

# SB 200

## Overview and Implications

Rachel Bingham

JR Hopson

Melissa Goins



# Presentation Overview

- Juvenile Code Task Force findings
- F.A.I.R. team overview
- General information for community partners
- Training requirements
- Data tracking



# Task Force Members



**Senator Whitney Westerfield**  
Co-Chair  
Hopkinsville



**Representative John Tilley**  
Co-Chair  
Hopkinsville



**Hasan Davis**  
Commissioner, DJJ  
Frankfort



**Mary Noble**  
Supreme Court Justice  
Frankfort



**Teresa James**  
Commissioner, DCBS  
Frankfort



**Harry Berry**  
County Executives  
Elizabethtown

Image  
Not  
Available

**Judge Lisa Jones**  
Judges  
Owensboro



**Bo Matthews**  
Education  
Glasgow



**Steve Gold**  
Prosecutors  
Henderson



**Pam Priddy**  
Private Providers  
Lexington



**Glenda Edwards**  
Dept. of Public Advocacy  
Frankfort

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Available

**Dr. John Sivley**  
Mental Health  
Bowling Green



Youth locked up for status offenses



**4<sup>th</sup> highest**

**among**

**50 states**



Data reported by Coalition for Juvenile Justice

# DJJ spends half of \$102 million budget on out of home placement



Out-of-home placements  
and secure detention



All other Department of  
Juvenile Justice expenses

1 secure detention bed = \$87,000 per year



# In addition...

- DCBS spent \$6 million in fiscal year 2012 for out-of-home placement of status offenders.

**\$6 MILLION**



# Task Force Findings

- Significant resources are used on out-of-home residential placement for low-level status and public offenders.



# Task Force Findings

- Time violators/misdemeanants spend out-of-home is about the same as those adjudicated on felonies.
  - Has increased 31% and 21%, respectively over the past decade. Hundreds of status offenders are spending 8 ½ months out-of-home.
- Lack of community services/alternatives has likely contributed to DJJ and DCBS commitments and more youth being placed out-of-home.



# SB 200: Key Points

- Provides for effective use of resources to hold offenders accountable, achieve better outcomes for youth/families and maintain public safety.
- Key questions:
  - (1) Are the right resources used on the right youth to produce better outcomes?
  - (2) Does Kentucky use timely, quality treatment and supervision to hold youth accountable?
  - (3) How will we know if it is working?



Currently, many children have complaints dealt with through diversion

**27,582 Complaints**



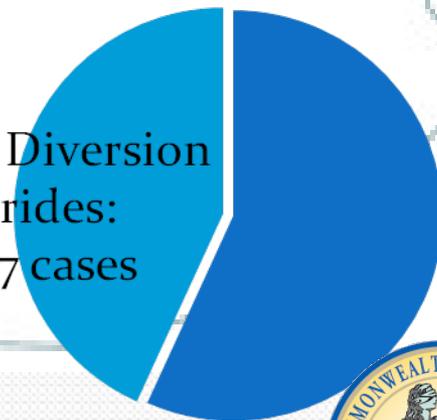
**Dismissed:  
1,521 cases**

**Diversion Tried:  
11,074 Cases**

**Formally processed:  
14,982 Cases**



43% Diversion  
overrides:  
6,477 cases



# Enhanced CDW Process Overview

- Enhances CDW procedure by requiring evidence-based assessments, practices, and programs to provide interventions that are consistent with research.
- Portions of the bill have delayed implementation.
- Establishes a review process to provide oversight to the work of the CDW and provide recommendations.
  - Court remains an option for cases that are unsuccessful in this process.



# Court Designated Specialist

- Receive referrals from CDWs; family/child deemed “High Need”
- Case will be presented to CA once per month for up to 6 months with updates on progress
- If CA deems progress not significant, they can refer case to court



# Referrals to Specialist

- Public and Status cases that are labeled “high need”
- Status Cases in which :
  - a child has failed to appear for a preliminary intake inquiry,
  - declined to enter into a diversion agreement, or
  - failed to complete the terms of the agreement; and



# Court Designated Specialist

- Upon referral, specialist will take over case management until case is resolved
- Family engagement, mediation, trauma informed care approaches utilized
- Administers GAIN-Q
- Refers to FAIR team
- Negotiates diversion; monitors terms
- Reports monthly to CA
- Close case either as successful or CA ct referral

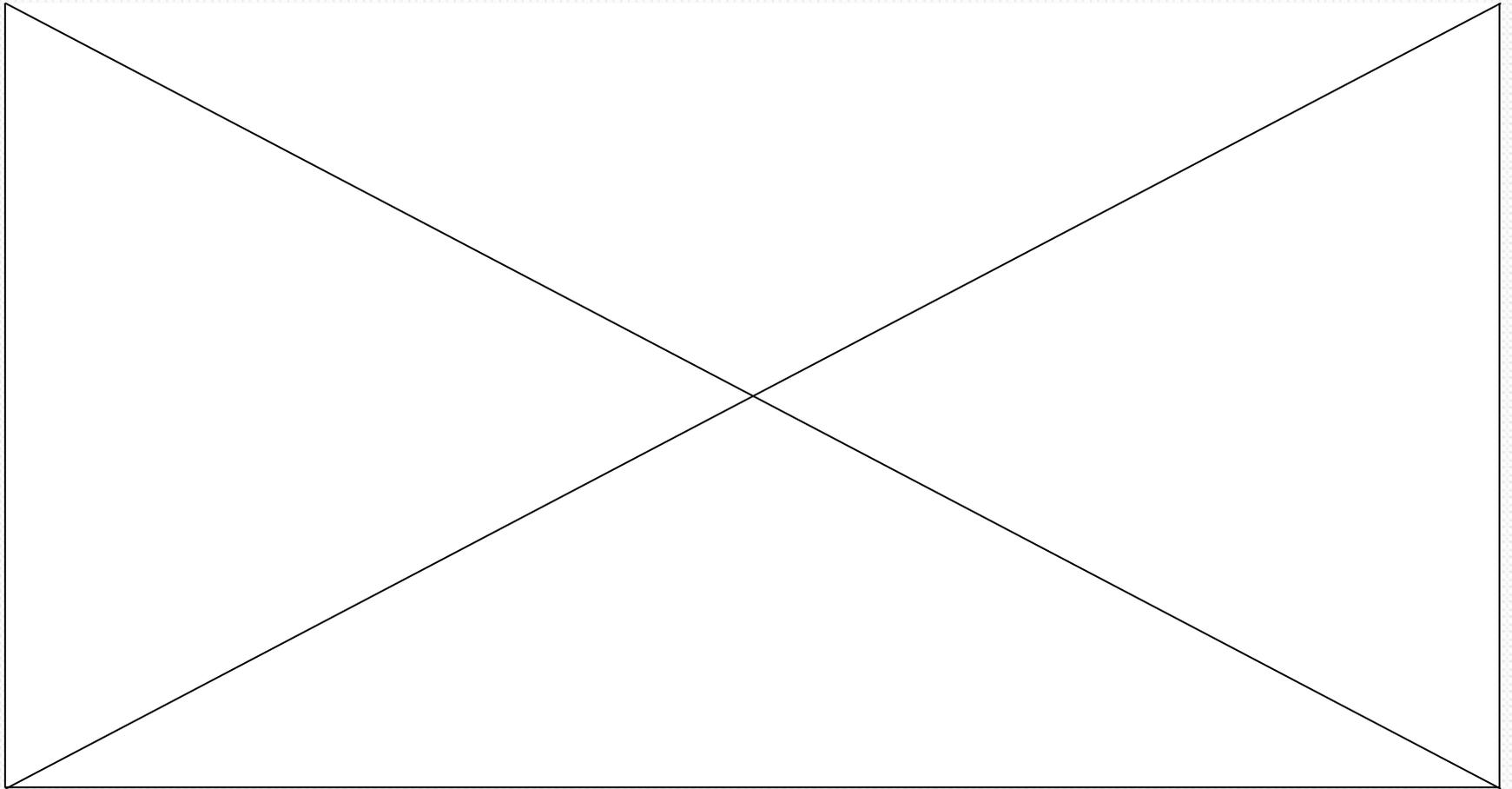


# Court Referrals from Specialist

- Notify FAIR team & document recommendations
- Consult other professionals w/ case involvement for additional recommendations
- Track case through court process & document outcomes



# Collaborating with the FAIR team



# FAIR Teams: KRS Chapter 605

- *(1) There is hereby created in each judicial district a family accountability, intervention, and response team that shall develop enhanced case management plans and opportunities for services for children referred to the team.*
- Section 26 is found on page 62 and 63 of the bill and should be read closely for full details



# FAIR Teams: Members

- Specified Regional Inter Agency Council (RIAC) members
- Representatives of:
  - Local Court Designated Worker Office
  - Department of Community Based Services “knowledgeable about services available through the cabinet and authorized to facilitate access to services”
  - County Attorney
  - Department for Public Advocacy
  - Local school rep
  - Law enforcement rep
- “Other persons interested in juvenile justice issues, as identified by the family accountability, intervention, and response team, who are necessary for a complete representation of resources within each judicial circuit or district”.



# FAIR Teams: CDW Leader

- “A court-designated worker from within the judicial circuit or district **shall lead the team and be responsible for convening and staffing the team**”.



# FAIR Teams: Case Management

- The team shall review:
  - Make Specialist referrals involving cases in which:
    - a child has failed to appear for a preliminary intake inquiry (status),
    - declined to enter into a diversion agreement (status),  
OR
    - failed to complete the terms of the agreement (status);  
OR
    - CDW deems “high need”



# FAIR Teams: Actions

- After review of CDW actions (referrals, efforts to address UNS, and whether other appropriate services are available):
  - Refer the case back to CDW to take further action as recommended by team; or
  - Advise CDW to refer the case to CA if the team has no further recommendations to offer.



# General Information re: Community Partners



# Less Commitment of low-level offenders

- Commitment for misdemeanor and Class D offenders restricted *unless they*:
  - Are adjudicated for a deadly weapon offense;
  - Have a sex offense;
  - Have three or more prior adjudications.



# RIACs and FAIR Teams

- KRS 200.505 Section 18. now includes:

(b) Direct each regional interagency council to:

1. Coordinate services to children with an emotional disability and identify factors contributing to a lack of coordination; and
2. Participate in family accountability, intervention, and response teams established pursuant to Section 26 of this Act;



# CDW Training Implications

Certain staff training is required and will be met through a training plan currently under development



# Must provide CDWs training on:

- Evidence-based screening instruments;
- Identification of appropriate services;
- Techniques for diversion agreement implementation/ supervision;
- Recognition of signs of trauma, disability, behavioral, mental health, or substance abuse issues (related to finding services);
- JJ research, best practices, and
- “Any other subject deemed appropriate and available”.



# Graduated Sanctions (CDWs)

- The AOC shall develop a graduated response protocol, consisting of a continuum of responses from the least restrictive to the most restrictive for CDWs to utilize in response to violations of the terms of a diversion agreement.



# Data Tracking



# AOC will track and report to Oversight Council on:

- # and type of complaints received by each CDW;
- Outcome of each complaint, (including referrals to CA or DCBS);
- Whether a child w/ a successful diversion is adjudicated a public offender or convicted in adult court of a criminal offense within 1 year.
- Identifiable CDW information shall not be provided but shall be retained by AOC for appropriate action.



# Other AOC duties

- Provide TA to judicial districts in implementing fiscal incentive program (2-3 yrs ahead of us)
- Report annually to school districts an inventory of local programs and service providers

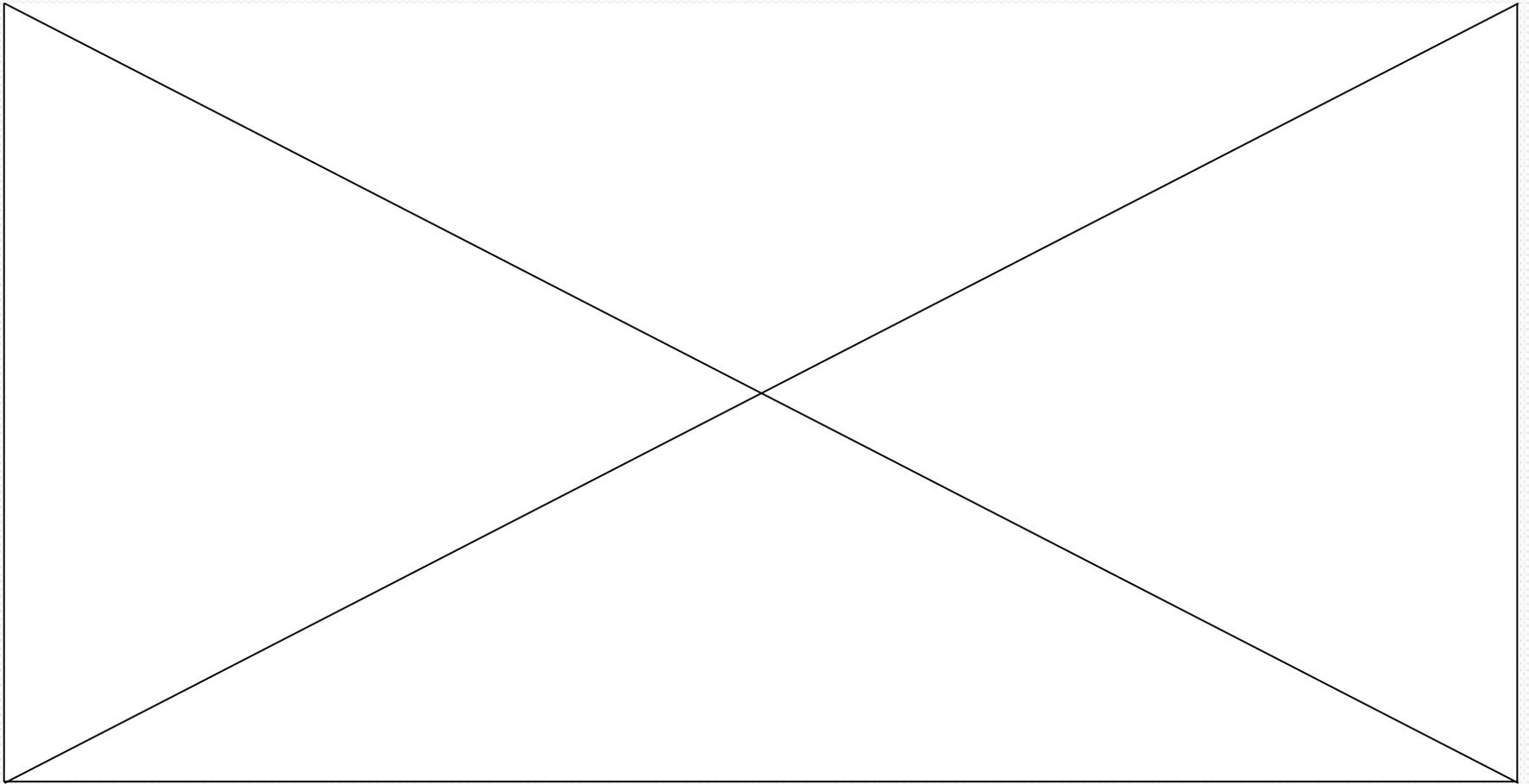


# Next Steps

- Develop graduated response protocol for CDWs to utilize in response to diversion agreement violations
- Communication and Collaboration Plan for FAIR teams
- Define High Risk Cases
- Pilot sites
- Hire Specialists



# Lone Nut & the First Follower: Start the Movement in Your Community!



Additional information, please contact:

**Rachel Bingham, Executive Officer**

**Department of Family and Juvenile Services**

**Administrative Office of the Courts**

**[rachelb@kycourts.net](mailto:rachelb@kycourts.net)**

