

CONNECTICUT YOUTH SERVICES ASSOCIATION



Connecticut Youth Services Association's

Recommended Best Practices Connecticut's Youth Service Bureau Service Delivery Model For Juvenile Review Boards *Adopted January 14, 2010*

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Mission Statements

Connecticut Youth Services Association (CYSA)

CYSA, the professional organization that serves as the collective voice of the Connecticut Youth Service Bureau system, is dedicated to promoting quality services for Connecticut's children, youth and families.

Youth Service Bureau (YSB)

Established by Connecticut General Statutes §10-19m and operated directly by one or more municipalities, a YSB is designed for the purposes of evaluation, planning, coordination and implementation of a network of resources, services and opportunities for children, youth and their families.

YSBs are the coordinating unit of community-based services to provide comprehensive delivery of prevention, intervention, treatment and follow-up services and programs to help children, youth and families develop positively and to function as responsible members of their communities.

Juvenile Review Board (JRB)

Consisting of representatives from the YSB, schools, police, court and the community, JRBs offer a community based alternative to families experiencing school, family and minor criminal issues and offers community based solutions to deal these issues while avoiding the delays, costs and stigma associated with the court and legal system.

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Introduction

Welcome!

The standards contained in this document are recommended guidelines for operating a Juvenile Review Board as adopted by the Connecticut Youth Services Association. The Standards of Professionalism, Recommended JRB Standards and Procedures and Code of Ethical Conduct are designed to ensure that each member of a Juvenile Review Board, and the process utilized by the Board, uphold the highest standards of trust, confidentiality, fairness and impartiality when discharging the duties and responsibilities of the Board to protect the rights and privileges of the children and families appearing before it and to preserve the rights and interests of any victims, the community, as well the integrity of the Board and its members and associated agencies.

The intended purpose of this user-friendly document is to provide not a set of mandates, but rather a set of standards recommended by the CYSA Juvenile Review Board Advisory Committee, (established in 2005) and adopted by the CYSA Board of Directors on January 14, 2010.

Whenever confronted with a question regarding the ethical or legal nature of a Juvenile Review Board case, policy, or protocol, please feel free to contact a member of the CYSA Board of Directors and/or its JRB Advisory Committee. A member of the committee will gladly assist and direct you to the appropriate resources available to answer complex questions.

Contact Information for the JRB Advisory Committee:

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Connecticut Youth Services Association

STANDARDS OF PROFESSIONALISM

The actions of all those involved as members or associated staff of a Juvenile Review Board should meet the highest standards of professionalism based upon the following universal elements of youth work:

- **Act fairly**

The JRB will encounter children and families that are confronting problem situations with exposure to the juvenile justice system. They need to feel confident that their decision to forego the court process and instead utilize a community based program such as the JRB will still afford them with treatment that is fair.

It is important that the child and family know that decisions made by the Board are not punitive or vindictive, but the result of a process designed to help the child learn from the experience while at the same time addressing his/her needs that may arise.

Families must also realize that the JRB is meant to be a supportive diversion from the court, rather than a judicial process.

- **Perform tasks impartially and maintain objectivity**

Everyone associated with the JRB process must perform their tasks without the negative influences of bias, prejudice or preconceived ideas. While at times information presented at cases may be personally offensive and/or upsetting, it is legally and ethically responsible to separate personal feelings from professional judgment.

- **Avoid even the appearance of any conflicts of interest or impropriety**

When it comes to the integrity of the process, the mere appearance of any conflict or impropriety can have harmful effects. As many YSB staff and other members of the JRB work in the same communities in which they reside, there may be times when a conflict of interest may be perceived or may actually exist involving a case. It is highly recommended that when confronted with even the potential conflict of interest of either knowing the victim of a case and/or the child or family referred to the JRB, the member should remove themselves from the case or have a designated representative of the JRB consult with the family to ask if they would prefer you not to be involved.

Staff members should avoid social gatherings involving clients, thus avoiding potential conflict of interest. The same can be said for personal or professional acquaintances that cross boundaries regarding agency business. The confidentiality of clients must be protected at all times, as well as the internal operations of the organization.

- **Respect and maintain professional boundaries**

Each professional on the JRB is subject to the individual codes of conduct, ethics and professional responsibilities of their profession. Those mandates are to be followed in all phases of the JRB process. Members of the JRB must also respect the obligations and responsibilities of their fellow members as well.

- **Relate appropriately to children and families and establish atmosphere of trust**

Many children don't trust adults and many adults don't trust "the system" so JRB members must make an effort to build trust from the first contact because thereafter, it may not be possible.

- **Identify and frame issues confronting the family**

For the JRB to be able to address the issues involved in a case, it must first be able to identify the issues facing the family and frame them in such a way that they can be addresses appropriately. Failure to do so will result in an inefficient, ineffective and ultimately unsuccessful process.

- **Possess knowledge of child development and family dynamics and understand the principles and concepts of working with families**

Each member of a JRB brings to the process different types and levels of skills and this eclectic skill set contributes to the JRB's success. JRB members should be required to have at least a basic understanding of child development and family dynamics and demonstrate a willingness and ability to work with families in order to participate fully in the work of the JRB.

- **Possess a basic knowledge of the applicable law and legal principles**

Each JRB member must have a basic knowledge of the laws and legal principles upon which our society is based and be able to explain the law and principles to a child or family accused of violating them.

- **Accurately assess and present the relevant facts of the case**

For the benefit of the other members and the efficient operation of the process, the person presenting the case to the JRB should be able to accurately and succinctly assess and present those facts of the case relevant to its resolution without including extraneous information.

- **Use fair and appropriate standards in the acceptance or rejection of cases**

All decisions of the JRB regarding the acceptance or rejection of cases must be based on the facts of the case and the ability to provide appropriate diversions and these standards must be applied consistently to all persons.

- **Conduct all hearings in a manner that is full, fair and meaningful**

Every family whose case is considered by the JRB is entitled, as a matter of right, to have a hearing that considers all relevant information and one that is conducted in a fair and rational manner.

- **Model appropriate adult behavior during hearings**

Children and families who come before the JRB should see adults acting as adults are expected to act. While confrontation can sometime be a necessary part of the JRB hearing, any form of arguing on a personal level with a client or family member is inappropriate. Speeches are strongly discouraged as is imparting personal opinions about a case. Appropriate adult behavior also includes finding common ground with fellow members regarding decisions and outcomes and addressing the child and family with the same level of respect afforded to members of the JRB.

- **Be knowledgeable of available diversions and be able to assess child and family needs and match to available diversions**

To be effective, each member of the JRB should be familiar with the availability and purpose of the various diversion options in order to be able to recommend or support the proposed diversions.

- **Provide case follow up**

The follow up with the family is as important to the success of the process as the pre-hearing preparation and the hearing itself. Not only does it monitor compliance with the recommended diversions, but it also provides the support and supervision which are critical components of the process. Knowing that someone is watching provides accountability and often motivates the child and the family to achieve success.

- **Honor individual rights of confidentiality throughout the process**

Confidentiality is critical to the success of a JRB. At all times the confidentiality of clients must be protected, unless otherwise permitted by law. This includes perpetuating rumors, giving information about the identity and background of a client, acknowledging that an individual is or has been served by the organization to any person other than a supervisor, or co-worker relative to the nature of the work. Furthermore, staff members, interns, and volunteers must understand that records, notes, verbal and written communication should be maintained at the highest standards and levels of security at all times, i.e. locked file cabinets and create an environment that preserves the interests and anonymity of clients.

Written or verbal communication exposed to the general public can be viewed as a serious lapse in judgment, one that could violate the code of confidentiality, expose clients to harm and staff to liability and could ultimately damage the reputation of the YSB.

It is recommended that every Juvenile Review Board sanctioned or operated by a youth service bureau in Connecticut have in place an Indemnity Agreement to assure that every client's right to confidentiality is upheld within the boundaries of Connecticut law. Connecticut laws mandating the reporting of child abuse or neglect still apply to JRB members who are subject to the law and JRB members may still be subject to civil liability for violating confidentiality.

Note: A sample Indemnity Agreement is found in Appendix A.

- **Operate on a belief that while a young person may have acted without malice, they nevertheless must be held accountable for their actions**

There must be a clear understanding by the Board, children and families that behaviors for which the child was referred have consequences, whether natural (without intervention), logical (meant to fit and address the behavior), or imposed (given as a method of intervention but not directly related to the actual behavior, e.g. community service).

- **Operate on a belief that families should be empowered to seek the appropriate services for their children's educational, emotional and physical health and well being**

While recognizing that parents and guardians have the ultimate responsibility to provide for the educational, emotional and physical well being of their children, there should be adequate community resources to respond to the individual needs of children referred to the JRB, either directly through the YSB and or partner agencies.

- **Be aware of the needs and concerns of any potential victim in the case**

Even though the victim may not be present at a JRB hearing, the needs, concerns and recommendations of the victim in a case should be considered by the JRB.

- **Be aware of any overall community interests that might be present.**

In all cases, the overall interests of the community should also be a consideration when deciding the disposition of a case.

- **Show respect for fellow JRB members even when disagreements arise**

Disagreements and differences of opinion among JRB members are expected and welcome. They should be discussed and resolved in a manner consistent with the respect and dignity that the individuals and the process deserve.

RECOMMENDED JRB STANDARDS & PROCEDURES

The following standards provide a set of procedures that may be used to help assure that every JRB case is handled in a manner that will ensure a fair and impartial process that will produce the most effective outcome. A child's or family's race, religion, ethnicity, national origin, sexual orientation, political affiliation, standing in the community or socio-economic status must ***never*** be considered when deciding whether to accept or reject a case, what diversions to propose or whether to discharge a case as successful or not unless such factors are relevant and material and rationally related to the decision.

Pre-Hearing: (Even before the Initial Hearing, a considerable amount of preparation occurs to make sure the family understands and agrees to the process, to obtain the appropriate background and intake information, forms and releases and the information necessary to present the case to the JRB.)

1. Before any case is even considered by the JRB, the JRB process should be explained fully to the family and the family must agree to participate and have the case considered by the JRB.
2. The child and family must acknowledge responsibility for the behavior being presented to the JRB. Unlike cases handled by the court, there is no presumption of innocence in cases handled by the JRB. Any case where there is a claim of innocence, or of any legal defense that might be presented in a court case, will be ineligible for the JRB process and should be referred to the court for resolution.
3. It must also be fully explained to the child and family that certain rights that would be available if the matter was referred to the court will not be available if the JRB process is utilized. Such rights include the right to remain silent, to have an attorney, to have a trial and to confront any witnesses against them.
5. All appropriate intake forms and releases should be fully explained and executed.
6. At that point, all available and relevant information regarding the offenses alleged, and the background of the child and family whose case will be considered by the Board, should be gathered.
7. Where appropriate, the victim should also be contacted so the process can be explained to them and their input solicited.

The Initial Hearing: (These procedures assume the child and family will actually appear before the JRB at the hearing. If the JRB only reviews the reports and does not meet with the child and family at the hearing, some of the procedures will not apply.)

1. Before the child and family actually appear before the JRB in person, the facts of the case, the elements of the offense and any available background on the child and family should be presented to the JRB members so they will have a basic understanding of the offense and background of the case that they are about to hear.

2. Every hearing should begin with a brief statement of the facts of the case provided by a designated representative to the JRB. That representative may be the YSB Caseworker assigned to the JRB or a representative of the referring entity such as the police or the school.
3. For non-criminal, school related status offenses, a K-12 educator should present the facts of the case to the JRB along with any available and relevant background information and any recommendations that would be helpful to the JRB.
4. For criminal cases and non-school related status offenses, a police officer should present the facts of the case to the JRB, with a brief explanation of the elements of the offenses alleged, along with any available and relevant background information and recommendations that would be helpful to the JRB. Any victim input should also be disclosed at that time as well.
5. When the child and family actually appear before the JRB, the Chairperson should welcome and summarize for the family the role of the JRB and the procedures for the hearing.
6. The Chairperson should have each of the JRB members introduce themselves by name and position within the community to help establish who the child and family are addressing during the proceeding.
7. The Chairperson should reiterate to the child and family that an important initial component of the process is for the JRB to determine if the case will be heard by the JRB or will be referred to court. While the child and family have agreed to the process, the JRB has discretion to reject a case and suggest that it be referred to the court for resolution.
8. The Chairperson should then offer the child an opportunity to explain the circumstances that led to the referral and ask open ended questions to elicit from the child the facts of the case to determine the child's understanding of facts and circumstances of the case, the level to which the child takes responsibility for their actions and the extent that the child is aware of the consequences of their conduct.
9. The Chairperson should then invite the JRB members to ask questions of the child and the family regarding the incident as well as any action that has been taken by the family, school or any other entity in response to the incident up to the point of the hearing. The child should also be asked to explain why they think the JRB should handle the case rather than recommending that it be referred to the court. Such questioning should be orderly and professional and be relevant to the issues of the case. JRB members should demonstrate a heightened sensitivity to the child's actions in the context of social and emotional behavior versus criminal behavior where appropriate. The Chairperson should ensure that proper decorum is observed during the hearing, that JRB members are afforded a reasonable opportunity to ask questions and that the child and family are treated with respect and given an opportunity to answer the questions asked while maintaining reasonable time limitations.

10. When the questioning is complete, the family should be asked if they have any questions for the JRB. Any questions asked of the JRB should be fully answered.
11. The family should then be advised that the JRB will now discuss the case privately and inform them of the results of their deliberations. *(Parents have noted from previous cases how beneficial it is to have the police officer escort the child and family outside at this point in the process. At that time, the officer is encouraged to speak one on one with the child in the capacity as a mentor/role model. This is an excellent time to remind the child (one on one) of their responsibilities as a citizen of the community.)*
12. When appropriate, adult family members may be asked to stay and speak with the JRB to gather additional input before determining if the case will be accepted and, if so, what diversions will be proposed for the child.
13. The JRB should then meet and discuss the case to identify the issues and needs that are to be addressed and to discuss appropriate diversions that will be recommended to address those that have been identified. When choosing the diversions that will be proposed, the JRB should consider the identified issues and needs, including any emotional or mental health factors, as well as the specific nature of the facts of the case, the child's age and background, amount and nature of family support systems and the availability of the diversions. *(YSBs are reporting an increasing number of younger children being referred to JRBs for non-criminal, FWSN type, behaviors. In those instances, it is important to remember that many of these families approach the JRB process with a certain amount of reluctance and fear and the level of intervention that takes place at the hearings for these cases should be adjusted accordingly. Speaking with other review boards handling such cases is advised. See Appendix B for a list of current review boards with twenty or more years of experience.)*
14. Once an agreement is reached regarding the recommended diversions, including a reasonable time for compliance, the family should be brought back before the JRB and the proposed diversions explained and discussed with the family.
15. If the family does not agree to the proposed diversions, the family should be informed that the JRB will not handle the case and that it will be returned to the referring agency with a recommendation that the matter be referred to the juvenile court.
16. If the family agrees to the proposed diversions, they should execute the Contract agreeing to complete the proposed diversions within the time specified. A copy of the Contract should be given to the family.
17. A date for the Final Hearing should then be set.

The Interim Hearing: *(While not required in every case, an interim hearing may be held at any time while a case is under JRB supervision for the purpose of monitoring compliance with the diversions, to amend or modify any of the terms of the Contract, or to address any problems or issues that may have occurred during the period of supervision.)*

1. Before the hearing, the JRB should be apprised of the reason for the interim hearing and the status of the proposed diversion Contract and should discuss the recommended outcome of the hearing.
2. The family should then be brought into the hearing and informed of the reason for the hearing and given an opportunity to respond.
3. If any amendments will be made to the Contract, they should be discussed and agreed to by the family.
4. If the family does not agree to the proposed amendments, the family should be informed that the JRB will close the case at that point and that it will be returned to the referring agency with a recommendation that the matter be referred to the juvenile court.
5. If the family agrees with the proposed amendments, the Contract should be amended to reflect the changes.
6. The date for the Final Hearing should be confirmed or reset.

The Final Hearing: *(The purpose of the Final Hearing is to bring the case to a close as either successfully or unsuccessfully completed. It provides the JRB the opportunity to bring closure to the case for the family if the case was successfully closed or to explain the next steps the family can expect if the process was not successful. In either case, the JRB should provide support and encouragement to the child and family as they move forward from this point.)*

1. Before the hearing, the JRB should be apprised of the status of the proposed diversion Contract and should discuss the recommended outcome of the hearing.
2. For cases where the process was successfully completed, the family should then be brought into the hearing and asked about the status of the recommended diversions. This provides the child who successfully completed the process with the opportunity to explain to the JRB how the diversions were performed and what lessons were learned. The child should be encouraged to discuss any community service that was performed, any journals that were kept, any positive activities that were engaged in and their thoughts about the process. It also provides the JRB with the opportunity to express their pride with the success of the child and to offer encouragement and support for the child's efforts throughout the process.

3. For cases where the process was not successful, the decision to return the case to the referring agency with a recommendation to refer the matter to court can be made with or without the family present. In most cases, the final hearing should still be held to provide the opportunity for the JRB to explain why the case is being closed unsuccessfully and what the family can expect to happen next. The JRB can still offer support and encouragement to the family despite the fact that the JRB process did not come to a successful conclusion. The family is still a member of the community and, as such, should still be encouraged to address the issues that brought them before the JRB in the first place.
4. The family should be informed again about the confidentiality of the JRB process, records and information gathered and they should be reminded that access to the JRB process will not be available again in the future but that the people they met and the resources they discovered during the process will continue to be available if needed in the future.
5. Where appropriate, families should be encouraged to submit anonymous letters of appreciation regarding the JRB process. Such letters can be used to promote and illustrate the value of the JRB to the community when sustaining or expansion funding is requested.
6. The records of all JRB cases should be stored in a separate locked area to maintain confidentiality. Closed cases should be physically destroyed after a period of time (generally six months) and only statistical or demographic information retained.

Note: *The authors recognize that there is a need to operate Juvenile Review Boards based on the respective communities they serve and therefore some latitude in the recommended operations contained in this manual must be considered. The Connecticut Youth Services Association offers this set of best practices as a guide. While it is recommended that all Juvenile Review Boards follow a set of Best Practices, it is also understood that every JRB should tailor its operations to the needs of each community.*

APPENDIX - A -

Sample

AHM JUVENILE REVIEW BOARD
Confidentiality Statement and Indemnity Agreement

The purpose of the AHM Juvenile Review Board is to offer diversions to children and families who are experiencing crisis or conflict in the community, at school or at home. Our involvement with these children and families provides them with an alternative to the juvenile justice system.

To be effective, the children and families, and the Board members, must be free to discuss matters of a personal and sensitive nature and share otherwise private records and information.

Also, since a case that is not successfully resolved by the Board may be referred to the Juvenile Court, the confidentiality of juvenile matters, which is mandated by Connecticut General Statutes 46b-124, must be respected.

Since each person is individually and personally responsible for maintaining the confidentiality of the conversations, records and information discussed by the Board, each member of the Juvenile Review Board, as well as any other person who is permitted to attend a Board meeting as an observer, must also agree to be personally responsible for any damages caused by the unauthorized release of confidential information.

For these reasons, all members of the Juvenile Review Board, as well as any other person who is permitted to attend a Board meeting as an observer, must read and sign the Confidentiality Statement and Indemnity Agreement.

Any person who refuses to sign this Confidentiality Statement and Indemnity Agreement will not be permitted to be present at any meeting of the Board.

Confidentiality Statement

I understand and agree that all conversations, records and information, reviewed, heard or discussed at any hearing or meeting of the Board, shall be confidential and used solely to enable the Board to carry out its stated purpose. Any further disclosure of any such conversations, records, or information is strictly prohibited, except where authorized by statute or a properly executed, written release.

Indemnity Agreement

I further understand and agree that if I cause the unauthorized release of any of the conversations, records or information, which would be otherwise confidential, I will assume personal liability for any claim of damages directly resulting from such unauthorized release and agree further to indemnify the AHM Juvenile Review Board, the members of the Board and AHM Youth & Family Services for any damages, expenses or losses found to be the result of such unauthorized release.

I have read and understood the Confidentiality Statement and Indemnity Agreement and agree to comply and be bound by its terms.

Name of member or observer

Date

APPENDIX - B -

YSBs WITH JUVENILE REVIEW BOARDS FOR OVER TWENTY YEARS

<u>Town</u>	<u>Contact Name</u>	<u>Contact Telephone</u>
Bristol	Eileen M. McNulty	(860) 314-4690
Cromwell	Mary Pont	(860) 632-3448
East Hartford	Cephus Nolen	(860) 569-5630
East Haven	Robert Petrucelli	(203) 468-3297
Enfield	Jean Haughey	(860) 253-6380
Farmington	Robert Marsh, Jr.	(860) 675-2390
Madison	David Melillo	(203) 245-5645
Meriden	Denise Keating	(203) 630-4225
New Britain	Christopher Montes	(860) 826-3366
Old Saybrook	Larry Freundlich	(860) 395-3190
Simsbury	Mickey Lecours-Beck	(860) 658-3283
Southington	Susan Saucier	(860) 276-6281
Plainville	Roberta Brown	(860) 793-0221

APPENDIX - C -

Connecticut Youth Services Association
Code of Ethical Conduct

As a staff member of a Youth Service Bureau sanctioned Juvenile Review Board in the State of Connecticut, I fully understand the trust and confidence that has been placed in my abilities, and the ramifications of my actions upon the young people we serve through the provision of diversion services, FWSN services, and/or Youth In Crisis services.

While every youth service bureau across Connecticut acts as its own independent agent, I understand the framework, principals, and laws that guide youth service bureaus as defined in Section 10-19m of the Connecticut General Statutes, and the relation of these guiding principals and laws to diverting youth from the Connecticut juvenile justice system.

It is my responsibility to uphold the following recommended standards and practices set forth by my professional peers.

Whenever my role as a member of a Juvenile Review Board comes into question, I will take the necessary steps to ensure the individual rights of the young people who come before our diversion board.

Whenever possible and within the boundaries of civil law, I will take the necessary steps to ensure the rights of victims.

Whenever my role as a member of a Juvenile Review Board comes into question, I will take the necessary steps to ensure the integrity of the YSB and its partner agencies involved with this board.

To the limits of the law, I will ensure the safety and well being of our clients as well as protecting their rights to confidentiality.

At all times when representing my Juvenile Review Board, I will consider the legal, ethical, and professional boundaries that must be upheld in order to promote the health, safety and well being of those we serve.

Name/Title of Staff Member:

Date

Director

Date