANSFER OF JURISDICTION OR SUPERVISION

A. The juvenile officers shall cooperate with each other to facilitate appropriate transfers of jurisdiction or supervision to assure transfers are in the best interests of the juvenile and family, comply with statutes, and meet requisite jurisdictional elements.

B. The juvenile officer of the requesting jurisdiction shall ensure all elements of transfer are completed in a timely manner to ensure compliance with the time standards for holding hearings.

C. The juvenile officer in matters of child abuse and neglect shall request the transfer as soon as possible and with sufficient time for the receiving court to comply with the requisite hearing timeframes.

D. The juvenile officer upon request for transfer of jurisdiction within the state shall obtain the prior consent of the juvenile officer in the receiving jurisdiction as required by law.

E. The juvenile officer shall make all requests for transfer in writing.

F. The juvenile officer receiving a request for a transfer shall provide a written response to the request as soon as practicable, but no later than 20 business days.

G. The juvenile officer, upon approval for transfer, shall complete the requisite tasks associated with the transfer as soon as practicable but not later than ten business days including the entry of the order of transfer and the transmission of all necessary documents and information.

Comment:

Transfers of jurisdiction and supervision are at times necessary to serve the interests of the juvenile and family. The juvenile officer should ensure the timely facilitation of the process and cooperate with other juvenile officers to ensure appropriate transfers.

Prior to the filing of a petition, the request for transfer may be made by any party or at the discretion of the juvenile officer. Since no court proceeding has commenced, this is generally accomplished by a letter to the receiving court, which is usually located in the county of residence of the juvenile. Other transfers are accomplished by the filing of a written motion and an order of the court granting transfer. The court, on its own motion, may also transfer a matter after the filing of a petition.

Cross-Reference(s)

Missouri Revised Statute
§ 211.031.2 "Juvenile court to have exclusive jurisdiction. . ."

5.10 COURTESY SUPERVISION

A. The juvenile officer shall assist other juvenile officers to facilitate courtesy supervision where appropriate.

B. The juvenile officer shall limit requests for courtesy supervision to those juveniles subject to the jurisdiction of the juvenile court and terms of formal supervision.

C. The juvenile officer shall obtain the consent of the juvenile judge prior to making a request for courtesy supervision.

D. The juvenile officer shall make any request for courtesy supervision in writing and provide in the request: the identifying information of the juvenile and the parent, guardian, or custodian, current contact information for the parties, the adjudicated allegations, the terms of supervision, and the requested period of courtesy supervision.

E. The juvenile officer receiving a request for courtesy supervision shall respond within five business days and provide the basis for the denial of the request if the juvenile officer is unable to comply with the request.

F. The juvenile officers requesting and accepting the courtesy supervision shall agree to the terms of the courtesy supervision within five (5) days of the acceptance to avoid any gaps in services and supervision for the juvenile.

G. The juvenile officer providing courtesy supervision at least every 90 days regarding supervision including the juvenile's compliance with the terms of supervision, the services provided to the juvenile, information regarding receipt of any subsequent referrals, and any identified changes in the risk level of the juvenile.

H. The juvenile officer providing courtesy supervision shall initiate contact with the juvenile and family within five business days of the acceptance for courtesy supervision or within five business days of the juvenile's relocation if the matter was requested prior to the juvenile's actual date of relocation to the area.

I. The juvenile officer providing courtesy supervision shall facilitate a face-to-face contact with the juvenile and parent within ten working days and maintain additional contacts consistent with the supervision level.

Comment:

Courtesy supervision is necessary at times to serve the interests of the juvenile and family. The juvenile officer must ensure the timely facilitation of the process and cooperate with other juvenile officers to ensure courtesy supervision is available as needed and appropriate.

5.11 UNIFORM JUVENILE CUSTODY AND JURISDICTION ENFORCEMENT ACT

The juvenile officer shall cooperate with officials and court personnel from other states to ensure compliance with the requirements of the Uniform Juvenile Custody and Jurisdiction Enforcement Act.

Comment:

The juvenile officer must be cognizant of the implications of the Uniform Juvenile Custody and Jurisdiction Enforcement Act. In cases involving a determination of the residence of the juvenile for purposes of initial juvenile custody determination, the county of residence of the custodial parent or legal guardian shall be presumed to be the county of residence of the juvenile. The juvenile officer may, however, take protective custody of a juvenile found to be in the county served by the juvenile officer.

Cross-Reference(s)

Uniform Juvenile Custody and Jurisdiction Enforcement Act (1997)

5.12 INTERSTATE COMPACT ON JUVENILES

The juvenile officer shall comply with the requirements of the Interstate Compact on Juveniles.

Comment:

The Interstate Compact on Juveniles has the effect of federal law and supersedes any state laws in conflict. In matters involving the Interstate Compact on Juveniles, the juvenile officer shall notify the compact coordinator for the state of Missouri and coordinate the prompt return of a juvenile to his or her home state. The juvenile officer shall, in cooperation with court officials and the compact coordinator, ensure compliance with all necessary forms and other requirements of the Interstate Compact on Juveniles.

The juvenile officer may authorize secure juvenile detention for an out of state runaway for a period of time not to exceed 24 hours in the absence of an order of the court. The juvenile court may order the secure juvenile detention of an out of state runaway pending return to the home state. The best practice for the juvenile officer would be to file a petition, obtain the order of detention, and set the matter for a detention hearing.

The juvenile officer may consider the filing of an allegation of child abuse and neglect if the juvenile cannot be released from secure juvenile detention and returned to the home state within a reasonable period of time and should conduct a review of the circumstances in not less than 30 days of the juvenile's placement in secure juvenile detention.

The juvenile officer should follow the required process for juveniles subject to supervision of the juvenile officer regarding out of state travel or placement

considerations. The juvenile officer shall ensure the appropriate documentation is provided prior to the requested out of state travel or temporary placement. The juvenile officer shall promptly respond to related issues and requests for return.

Cross-Reference(s)

Missouri Revised Statute
§ 210.570 "Text of compact. . ."

5.13 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

The juvenile officer shall comply with the Interstate Compact on the Placement of Children.

Comment:

The Interstate Compact on the Placement of Children serves to establish appropriate procedures for the safe and timely placement of juveniles outside of the state and to facilitate the timely return of any juvenile placed out of state if the out of state placement is no longer necessary or in the interests of the juvenile. The Interstate Compact on the Placement of Children also ensures that when a juvenile is placed in another state the placement is suitable and the care of the juvenile is appropriate. While the Missouri Children's Division may, as part of the Division's case management process, be the primary facilitator of issues relating to out-of-state placements, the juvenile officer should aid the Division and court where appropriate in addressing issues relating to the Interstate Compact on the Placement of Children.

The juvenile officer should aid in the process for priority home studies as may serve the interests of the juvenile and include in any order prepared by the juvenile officer the requisite language to facilitate the process.

Cross-Reference(s)

Missouri Revised Statute
§ 210.620 "Compact enacted, text of compact. . ."

5.14 VIENNA CONVENTION ON CONSULAR RELATIONS

The juvenile officer shall serve to the appropriate consulate office a copy of the petition filed in reference to a juvenile alleged to be within the jurisdiction of the juvenile court who is a foreign national or a juvenile having dual citizenship.

Comment:

The Vienna Convention on Consular Relations (1963), a multi-lateral international treaty, requires that notification of the action be provided to the consulate for the juvenile's country if the juvenile is a citizen of another country or the juvenile has dual citizenship with the United States of America and another country. The juvenile officer should attempt to obtain as much relevant information as possible and determine the appropriate consulate through the Foreign Consular Offices in the United States of America. The information as to the title of the consular officer, the facsimile number, and the mailing address of the consulate office may be obtained from the government website.

A juvenile is considered to have dual citizenship if either parent is a citizen of Mexico even if the juvenile is born in the United States of America.

Cross-Reference(s)

Vienna Convention on Consular Relations (1963)

5.15 ADOPTION AND SAFE FAMILIES ACT

The juvenile officer shall comply with relevant aspects of the Adoption and Safe Families Act consistent with the role of the juvenile officer in child abuse and neglect proceedings.

Comment:

While much of the burden as to compliance with the Adoption and Safe Families Act falls on the Missouri Children's Division, it is incumbent upon the juvenile officer to support and comply with the elements of the Adoption and Safe Families Act as well. The Adoption and Safe Families Act is intended to promote permanency for children in foster care, ensure safety for abused and neglected children, accelerate permanent placements for children, and to increase accountability in the child welfare system.

The juvenile officer should aid in the compliance with the elements of the Adoptions and Safe Families Act by initiating service of process as soon as practicable in the proceeding, assisting in the development of meaningful social service plans or written service agreements, and advising the parent of the right to an attorney and the process for obtaining an attorney during the first contact with the parent.

Cross-Reference(s)

Missouri Revised Statutes

§ 210.720 "Court ordered custody. . . permanency hearing when, purpose."
§ 211.032 "Child abuse and neglect hearings, when held. . ."
§ 211.183 "Order to include determination of efforts. . ."
§ 211.447 "Petition to terminate parental rights filed. . ."

Missouri Supreme Court Rules

Rule 123.04 "Court Action to Place Juvenile in Temporary Protective Custody"
Rule 123.05 "Protective Custody Hearing"
Rule 123.07 "Preliminary Child Welfare Proceeding"
Rule 124.01 "Schedule of Hearings"
Rule 124.07 "Dispositional Hearing"
Rule 124.09 "Permanency Hearing"
Rule 124.10 "Permanency Review Hearing" .

5.16 JUVENILE SEX OFFENDER REGISTRATION

A. The juvenile officer shall register juveniles subject to the juvenile sex offender registry consistent with the statutory requirements.

B. The juvenile officer shall notify the juvenile of the requirements of the sex offender registry in writing.

C. The juvenile officer shall conduct an annual review to verify compliance with the juvenile sex offender registry requirements within the respective jurisdiction.

Comment:

The juvenile officer serves as the gatekeeper of the juvenile sex offender registry in Missouri. The juvenile officer should make necessary provisions in his or her office to ensure the requirements for each juvenile are facilitated in a timely manner and the information is maintained as required by statute. The juvenile officer is also required to notify the juvenile of the requirements related to sex offender registration, and although not required, the juvenile officer may undertake efforts to verify the status of juveniles subject to the registry requirements to ensure compliance.

Cross-Reference(s)

Missouri Revised Statutes
§ 211.425 "Registration of juvenile sex offenders. . ."

5.17 SCHOOL INTERVENTIONS AND SAFE SCHOOLS ACT

A. The juvenile officer shall comply with the reporting and notice requirements of the Safe Schools Act.

B. The juvenile officer shall actively engage in school interventions and communications with the school that serve the interest of a juvenile receiving services from the juvenile officer or subject to the jurisdiction of the juvenile court.

C. The juvenile officer shall refrain from activities that expand the role of the juvenile officer to matters of school discipline or diminish the educational prospects of the juvenile and increase the risk of additional referrals by

identification or association as to involvement with the juvenile officer or juvenile court.

Comment:

The juvenile officer should ensure written notification is provided to the school superintendent or the designee of the superintendent of the filing of a petition or motion within five days of the allegations if a juvenile is alleged to have committed an offense subject to the Safe Schools Act. The juvenile officer should specifically provide a description of the conduct and the date of occurrence. The juvenile officer must redact the name or any identifying information regarding the alleged victim.

The juvenile officer should, following the disposition in the case, provide additional written notification to the superintendent or the designee of the superintendent indicating the disposition of the case. The juvenile officer should maintain a collaborative working relationship with the school districts to ensure cooperative processes wherein the safety of other students is not compromised and the juvenile subject to the jurisdiction of the juvenile court and supervision by the juvenile officer has a meaningful educational option.

The juvenile officer must otherwise work appropriately with the local school districts in the context of the goals of a restorative juvenile justice system. The goals are to promote public safety, hold juveniles accountable for their behavior, and develop competency in juvenile offenders. Within that context, every effort should be made by the juvenile officer to prevent juveniles from being unnecessarily inserted into the juvenile justice system, especially for minor offenses, which research frequently shows leads to poor adult outcomes including incarceration. When the referral process is initiated by schools, and the allegations involve minor offenses or non-offenses, this process is often referred to as the "school to prison pipeline."

The related best practices for the juvenile officer may include:

1) The juvenile office should ensure information submitted to the juvenile officer has been obtained pursuant to all applicable laws. Reports of delinquent offenses committed on school property should be investigated by the appropriate law enforcement agency before a referral is submitted to the juvenile officer.

2) The juvenile officer should only accept referrals for delinquent offenses committed on school property from law enforcement agencies. School officials cannot be expected to have in-depth knowledge or training regarding laws and rules associated with any investigative process, particularly as they apply to the constitutional rights afforded the juvenile in certain situations.

3) The juvenile officer should decrease the associated vulnerability of involvement in the juvenile justice system for at-risk juveniles by declining referrals submitted by school personnel when the allegation involves conduct that is a violation of school policy only. Further, the juvenile officer should work collaboratively with schools to develop opportunities that would divert students from referral to the juvenile officer for "minor school-based offenses" while still holding them accountable for misconduct and in a manner consistent with the Missouri Safe Schools Act.

Cross-Reference(s)

Missouri Revised Statutes

§ 167.115 "Juvenile officer or other law enforcement authority to report to superintendent. . ."

5.18 AMENDMENT OF PLEADINGS

The juvenile officer shall file amended pleadings in consideration of the liberty interests of the juvenile as soon as possible and promptly serve the same.

Comment:

The timeframes associated with the initial filings by the juvenile officer, particularly in matters where the initial pleading was filed on an emergency basis, may require subsequent amendment of pleadings based on the receipt of supplemental information not readily available at the time of filing and additional investigative reports.

Cross-Reference(s)

Missouri Supreme Court Rule
Rule 113.02 "Amendment of Petition"

5.19 SEARCH WARRANTS

The juvenile officer shall refer law enforcement to the office of the prosecuting attorney or circuit attorney's office when a search warrant is requested by law enforcement.

Comment:

The juvenile officer shall immediately refer law enforcement to the office of prosecuting attorney upon a request for a search warrant in a juvenile case. The prosecutor will prepare the necessary paperwork and submit the request to the judge.

Cross-Reference(s)

Missouri Revised Statutes
§ 542.266.1 "A search warrant. . ."

5.20 JUVENILE WARRANTS AND ORDERS TO TAKE A JUVENILE INTO CUSTODY

A. The juvenile officer shall ensure the timely request and submission of juvenile warrants and orders to take a juvenile into custody.

B. The juvenile officer shall make prompt requests for removal of warrants or orders to take a juvenile into custody upon the execution of the same or other circumstances negating the basis for the warrant or order.

Comment:

The juvenile officer is generally responsible for requests for juvenile warrants, pick up orders, capias, and other orders to take a juvenile into custody. The juvenile officer must be diligent in this responsibility to ensure all requests are necessary to further the interests of justice and the safety of the juvenile. Requests should be made as soon as practicable by the juvenile officer to the appropriate entity and include the necessary information to facilitate the juvenile being taken into custody. Similarly, it is incumbent upon the juvenile officer to make requests for any warrant or order to take custody of a juvenile to be withdrawn or rescinded upon a change in the status of the case if the same is no longer appropriate.

Cross-Reference(s)

Missouri Supreme Court Rule
Rule 123.01 "When a Juvenile May be Taken into Judicial Custody"
Rule 127.01 "What a Juvenile May be Taken into Judicial Custody"

5.21 CASE CLOSING AND TERMINATION OF JURSIDICTION

The juvenile officer shall ensure the prompt closing of cases and ensure written notice to the parties.

Comment:

The juvenile officer shall facilitate the prompt closing of cases to the extent the process is in the control of the juvenile officer. The juvenile officer should also make efforts to ensure written notice is provided to the parties substantiating the closing of the case or the release of jurisdiction by the juvenile court.

Cross-Reference(s)

Missouri Supreme Court Rule
Rule 119.03 "Modification of Judgment and Termination of Jurisdiction"

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SUGGESTED PERFORMANCES MEASURES AND EVALUATIVE PROCESSES

A critical aspect of the ***Missouri Juvenile Officer Performance Standards (2017)*** is the additional component of performance measures and structured evaluative processes. The performance measures and evaluative processes are intended to provide stakeholders in the juvenile justice and child welfare systems, as well as the juvenile officer and juvenile office personnel, clear performance-based outcome indicators as the same relates to the actions and services provided by the juvenile officer.

A formal review process was recommended by the Juvenile Standards Work Group in standard ***1.5 Compliance Review of the Juvenile Officer***. The work group recognized the development of the performance measures and evaluative processes must occur within the context of the formal review process that has yet to be developed. The work group, with the assistance of the research unit as the Office of State Courts Administrator, did begin identifying potential performance measures and evaluative processes as a mechanism to aid juvenile officers in initiating internal performance assessments as a precursor to the formal review process to be established.

The suggested performance measures may utilize various methods for collecting data and information including:

1. The use of business intelligence software for those measures that can be quantified such as recidivism rates. The software can interface with information already entered into the statewide case management system and calculate the measures accordingly.
2. The use of a data extraction tool by an independent analyst with expertise in the Missouri juvenile justice and child welfare systems. The data extraction tool would be developed using the established standards to be measured as the guide.
3. The use of legal experts with specialized knowledge in juvenile justice and child welfare to assess the elements of a legal nature related to policies and procedures.

4. The random sampling of cases for review to determine the appropriate application of the standards on a consistent basis. The reviews would be conducted by independent analysts and consist of the review of the files and interviews with associated parties. The structured review process as established by the Supreme Court of Missouri would guide the reviews of the files and the analogous interviews.
5. The use of surveys and other assessment tools may also be used to assess compliance with the standards and the corresponding outcomes related to compliance with the established standards.

The intended outcome of the performance measures would be to elevate practice in the interests of the children, youth, families, and communities served by the juvenile officer by identifying areas of practice requiring change or improvement, as well as substantiating the individual and collective practices that promote fundamental fairness, positive youth development, public safety, and the best interests of children and appropriate practice performed by the juvenile officers throughout the state. Specifically, the performance measures will improve controls and consistency in the day-to-day practice in the juvenile office, identify relative indicators of bias, negate unproductive practices based solely on historical and anecdotal validation, and provide a mechanism for continuous system improvement.

SECTION ONE

Administrative Standards for the Juvenile Officer

1. General Policy and Procedure

   a. Independent analyst review of the written policies and procedures for the juvenile office with a focus on including items outlined in the standards as well as the dissemination practices and regularity of updates to the policies and procedures.

   b. The proportion of juvenile office personnel receiving regular training on a yearly basis as to the juvenile office policy and procedures.

   c. The proportion of supervisory staff conducting regular audits and assessment of the application of the policies and procedures by juvenile officer personnel.

2. Organizational Chart

   The availability and accuracy of the organizational chart provided to juvenile office personnel.

3. Personnel Management

   a. The proportion of juvenile office personnel provided training on personnel policies and procedures on at least a yearly basis.

   b. Independent analyst review of the written personnel policies and procedures for the juvenile office with a focus on each item identified in the standard.

   c. The practices for disseminating personnel policies and procedures and the regularity of updates to the personnel policies and procedures.

4. Training and Staff Development

    a. The proportion of juvenile office personnel with a formal training plan in JEWELS or within the juvenile office.

    b. The proportion of supervisory personnel conducting regular assessments of application of recently learned skills and knowledge.

    c. The proportion of training plans inclusive of the requisite training elements established in the standard.

5. Performance Review of the Juvenile Officer

    a. The level of compliance by the juvenile officer with the established elements of the formal performance review.

    b. The level of compliance by the juvenile officer with providing requested information relative to the formal performance review in a timely manner.

6. Formal Complaint Process

    a. The level of compliance of the juvenile officer with cooperating in the investigation of formal complaints.

    b. The level of compliance by the juvenile officer with providing requested information relative to the formal complaints in a timely manner.

7. Conflict of Interest

    a. Independent analyst review of a randomly selected set of cases with a focus on how potential conflicts were identified and resolved.

    b. Independent analyst review of written policies related to conflicts of interest and maintenance of documentation as to any potential conflicts of interest addressed by the juvenile officer.

8. Ex Parte Communication with the Juvenile Judge

   a. Independent legal review of written policies and guidelines regarding ex parte communication with the juvenile judge.

   b. The proportion of juvenile office personnel provided training regarding the written policies and guidelines related to ex parte communication with the juvenile judge.

9. Independent Decision-Making

   Independent legal review of a randomly selected set of cases to ascertain:

   a. The consistency demonstrated by the juvenile officer in making decisions independent of the juvenile judge and presents recommendations consistent with the statutory duties and responsibilities of the juvenile officer.

   b. The percent of the time the juvenile officer demonstrates independent decision-making from the juvenile judge.

   c. The percent of time the juvenile officer presents recommendations and takes appropriate action consistent with the statutory duties and responsibilities of the juvenile officer.

10. Authority of the Juvenile Officer and Limitations

    a. The frequency of ongoing training and coaching related to the authority of the juvenile officer.

    b. The percent of time the juvenile officer exercises authority within appropriate legal and ethical boundaries as determined by an independent legal review.

11. The Juvenile Officer and Legal Representation

    a. The percent of the time the juvenile officer appears with legal counsel in juvenile court proceedings.

b. The percent of legal documents appropriately signed and filed by the attorney for the juvenile officer.
c. A legal review by an independent source of a randomly selected set of cases with a focus on compliance with the division of duties included in the standard.
d. The frequency the juvenile officer monitors juvenile officer personnel for activities that could constitute legal advice.

12. Availability of the Juvenile Officer

a. The level of compliance of the juvenile officer with having a written policies regarding the publication of contact information for the juvenile officer as reviewed by an independent analyst with a focus on the arrangements for availability.

b. The number of complaints regarding the availability of the juvenile officer.

13. Record Retention and Integrity

a. The independent analyst review of the written policies and procedures related to the secure maintenance of confidential information.

b. The proportion of appropriate records destroyed in a timely manner.

14. Juvenile Detention Assessment (JDTA)

a. The proportion of juveniles assessed with the JDTA at the time of presentation for secure juvenile detention.

b. The override rates resulting in placement of a juvenile in secure juvenile detention.
c. The juvenile detention average daily population, the length of stay, admissions and releases from detention, and new offense and failure to appear recidivism.
d. The percent of juvenile office personnel trained to administer the JDTA.
e. The percent of juveniles with available appropriate alternatives to detention.

f. Review by an independent analyst as to local practices related to the administration of the JDTA with a focus on compliance with state and local level policies.

15. Antidiscrimination and Disproportionate Minority Contact

a. The impact of the comprehensive strategy and action plan on minimizing discrimination.

b. The proportion of juveniles receiving equivalent access to culturally relevant services.

c. The number of times relative rate indices are reviewed for those referred to or receiving services from the juvenile officer.

d. The number of juvenile office personnel trained on antidiscrimination and disproportionate minority contact.

e. The proportion of juveniles receiving standardized assessments including the JDTA, risk assessment and needs assessment with corresponding outcomes.

f. The program or service outcomes at case closing.

16. Use of Solitary Confinement

a. The number of times seclusion is appropriately utilized in secure juvenile detention.

b. The number of critical incidents in secure juvenile detention.

c. The case closing outcomes.

17. Shackling of a Juvenile in Juvenile or Family Court

a. The proportion of juveniles restrained during court proceedings.

b. The appropriateness of decisions resulting in shackling as determined by an independent analyst.

18. Trauma Informed Practice and Behavioral Health

    a. The proportion of detained juveniles receiving mental health screenings.

    b. Review by an independent analyst of the policy and procedures related to behavorial health considerations by the juvenile officer as outlined in the standard.

    c. The proportion of juvenile officer personnel receiving regular behavioral health training in the context of trauma-informed care.

    d. The number of juveniles exposed to new trauma incidents while detained or during court proceedings.

19. Deinstitutionalization of Status Offenders

    a. The proportion of status offenders detained for justifiable reasons.

    b. The proportion of status offender needs matched to appropriate services.

    c. The recidivism rate for status offenders.

20. Family and Community Engagement and Collaboration

    a. Family member level of satisfaction with juvenile office services.

    b. The proportion of juvenile office personnel with professional membership in community groups.

    c. Review by an independent analyst of the extent to which the juvenile officer adheres to the standard of maintaining the family at the forefront of the compelling interests of the juvenile.

SECTION TWO

Standards for Pre-Disposition Delinquency and Status Offense Matters

1. Advisement of Rights and Parental Presence

   a. The proportion of juveniles advised of rights by the juvenile officer during a custodial interrogation by law enforcement.

   b. The percent of juveniles with a parent, guardian, custodian, or friendly adult present during questioning.

   c. A review by an independent analyst of the policies and procedures related to the advisement of rights and the role of the parent(s) or other friendly adult as outlined in the standard.

   d. The percent of cases where a determination that the juvenile understands the right relating to waiver of counsel.

   e. A review of randomly selected cases by an independent reviewer with a focus on the totality of the circumstances test as outlined in the standard.

2. Initial Referral Review

   a. The percent of referrals date stamped upon receipt.

   b. The length of time between receipt of referral and response by the juvenile officer.

   c. A review of procedures related to the initial decision as outlined in the standard conducted by an independent analyst.

   d. A review of randomly selected cases by an independent reviewer with a focus on elements of the decision by the juvenile officer in regards to timeliness, the sufficiency of the evidence, the appropriateness of action, and the contextual balance of the interests of the juvenile and the interests of the state.

3. Preliminary Inquiry

   The proportion of preliminary inquiries conducted by the juvenile officer within thirty (30) days.

4. Diversion

   a. The proportion of referrals received wherein evidence-based diversion programming is utilized by the juvenile officer.
   b. The level of compliance by the juvenile officer with developing written policies for the use of diversion programs.
   c. The level of compliance by the juvenile officer in conducting regular reviews of program outcomes related to diversion programming.
   d. The proportion of informal diversions completed without extension.
   e. The percent of referrals for prevention programming and Level 1 or 2 diversion services not entered into the statewide case management system.
   f. The rate of recidivism for juvenile participants in diversion services.

5. Informal Adjustment Conference

   a. The number of admissions made by a juvenile during the informal adjustment process used in adjudicatory hearings.
   b. The length of time for initiation of the informal adjustment process from receipt of the referral by the juvenile officer.
   c. The proportion of juveniles and parents advised of the rights and limitations of the informal adjustment.
   d. The proportion of written termination notices provided to the juvenile and parents with the reason for the termination of the informal adjustment.

6. Risk Assessment

   a. The percent of risk assessments performed for legally sufficient referrals.

   b. The proportion of actions by the juvenile officer consistent with a validated risk assessment.

   c. The rate of recidivism of juveniles subject to the risk assessment.

7. Needs Assessment

   a. The level of change in risk or needs for a juvenile subject to the needs assessment.

   b. The percent of successful discharges from services or supervision.

   c. The rate of recidivism of juveniles subject to the needs assessment.

8. Filing Considerations

   The level of compliance by the juvenile officer in considering the identified factors prior to the filing of a petition or motion.

9. Competency

   a. The proportion of juvenile office personnel with demonstrated competence in assessing the developmental capacity of juveniles.

   b. The proportion of cases wherein the evaluative factors were considered prior to the filing of a petition or motion.

   c. The proportion of cases declined for filing or the initiation of alternative actions.

   d. The proportion of motions filed requesting competency examinations for juveniles.

10. Waiver of Counsel

   a. The length of time to advisement of the right to counsel by the juvenile officer.

   b. The percent of advisement of rights in writing to the juvenile and parents.

   c. The percent of juveniles consulting with legal counsel prior to the waiver of counsel.

The percent of juveniles appointed counsel prior to formal court action.

11. Juvenile Representation

    a. The number of hearings held in which a juvenile appears without counsel.

    b. The percent of juveniles represented by legal counsel after the filing of a petition or motion.

12. Discovery

    The length of time for discovery to be provided to the parties by the juvenile officer.

13. Status Offender Considerations

    The level of compliance by the juvenile officer in developing written policies to assess and manage status offense referrals and cases.

14. Social Investigations and Reports

    a. The level of compliance by the juvenile officer in the completion of social investigations.

    b. The level of compliance by the juvenile officer in making the social investigation available to the parties.

15. Fingerprints and Photographs

    The percent of fingerprints and photographs taken by the juvenile officer.

16. Non-Caretaker Reports

    The level of compliance by the juvenile officer in establishing written policies regarding the protocol for non-caretaker reports.

SECTION THREE

Standards for Post-Disposition Delinquency and Status Offense Matters

1. Dispositional Considerations

   a. The rate of recidivism for juveniles by disposition category or related service.

   b. The increase in pro-social developmental factors for the juvenile by disposition category or related service.

2. Purpose and Scope of Supervision

   a. The rate of recidivism for juveniles participating in supervision by the juvenile officer.

   b. The increase in pro-social developmental factors for a juvenile receiving supervision by the juvenile officer.

   c. Supervision outcomes for juveniles subject to supervision by the juvenile officer.

3. Supervision Agreements and Case Plan

   a. The terms associated to specific juvenile behavior indicators.

   b. The level of compliance with terms of supervision by juveniles.

   c. The rate of recidivism for juveniles subject to supervision by the juvenile officer.

   d. Supervision outcomes for juveniles subject to supervision by the juvenile officer.

4. Formal Supervision

   a. The rate of recidivism for juvenile subject to formal supervision by the juvenile officer.

   b. The level of compliance by the juvenile officer with number of required contacts per associated risk level.

c. The level of compliance by the juvenile with the orders of the court and the terms of formal supervision.

d. Supervision outcomes for juvenile subject to formal supervision by the juvenile officer.

5. Use of Incentives and Sanctions

a. The rate of juvenile recidivism by incentive or sanction category.

b. The compliance of a juvenile with the terms of supervision.

c. The impact of specific incentives and sanctions on pro-social developmental factors.

d. The level of consistency by the juvenile officer in administration of incentives and sanctions.

6. Progress Reports

The percent of progress reports the juvenile officers provides to the court and parties every ninety (90) days.

7. Risk Reassessment

a. The percent of risk reassessments conducted by the juvenile officer every ninety (90) days.

b. The proportion of changes to the identified risk level of the juvenile.

8. Technical Violations

a. The level of compliance by the juvenile officer in developing and maintaining written policies and procedures related to the case management process for technical violations by juveniles.

b. The number of juveniles detained for technical violations.

9. Subsequent Charges

   a. The proportion of formal filings by the juvenile officer subsequent to the initial petition.

   b. The proportion of adverse actions for adjudicated juveniles absent a formal charge.

10. Graduated Sanctions

   a. The level of compliance by the juvenile officer in producing a graduated sanctions grid.

   b. The percent of juveniles receiving services consistent with the graduated sanctions grid.

11. Status Offender Issues

   a. The level of compliance by the juvenile officer in developing written policies and procedures for status offenders.

   b. The number of placements of status offenders in secure juvenile detention.

   c. The rate of recidivism by juveniles initially referred by status offenses.

12. Case Review Hearings

   a. The percent of case review hearings held within six (6) months.

   b. The percent of juveniles represented by counsel at case review hearings.

13. Specialized Services and Treatment

   a. The availability of specialized services and treatment for juveniles referred to the juvenile officer and subject to the jurisdiction of the juvenile court.

   b. The rate of service provision by the juvenile officer associated with needs assessment indicators for juveniles.

SECTION FOUR

Child Welfare Issues for the Juvenile Officer

1. Initial Referral Review and Determination

   a. The percent of referrals date stamped upon receipt.

   b. The length of time between receipt of referral and response by the juvenile officer.

   c. A review of procedures related to the initial decision as outlined in the standard conducted by an independent analyst.

   d. A review of randomly selected cases by an independent reviewer with a focus on elements of the decision by the juvenile officer in regards to timeliness, the sufficiency of the evidence, the appropriateness of action, and the contextual balance of the protection of the juvenile, family integrity, and the interests of the state.

   e. The proportion of written responses for referrals rejected by the juvenile officer.

   f. The percent of reports to the child abuse and neglect hotline for allegations not previously reported to the Missouri Children's Division.

   g. The number of consultations upon request regarding rejected referrals.

2. Role of the Juvenile Officer in Child Welfare Investigations

   The proportion of time the juvenile officer spends conducting child abuse and neglect investigations.

3. Preliminary Inquiry

   The proportion of preliminary inquiries conducted by the juvenile officer within thirty (30) days.

4. Informal Adjustment

   a. The number of admissions made by a parent during the informal adjustment process used in adjudicatory hearings.

   b. The length of time for initiation of the informal adjustment process from the receipt of the referral by the juvenile officer.

   c. The proportion of parents advised of rights and limitations of the informal adjustment by the juvenile officer.

   d. The proportion of written informal adjustment agreements provided to the parent and Missouri Children's Division by the juvenile officer.

   e. The level of compliance by the juvenile officer with the number of required contacts during the informal supervision process.

   f. The rate of subsequent filings for child abuse and neglect issues by the juvenile officer.

   g. The outcomes of informal adjustments related to child abuse and neglect.

   h. The length of time for informal adjustments.

   i. The proportion of written termination notices provided to the parent with the reason for the termination of the informal adjustment.

5. Requests for Protective Custody

   a. The proportion of requests reviewed within three (3) hours of receipt by the juvenile officer.

   b. The proportion of written responses to the referring agency or person.

   c. The time between the receipt of the request for protective custody and the written response declining further action by the juvenile officer.

   d. The percent of requests for protective custody reviewed by the attorney for the juvenile officer.

   e. The time from receipt of the referral to filing in non-emergency requests for action by the juvenile officer.

f. The proportion of verbal requests acted on by the juvenile officer.

6. Filing Considerations

The level of compliance by the juvenile officer in considering the identified factors prior to the filing of a petition or motion.

7. Discovery

The length of time for discovery to be provided to the parties by the juvenile officer.

8. Preliminary Child Welfare Process

The level of compliance by the juvenile officer in producing and disseminating written policies and procedures related to the preliminary child welfare process.

9. Guardian ad Litem (Parent)

The number of notifications to the court regarding the need to assess the parent regarding competency.

10. Parent Representation

a. The length of time to advisement of the right to an attorney and the process for requesting an attorney by the juvenile officer.

b. The percent of parents advised of the right to be represented by legal counsel and the process for requesting an attorney by the juvenile officer.

c. The percent of parents represented by legal counsel after the filing of a petition or motion.

11. Paternity

The percent of cases where paternity is established.

12. Dispositional Recommendations by the Juvenile Officer

    The time from removal or filing to permanency for the juvenile.

13. Relative Resources

    The proportion of juveniles placed in relative and kinship placements.

14. Caregiver Court Information Report

    a. The percent of placement providers provided a Caregiver Court Information Report by the juvenile officer.

    b. The number of Caregiver Court Information Reports filed by the juvenile officer.

15. Indian Child Welfare Act

    The level of compliance by the juvenile officer with the requirements of the Indian Child Welfare Act.

16. Foster Parents and Placement Providers

    The percent of written notices provided to foster parents and placement providers.

17. Court Appointed Special Advocate

    The percent of written notices provided to the Court Appointed Special Advocate.

18. Grandparent Rights

    Grandparent satisfaction regarding the interaction with the juvenile officer.

19. Termination of Parental Rights Filed by the Juvenile Officer

The time between the referral for termination of parental rights and completion of the termination of parental rights proceeding.

20. Adoptions

The percent of uncontested termination of parental rights and adoption matters handled by outside counsel.

21. Orders of Child Protection

The level of compliance by the juvenile officer in establishing written policies and procedures for orders of protection.

SECTION FIVE

General Practice Standards for the Juvenile Officer

1. Alternatives to Secure Juvenile Detention
   a. The rate of detention of juveniles.
   b. The level of compliance by the juvenile officer with establishing written guidelines and policies and procedures for alternatives to secure detention.
   c. The number of days of detention for juveniles.

2. Crossover Youth
   a. The level of compliance with establishing written policies and procedures regarding Crossover Youth.
   b. The proportion of Crossover Youth receiving formal supervision and services from the juvenile officer.

3. Victim Rights and Issues
   a. Victim satisfaction with the interaction with the juvenile officer.
   b. The time between the receipt of the referral by the juvenile officer and initial contact with the victim.
   c. Percent of restitution order by the court paid to the victim.

4. Certification
   a. The number of motions to dismiss filed by the juvenile officer by charge and juvenile characteristics.
   b. The percent of motions sustained by the juvenile court.
   c. The percent of cases petitioned requiring certification filed by the juvenile officer.

d. Recidivism by juveniles in the juvenile and adult court systems.

e. The percent of cases where the juvenile officer consulted with the prosecuting attorney prior to proceeding in juvenile court.

5. Information Sharing

The level of compliance by the juvenile officer with the permissible sharing of information.

6. Notice to Parties and Service of Process

The timeliness of notice of hearings as required of the juvenile officer.

7. Timeliness of Proceedings and Applicable Time Standards

The percent of compliance with established hearing time frames related to the requisite processes for the juvenile officer.

8. Interviews of Represented Juveniles

The number of contacts by the juvenile officer without the consent or presence of legal counsel for represented juveniles.

9. Transfer of Jurisdiction or Supervision

a. The timeliness of requests for transfer by the juvenile officer.

b. The timeliness of the transfer of information upon approval or order for transfer.

10. Courtesy Supervision

a. The timeliness of requests for courtesy supervision by the juvenile officer.

b. The timeliness of the transfer of information by the requesting juvenile officer upon approval for courtesy supervision by the receiving juvenile officer or juvenile court.

11. Uniform Juvenile Custody and Jurisdiction Enforcement Act

The level of compliance by the juvenile officer regarding custody and jurisdiction related to the Uniform Juvenile Custody and Jurisdiction Enforcement Act.

12. Interstate Compact on Juveniles

The level of compliance of the juvenile officer with the terms of the Interstate Compact on Juveniles.

13. Interstate Compact on the Placement of Children

The level of compliance of the juvenile officer with the terms of the Interstate Compact on the Placement of Children.

14. Vienna Convention on Consular Relations

The level of compliance of the juvenile officer with the notification requirements of the Vienna Convention on Consular Relations.

15. Adoption and Safe Families Act

The level of compliance of the juvenile officer with the requirements of the Adoption and Safe Families Act.

16. Juvenile Sex Offender Registration

a. The timeliness of registration of juveniles on the sex offender registry by the juvenile officer.

b. The percent of written notifications by the juvenile officer to juveniles required to register on the sex offender registry.

17. School Interventions and the Safe Schools Act

a. The level of compliance by the juvenile officer with reporting under the Safe Schools Act.

b. The academic outcomes for juveniles subject to supervision by the juvenile officer.

18. Amendment of Pleadings

The timeliness of the amendment of pleadings and service of amended pleadings by the juvenile officer.

19. Search Warrants

The percent of search warrants handled by the juvenile officer.

20. Juvenile Warrants and Orders to Take a Juvenile into Custody

a. The timeliness of requests by the juvenile officer for juvenile warrants and orders to take a juvenile into custody.

b. The timeliness of requests by the juvenile officer for removal of warrants or orders to take a juvenile into custody.

21. Case Closing and Termination of Jurisdiction

a. The percent of cases where exit interviews are performed by the juvenile officer.

b. The percent of cases with completed exit interviews.

c. The aggregate and analyzed exit interview results.

APPENDIX II - DEFINITIONS

The selected definitions included herein are legal and practice related terms commonly used by the juvenile officer and representative of the use of the term in the ***Missouri Juvenile Officer Performance Standards 2017***. The definitions may not reflect the meaning generally associated with the term by the general public or outside of the context of the role of juvenile officer.

ADJUDICATION HEARING

The juvenile court hearing wherein the court determines whether the allegation(s) contained in the petition or motion to modify filed by the juvenile officer are true and correct. *See* Rule 124.06 and 128.02.

ADOPTION

Adoption is the legal process establishing a parent-child relationship where no parent-child relationship exists. The adoption of a juvenile is dependent upon a determination by a court as to the termination of parental rights as to the natural parent(s) and any legal father. The adoption substitutes similar rights, privileges, inheritance, and duties to the juvenile to the adoptive parent(s) and provides the adoptive parents all of the powers and privileges of a natural parent. Adoption may occur for a person of any age. See §211.444 and §211.447 RSMo, §453.010 – 400 RSMo.

AGE

The following terms serve to establish the jurisdiction element related to the age of the juvenile or person in juvenile court.

Adult – A person seventeen (17) years of age or older. *See* §211.021.1(1) RSMo.

Juvenile (child) – A person under seventeen (17) years of age for status and delinquent offenses. *See* §211.021(2) RSMo.

NOTE: The age for status offenses is subject to change to eighteen (18) years of age contingent upon an appropriation by the General Assembly. *See* H.B. 1550, 2008.

Juvenile (child) – A person, regardless of physical or mental condition, under eighteen (18) years of age for child abuse and neglect matters. *See* §210.110(3) and §211.442(1) RSMo.

AFTERCARE

Aftercare generally refers to the services provided to a juvenile upon reentry to the community subsequent to an out-of-home placement related to the behavior of the juvenile. The aftercare process requires collaboration and planning in advance of the reentry of the juvenile and should include consideration as to the physical health of the juvenile, mental health services, educational or vocational needs, and family supports and services.

APPEAL

A party may request a higher court review the decision of a lower court. The process is referred to as an appeal and generally requires of the requesting party as assertion of the lower court committing a significant legal, factual, or procedural error. *See* §211.261 RSMo and Rule 120.01.

BEST INTEREST

The child welfare policy of the state of Missouri is what is in the "best interest of the child". *See* §211.011 RSMo.

Burden of Proof

The burden of proof or "persuasion" typically rests with the juvenile officer as the petitioner in juvenile court proceedings. The burden of proof in a delinquency proceeding before the juvenile court is "beyond a reasonable doubt". The juvenile officer is required to prove each element of an offense at the same standard as an adult criminal case. The "beyond a reasonable doubt" standard should offer proof that leaves no reasonable doubt in the mind of the trier of fact concerning the truth of the matters at issue. The juvenile officer must prove the allegations in status offense and child abuse and neglect proceedings by "clear and convincing evidence". The standard of clear and convincing evidence is more than a mere preponderance of the evidence but does not require the degree of certainty in the standard of beyond a reasonable doubt. *See* Rule 124.06 and 128.02. In re Winship, 397 U.S. 358 (1970); In re V.F.S., 172 S.W.3d 887 (Mo. App. 2005).

Central Registry

The central registry is the registry of persons with the Missouri Children's Division where there is a documented history of child abuse or neglect of a juvenile by the person. *See* §210.110.3 RSMo.

Certification (Transfer to a Court of General Jurisdiction)

The process generally referred to as a "certification" is a hearing on a motion filed by a party to dismiss the petition of the juvenile officer to allow for prosecution in a court of general jurisdiction or "adult court". The controlling statutes provide for certain offenses that require the court to have a "certification" hearing and delineate the necessary factors for consideration by the court. The certification process also requires of the juvenile officer to provide the prosecuting or circuit attorney a copy of the motion to dismiss to allow for prosecution in a court of general jurisdiction. *See* §211.068 and 211.071 RSMo.

Child Abuse and Neglect

Child abuse is defined in Missouri as "any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking, administered in a reasonable manner shall not be construed to be abuse". *See* §211.110(1) RSMo.

Neglect is defined as "failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or other care necessary for the child's well-being". *See* §211.110(12) RSMo.

In general terms, abuse denotes the commission of a wrongful or overt act upon the victim juvenile whereas neglect implies a deprivation or a failure to perform a duty related to the care and protection of a juvenile.

Children's Division

The Children's Division is a division of the Missouri Department of Social Services charged with the responsibility of managing the state child welfare services pursuant to §207.010 RSMo. The Children's Division provides services to children and their families in order to meet the needs of homeless, dependent and neglected children. The Children's Division also contracts with private agencies to manage cases on behalf of the agency. *See* §210.001 RSMo.

Children's Division Case Manager/Investigator

The case manager or investigator is an employee of the Children's Division or a contract agency of the Children's Division responsible for the service provision or investigation of matters of child welfare and child abuse and neglect.

COMPETENCY

Competency is the mental ability to understand problems and make decisions. The competency of a juvenile or parent in juvenile court matters is measured by the capacity to understand the proceedings, to meaningfully consult with legal counsel, and to assist in the case. *See* Chapter 552, Revised Statutes of Missouri.

CONTINUING JURISDICTION

The juvenile court may retain jurisdiction of a juvenile until the juvenile is twenty-one (21) years of age. The juvenile is subject to prosecution under general law for any violation of a state law or municipal ordinance committed after the juvenile becomes seventeen (17) years of age. *See* §211.041 RSMo.

COURT APPOINTED SPECIAL ADVOCATE (CASA)

The court appointed special advocate is appointed by the court to assist in the duties required of the Guardian ad Litem in child abuse and neglect proceedings. The court appointed special advocate may provide reports to the court and should have access to relevant information and records in the case and receive notice of scheduled hearings and family support team meetings. *See* §210.160.6 RSMo.

CUSTODIAN

The custodian of a juvenile is any person having physical custody of a juvenile in the absence of an order of the court. *See* Rule 110.04.a(5).

DELINQUENCY

The term "delinquency" generally refers to the commission of act(s) by a juvenile that would be crimes if those acts were committed by an adult.

DETENTION

The taking and retention of a juvenile into judicial custody as authorized by the juvenile officer or ordered by the court for a status or delinquent offense is referred to as "detention". *See* Rule 110.4.a(6).

DETENTION ALTERNATIVE

A detention alternative is a non-custodial substitute for placement in a secure juvenile detention center for a juvenile. The detention alternative is intended minimize harm to the juvenile while ensuring community safety and may include supervision or restrictions for the juvenile inclusive of electronic monitoring, home confinement, reporting requirements or other community based services. *See* §211.141 RSMo and Court Operating Rule 28 – Juvenile Detention Evaluation.

DETENTION FACILITY

A juvenile may be detained on a temporary basis in a juvenile detention facility approved by the court and subject to operational standards as defined by the Supreme Court of Missouri intended to provide for the appropriate care, education, and well-being of the juvenile while placed in the juvenile detention facility. *See* §211.141 and §211.151 RSMo, Rule 127.03, and Rules of Practice and Procedure in Juvenile and Family Court Divisions of the Circuit Court, Appendix A – Standards for Operation of a Juvenile Detention Facility.

DISCOVERY

Discovery is the process wherein a party attempts to obtain facts and information from the other party or parties in preparation for trial. Discovery may include the production of documents or things, depositions, interrogatories, physical and mental examinations, and requests for admissions. The juvenile officer is required to provide discovery to parties within the established timeframes and has a

continuing obligation to provide discovery pending a hearing on the petition or motion filed by the juvenile officer. *See* Rule 123.08 and 127.11.

Dispositional Hearing

The dispositional hearing represents the stage in a juvenile court proceeding wherein the court will make findings and orders of disposition. In a delinquency proceeding the court will receive a social investigation and the requisite assessments and other relevant information, hear from the victim, and may order services or sanctions for the juvenile. In a child abuse and neglect matter, the court will receive a report from the Children's Division, recommendations from the juvenile officer and other parties, and make other necessary findings and orders.

Generally at the dispositional hearing, the rules of evidence do not apply. All parties and the guardian ad litem as applicable are afforded the opportunity for testimony, to present evidence, cross-examine witnesses, and present arguments of law and fact and arguments concerning the weight, credibility and effect of the evidence. *See* §211.181 RSMo and Rule 124.07 and 128.03.

Disproportionate Minority Contact

Disproportionate Minority Contact is the term for the inequitable representation of minority juveniles in the juvenile justice system. The term includes overrepresentation of juveniles of color at particular points in the system including arrest, referral to the juvenile court, detention, and commitments to the Division of Youth Services as compared to the corresponding percentage in the general population, as well as the disparate and harsher treatment administered to juveniles of color at key decision points such as the length of the disposition, the severity of sanctions, and certification.

Ex Parte Communication

Ex parte communication may occur upon verbal or written communications with the court absent of a permissible purpose and without the consent or presence of the other parties to the case.

Family Support Team Meeting

The family support team meeting is a meeting convened by the Children's Division to determine treatment and service needs for a juvenile and family, to review placements and reunification or other permanency options, and other case planning as needed. See §210.110(9) RSMo.

Graduated Sanctions

Graduated sanctions refer to the range and continuum of services and sanctions available in the provision of services and case management processes by the juvenile officer for juveniles subject to supervision and in need of rehabilitative services. The graduated sanctions aid the juvenile officer in promoting public safety, providing consistency in case planning decisions and ensuring juveniles in need of care and treatment are connected to the most appropriate services.

Guardian ad Litem

The guardian ad litem is an attorney appointed by the court to protect the interests of a juvenile in every case involving an abused or neglected child which results in a judicial proceeding. A parent may also be appointed a guardian ad litem upon a determination the same is necessary by the court. *See* §210.160 RSMo and Rules of Practice and Procedure in Juvenile and Family Court Divisions of the Circuit Court, Appendix C – Standards with Comments for Guardians ad Litem in Missouri Juvenile and Family Court Division Matters.

Informal Adjustment

The informal adjustment is an alternative to a formal juvenile court proceeding wherein a juvenile and the juvenile's parent, guardian, or custodian are provided services, guidance, and advice from the juvenile officer. *See* §211.083 RSMo and Rule 112.01-04.

Indigent Person

Indigency is a required element for a person to be deemed by the court to lack sufficient resources to afford an attorney to be eligible for appointed counsel. *See* §211.211.1 RSMo and Rule 115.01-03.

Interstate Compact on Child Placement

The Interstate Compact on Child Placement is a treaty among the signatory states enacted to ensure the timely, safe, and appropriate placement of children in child abuse and neglect matters wherein the child is in the legal custody of the Missouri Children's Division or the comparable division of another state. *See* §210.620, Article I-XVIII RSMo.

Interstate Compact on Juveniles

The Interstate Compact on Juveniles is a treaty between the signatory states enacted for the purpose of cooperative supervision of delinquent juveniles and the return of juvenile absconders or runaways. *See* §210.570, Article I-XIII RSMo.

Juvenile Detention Evaluation

The Juvenile Detention Evaluation, commonly referred to as the "JDTA" is an objective tool to aid the juvenile officer in decisions relating to the detention of a juvenile. The Juvenile Detention Evaluation is an evidence-based practice having been tested and validated and contemplates risk to public safety, the likelihood a juvenile will fail to appear for court, and the appropriateness of alternatives to

detention. The juvenile officer is required to perform the Juvenile Detention Evaluation prior to the detention of a juvenile. *See* Court Operating Rule 28 – Juvenile Detention Evaluation.

JURISDICTION

Jurisdiction refers to the power of a court to hear a specific kind of case. The juvenile court is a court of limited jurisdiction having the power and authority to hear only those specific cases enumerated by statute. The juvenile court is a court of "exclusive" jurisdiction and therefore the only court that may hear the kinds of cases over which the juvenile court has jurisdiction. The juvenile court is authorized to hear cases of juvenile delinquency, status offenses, child abuse and neglect matters, termination of parental rights, as well as adoptions and the commitment of a juvenile to the guardianship of the Missouri Department of Social Services. *See* §211.031.1 and §211.452 RSMo and Chapter 453, Revised Statutes of Missouri.

JUVENILE COURT

The juvenile court is the juvenile division of the circuit court in a circuit that has not established a family court pursuant to Chapter 487, Revised Statutes of Missouri or judges while hearing juvenile cases assigned to them. *See* §211.021.1(3) and Rule 110.04.a(14).

JUVENILE OFFICER

The juvenile officer is the "primal instrument" for carrying out the mission and objectives of the Missouri Juvenile Code. The juvenile officer performs various functions in the juvenile court process and the provision of services and supervision to juveniles subject to the jurisdiction of the juvenile court. The term "juvenile officer" generally referenced in a manner inclusive of deputy juvenile officers and other court personnel authorized to exercise the powers of the juvenile officer.

Juvenile Referral Report

The juvenile referral report is the initial information provided to the juvenile officer from the referring agency inclusive of the identifying information and basis for the jurisdiction of the juvenile court.

Needs Assessment

The juvenile officer is required to complete the Missouri Juvenile Offender Needs Assessment for all juveniles with a legally sufficient referral for a delinquent or status offense. The needs assessment provides information to the juvenile officer as to the psychosocial needs of the juvenile and provides guidance regarding necessary services to aid in the rehabilitative or treatment process. *See* §211.141.4 RSMo.

Non-Caretaker Reports

Non-caretaker reports are the result of a report to the child abuse and neglect hotline wherein personnel of the Missouri Children's Division have determined the alleged perpetrator of the abuse did not have "care, custody, or control" of the juvenile and therefore is not subject to the provisions of the Division's investigative process. The non-caretaker reports are sent to the juvenile officer and law enforcement agency where the alleged act of abuse occurred pursuant to Children's Division Policy. The Children's Division has established a protocol for juveniles with problem sexual behavior and will conduct an assessment and offer services for juveniles under the age of fourteen (14) pursuant to the current protocol.

See http://dss.mo.gov/cd/info/cwmanual/section2/ch1/sec2ch1sub2_2.htm

PARENT

The parent of a juvenile is any presumed father, natural parent, legal parent, or a parent by adoption, whose parental rights have not been terminated. *See* Rule 110.04.a(19).

PARTY

A party to a juvenile court proceeding includes the juvenile, the parents, guardian and custodian of the juvenile - except a foster parent does not have party status at this time, the juvenile officer, the Children's Division wherein the Division has legal custody of the juvenile or provides services to the juvenile, and any other person identified by statute or order of the court. *See* Rule 110.04.a(20).

PROBABLE CAUSE

Probable Cause exists where the facts and circumstances would warrant a person of reasonable caution to believe an offense was committed or is being committed including acts of juvenile delinquency or child abuse and neglect.

PROTECTIVE CUSTODY

The taking and retention of a juvenile into judicial custody as authorized by the juvenile officer, a law enforcement officer, or physician or as ordered by the court for child abuse and neglect is referred to as "protective custody". *See* Rule 110.4.a(25).

REASONABLE EFFORTS

Reasonable efforts require of the Missouri Children's Division reasonable diligence and care to utilize all available services to the Division in meeting the needs of the juvenile and family. *See* Rule 110.4.a(26).

Relative

A relative of a juvenile is a person related to the juvenile by blood, adoption, or affinity within the third degree. *See* Rule 110.4.a(27).

Risk Assessment

The juvenile officer is required to complete the Missouri Juvenile Offender Risk Assessment for all juveniles with a legally sufficient referral for a delinquent or status offense. The risk assessment provides information to the juvenile officer as to the relative likelihood of subsequent referrals for law violations or other offenses. The risk assessment provides guidance to the juvenile officer in an objective manner as to the appropriate response level necessary to promote community safety and the interests of the juvenile. *See* §211.141.4 RSMo.

Solitary Confinement

The isolation or seclusion of a juvenile while in the custody or under the direct control of the juvenile officer in the absence of an immediate physical protection issue.

Status Offense

A status offense is an act committed by a juvenile that would not be considered a crime if committed by an adult including truancy, beyond parental control, runaway, behavior and associations injurious to the welfare, and other acts that are applicable to juveniles. *See* §211.031.1(2) RSMo.

Technical Violation

A technical violation is a violation of a term or condition of supervision that does not constitute a law violation. Technical violations may include failure to attend counseling, failure to pay court fees, failure to abide by an assigned curfew, and associating with prohibited individuals.

Trauma Informed Services

Service provision cognizant of the impact of violence and victimization on the development and coping skills of the juvenile and family.

Valid Court Order

A valid court order is a term related to the detention of status offenders and is specifically an order issues by a court of competent jurisdiction regarding a juvenile who has been brought before said court, which sets forth specific conditions of behavior for the juvenile and the consequences of violations of the conditions. *See* §211.063.2(2).

Warrant

A warrant is an order of the court to take a juvenile in to custody and may be in the form of a "summons", "capias", "pick-up order", "juvenile warrant", or other written order by the court. *See* 211.101.3 and §211.121 RSMo and Rule 127.01.