



JUVENILE REVIEW BOARD PROTOCOLS AND PROCEDURES

June, 2016

STANDARD PROTOCOLS & PROCEDURES FOR JUVENILE REVIEW BOARDS

INTRODUCTION

A Juvenile Review Board (JRB) is a community-based diversion process for youth that may otherwise be referred to the Juvenile Court for minor violations of the law. Although there is no specific enabling statute establishing a JRB, the Youth Service Bureau (YSB) JRB model has been in existence for 50 years in Connecticut. The closest statutory basis for the YSB JRB model is found in Connecticut General Statutes §10-19m that establishes a YSB as *“multipurpose youth service bureau for the purposes of evaluation, planning, coordination and implementation of services, including prevention and intervention programs for delinquent, pre-delinquent, pregnant, parenting and troubled youths referred to such bureau by schools, police, juvenile courts, adult courts, local youth-serving agencies, parents and self-referrals.”* That statute goes on to say that the YSB *“shall be the coordinating unit of community-based services to provide comprehensive delivery of prevention, intervention, treatment and follow-up services”* and it provides that the YSB deliver the following services: (1) *Individual and group counseling;* (2) *parent training and family therapy;* (3) *work placement and employment counseling;* (4) *alternative and special educational opportunities;* (5) *recreational and youth enrichment programs;* (6) *outreach programs to insure participation and planning by the entire community for the development of regional and community-based youth services;* (7) *preventive programs, including youth pregnancy, youth suicide, violence, alcohol and drug prevention;* and (8) *programs that develop positive youth involvement.”* These are all services provided by the JRB to comply with the clear legislative mandate to ***“meet the needs of youths by the diversion of troubled youths from the justice system as well as by the provision of opportunities for all youths to function as responsible members of their communities.”***

Although state agencies, courts, legislators, child advocates, academics and other juvenile justice professionals have only more recently fully discovered the benefits and advantages of the diversion of youth to a JRB, the concept, in the form of the YSB JRB model, has been ongoing for decades in Connecticut with much success.

One of the features of the JRB model that sets it apart from other programs designed to assist youth and families, and one of the reasons for its success, is that each JRB program is unique to the community it serves. Absent a law mandating how a JRB must be established and operated, each community is able to establish and operate their program in a manner that meets the needs of the community, including the ability to amend the program as each community’s needs change.

While it is critical to the continued success of the JRB model that such flexibility in the establishment and operation of JRBs be permitted, it is recognized that some consistency should exist throughout the state and additionally, some **core components and principles should be adopted and incorporated into all existing and future JRBs.** This document is aimed at identifying those core components and principals to guide the JRB process.

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Connecticut Youth Services Association

Juvenile Review Board

Protocols and Procedures Guide

Acknowledgement

****(Each JRB Administrator will be responsible for ensuring each JRB member signs off on the following Acknowledgement statement and a completed sign off page is emailed to cysa@ctyouthservices.org upon completion)*

As a Juvenile Review Board (JRB) member, I fully understand the trust and confidence that has been placed in my abilities, and the ramifications of my actions upon those we serve. It is my responsibility to adhere to the recommended JRB Protocols and Procedures set forth in this Guide as set forth by my professional peers.

Whenever my role as a volunteer of the JRB, or as an employee representing the JRB, comes into question, I will take the necessary steps to ensure that the integrity of the JRB, and the administering agency, as well as the safety and well-being of those the JRB serves, will not be compromised.

Above all else, I understand that my individual actions have a direct impact upon the JRB and the administering agency and the youth service profession in general.

At all times when representing the JRB, 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 the JRB serves.

I agree to adhere to the core components outlined in this JRB Protocols and Procedures Guide to the best of my ability and to remain aligned with the JRB administrator and the policies that guide the JRB.

I understand that it is the responsibility of the administering agency/JRB administrator to ensure that JRB members have read and acknowledge this Guide and are willing to adhere to these protocols and procedures.

(continue to next page for sign-off)

ACKNOWLEDGEMENT

I have read and acknowledge the Juvenile Review Board Protocols and Procedures and agree to adhere to its components to the best of my ability and remain aligned with the function of the JRB on which I serve, as outlined in the Guide. I understand that each JRB is a part of a larger system of JRBs across CT and each JRB is being asked to read, acknowledge and sign off on these same Protocols and Procedures.

ALL JRB MEMBERS MUST SIGN OFF ON THIS FORM

******Please sign on the line and print your name below your signature with date of signature***

NAME OF JRB: _____

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Name and Signature of JRB Administrator/Administering Agency **Date**
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I. Organization of Juvenile Review Boards

- **What should a JRB look like?**

A JRB should consist of a cross-section of members of the community who have some experience in matters of child development, adolescent behavior, family dynamics, youth development, and/or juvenile laws and procedures. Members should be committed to providing dedicated and consistent service to the JRB, while effectively contributing to the process in a respectful and appropriate manner. JRB make-up should also represent the community in which they serve in regards to race, ethnicity, and culture.

- **Who should serve on a JRB and how should they be appointed?**

Generally, JRB members include Youth Service Bureau staff, school administrators, guidance counselors and/or social workers, law enforcement officers, Juvenile Court personnel, Department of Children and Families personnel, local service providers (such as mental health agencies or other agencies serving youth), members of the faith community, local business persons, or other appropriate community members.

Initially, members should be interviewed and selected by the Director of the Youth Service Bureau or other agency responsible for running the JRB. Thereafter, new members should be approved/agreed upon by the existing members of the JRB (or in the manner prescribed by individual rules or town government requirements). Members should also undergo background checks including, but not limited to, a DCF background search. If potential members must formally be appointed by an elected official or elected body, the YSB Director or JRB Administrator should vet the potential member prior to their appointment, whenever possible.

The goal of membership is to create a cohesive group of knowledgeable and passionate professionals and community members who can work together to address the needs of the youth, families and the community.

Each JRB needs a Case Manager and an Administrator to oversee the JRB. Many JRBs also have a Chairperson that could be different than the Administrator, if the Administrator so chooses. The Case Manager does the intake, presents the case and does all follow-up case management tasks. The Administrator serves as the lead for the overall JRB. A Chairperson would be responsible for conducting the meetings.

- **How long should members serve?**

Members should initially be appointed to a probationary term of six to twelve months (or another appropriate length of time dependent on how often your JRB meets). The purpose of this probationary period is to determine the member's availability and commitment to the JRB and to ensure their involvement on the JRB provides a positive addition to the process.

After the probationary period, members should be subject to review by either the JRB Administrator, YSB Director, other designated leader and/or JRB members at a meeting (or other

appropriate setting), upon thirty days' notice, and every two years from the date of initial appointment in order to determine if their reappointment is in the best interests of the JRB process. A simple majority of the JRB members present at a meeting is sufficient to approve the member for another two year term (if the JRB votes on reappointment). Reappointment should be based on criteria such as: knowledge of the JRB process, performance as a member of the JRB, commitment to the process, and cohesiveness with the other JRB members. Members of the JRB serve at the will of the Director of the Youth Service Bureau or other agency responsible for running the JRB and their membership may be terminated for cause at any time at the discretion of the Director/JRB Administrator, with or without a vote of the JRB membership. However, a majority of the full appointed JRB can override the decision to terminate a member.

- **How many members should be on a JRB?**

Although the number of members in total can vary dependent on interest in membership, it is strongly suggested that no more than 8 to 10 members be present at any JRB meeting. Too many members can be intimidating to the family, feel punitive, and create tension in the process. If your JRB has more than 8 to 10 members, a rotation for meetings can be set up or the JRB can decide how to best assign meetings to its members. The process should allow for all members to get equal experience in participating in the JRB meetings, while keeping in mind consistency of members for following a case through the process.

- **Where do you hold a JRB meeting and what should the space look like?**

A JRB can be held in a variety of places, but should be in a neutral and non-threatening location that is easily accessible and familiar to families whenever possible. The space should allow for some level of confidentiality as well as have a space for families to wait before the meeting, or during the meeting if they are excused. Thought should be given to space that has a separate waiting area if multiple families will be having cases heard on the same day.

Set up of the meeting space is suggested to be “non-confrontational” and inviting to the family and youth. It should not be set up in a manner that feels like a court where the panel sits lined up on one side and the family is set up on the opposite side. Equitable and supportive configurations include a square or circle set up (with or without tables). The configuration of space and placement of members and families is extremely important. A JRB meeting should feel like a collaborative process, not a punitive process.

II. Ethics, Professionalism, Roles and Duties

The Connecticut Youth Services Association has adopted *Standards of Professionalism* for JRB members. The actions of those involved as members or associated staff of a JRB should meet the highest standards of professionalism based upon the following universal elements for this type of work:

- **Act fairly**

The JRB will encounter youth and families that are confronting issues relating to negative behaviors that may expose them to the juvenile justice system. The youth and family 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 and equitable.

It is important that the youth and family know that decisions made by the JRB are not punitive or vindictive, but are the result of a process designed to help the youth learn from the experience, while at the same time, addressing needs that may arise. The process is meant to “repair harm done” and to “restore” the damage that has been caused to the victim of the behavior and to the larger community as a result of the negative behavior.

Families must also realize that the JRB is meant to be a supportive process that eliminates the need to go through the court process and is rooted in the involvement of the family throughout.

- **Perform tasks impartially and maintain objectivity**

Everyone participating in 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 emotionally upsetting, it is ethically necessary for each JRB member to separate personal feelings from professional judgment. Decisions should always be made using the facts presented.

- **Avoid 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 youth or family referred to the JRB, the member should remove themselves from the case or have the JRB Administrator or Case Manager consult with the family to ask if they would prefer that member not be involved.

Staff members should also avoid social gatherings involving clients, thus avoiding potential conflicts 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.

- **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 (if applicable). 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. Each member is also subject to the codes of conduct for the YSB or other administrative agency responsible for managing the JRB.

- **Relate appropriately to youth and families and establish an atmosphere of trust**

Some youth may not trust all adults and some adults may not trust “the system”, so JRB members must make an effort to build trust from the first contact and maintain that trust throughout the entire process. That trust is gained through professionalism, common courtesy, mutual respect and authentic engagement of the family throughout the process.

- **Identify and frame difficulties the youth and/or family may be facing using a strength-based approach**

For the JRB to be able to address the details involved in the case, it must first be able to identify the difficulties the family may be facing that are impacting the situation, and frame them in such a way that they can be addressed appropriately and by using the skills the youth and family possess. Failure to do so will result in an inefficient, ineffective and ultimately unsuccessful process. Youth and families must believe the JRB’s purpose is to support them in a collaborative manner in order to achieve long term success. Capitalization on strengths of the youth and family will allow for a more successful process and will create a stronger relationship between the family and the JRB.

- **Possess knowledge of child, youth and family development and understand the principles and concepts of working with families, remembering to use strengths based and family centered practices**

Each member of a JRB brings to the process different types and levels of skills that all contribute to the JRB’s success. JRB members should be required to have at least a basic understanding of child, youth and family development and demonstrate a willingness and ability to work with families in order to participate fully in the work of the JRB. For JRB members with less experience in the field, it is strongly suggested that those members attend appropriate trainings to gain additional and necessary knowledge. A strengths based, family centered approach that values the input of the youth and family and draws on successes should be a part of every case. Participation by the youth and family at all points during the process and identification of individual strengths is critical to a successful outcome.

- **Possess a basic knowledge of 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 relevant basic law and principles to the youth and family.

- **Accurately 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 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 (or lack of) to provide appropriate referrals and supports. These standards must be applied consistently to all potential cases. Consistently following individual JRB policies regarding acceptance of cases is critical. Cases not accepted must be rejected based on pre-determined standards. Each JRB should have a specific policy related to acceptance and rejection of cases.

- **Conduct all meetings in a manner that is fair and meaningful**

Every family whose case is heard by the JRB is entitled, as a matter of right, to have a meeting that considers all relevant information and one that is conducted in a fair and equitable manner. Each case should be individualized to the specific needs of the youth and family. Adjustments to the method in which the meeting is run could change dependent on the individual situation.

- **Model appropriate adult behavior during meetings**

Youth and families who come before the JRB should see adults acting respectfully and responsibly. Any form of arguing with a youth or family member is inappropriate. Speeches are **strongly** discouraged, and can be seen as an exercise of power and use of punishment. These practices will not assist the JRB in working collaboratively with a family. Appropriate adult behavior also includes finding common ground with fellow members regarding decisions and outcomes. Members need to address the youth and family with the same level of respect afforded to members of the JRB. Members should also be aware of their body language and non-verbal cues to avoid creating a negative environment.

- **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 outside of the presence of the family and in a manner consistent with the respect and dignity that the individuals and the process deserve.

- **Be knowledgeable of available services**

To be effective, each member of the JRB should be familiar with the availability and purpose of the various service/program options available in order to be able to recommend or support services in the recommended plan. Each JRB should develop and maintain a current inventory of available community resources and services. If new programs or services became available to the community, the case manager should make JRB members aware of the service, availability, and eligibility requirements. A representative from the service agency can also present to the JRB or send materials for review. Representation on the JRB from different service sectors is encouraged and can allow for updates on available services. It is also recommended that each JRB meet periodically to review available programs and services, or for other training matters.

- **Provide case management and case follow-up**

On-going case management and follow up with the youth and family are as important to the success as the intake process and the meeting itself. Case management not only serves as a way to monitor progress of the recommended plan, but it also provides ongoing support and encouragement, which are all critical components of the process. Consistent case management provides accountability and often motivates the youth and the family to achieve success. Case management should continue throughout the suggested minimum **six months** for a case to remain open and could continue in a more limited capacity even after a case is closed/completed through the YSB. Keeping a case open for a minimum of six months allows for positive outcomes to occur and provides the opportunity to monitor and track the results of the process. Recommendations regarding attendance, discipline, and grades, for example, often cannot show progress in shorter periods of time. The Case Manager role is responsible for these duties.

- **Operate on a belief that while a young person may have acted without malice, they nevertheless should be helped to understand the impact of their actions**

In order for restoration to occur, there must be a clear understanding by the JRB, the youth and the family that behaviors for which the youth was referred may have had negative effects on the larger community. The goal is for the youth to be able to understand and communicate the impact of their actions and explain how his/her behaviors affected the victim(s) and the larger community, even if that understanding comes later in the JRB process. It is an important part of the JRB process for the youth to realize the full range of such impacts. Without this critical step, restoration may not occur.

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

Confidentiality is critical to the success of a JRB. Except where disclosure is required by law or public safety, the confidentiality of clients must be protected. This means that perpetuating rumors, giving information about the identity and background of a client or details of a case, or acknowledging that an individual or family has appeared before the JRB or has been served by the organization to any person other than a JRB member or other person specifically authorized

to release such information is strictly prohibited. Furthermore, JRB members, staff members, interns, and volunteers must understand that records, notes, verbal and written communication should be maintained at the highest level of security at all times (i.e. locked file cabinets) in order to create an environment that preserves the interests and privacy of clients. *(Please also see description of “Confidentiality” under the Administrative Information section of this document).*

Any disclosure of confidential information would violate the code of confidentiality, expose clients to harm and staff to liability, and could ultimately damage the reputation of the JRB.

It is recommended that every Juvenile Review Board be sanctioned by or operated by a Youth Service Bureau and have in place an Indemnity Agreement executed by every JRB member and any person that sits in to observe a JRB meeting 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 apply to JRB members, who are mandated reporters, and JRB members may also be subject to civil liability for violating confidentiality. (Note: A sample Indemnity Agreement is found in Appendix A.)

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

While recognizing that the parent(s)/guardian(s) have the responsibility to provide for the educational, emotional, mental and physical well-being of their children, there should be adequate community resources to respond to the individual needs of youth referred to the JRB, either directly through the YSB or by partner agencies. Youth and their families should have full input on suggested referrals to services to ensure buy-in and to empower them to positively impact the outcomes of the process. Families must participate in the decision making process when creating the JRB recommendation plan in order to make the most appropriate referrals.

- **Be aware of the needs and concerns of the victim(s) in the case**

Although victims are not often present at a JRB meeting, the needs, concerns and recommendations of the victim in a case should be considered by the JRB whenever possible. In some cases, it may be appropriate to invite the victim to a portion of the meeting. It is important for the JRB to communicate with the victim(s), and when appropriate, to invite them into the JRB process. Another successful way to include the victim is through the use of a victim statement. That statement should be presented to the JRB by the Case Manager and shared with the family during the meeting in order to better understand the negative impact of the behavior and to help create an appropriate recommendation plan. This will also help in the restoration process.

- **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 on the recommendations for the case. There may be special circumstances that involve the larger

community that may need to be part of the decision making process. Inviting a representative from the community to participate may be appropriate in these situations. For example, a representative of the community public safety agency might appear at the JRB meeting for a child who ran away to discuss the implications of a town-wide search, including the nature and the cost of that effort.

III. Eligibility requirements for diversion

A JRB should only accept those cases that it has the ability, resources and experience to handle effectively. When establishing eligibility criteria, a JRB should consider the following elements:

- Residency – local residents only and/or out of town residents that commit an offense in the JRB town
- Location of offense – only offenses committed in the JRB town or committed anywhere by local residents
- Type of offense – criminal (delinquency), status (FWSN) offenses
- Referral source – police, school, parent/guardian
- Severity of delinquency offenses – infractions, violations, misdemeanors, felonies
- Prior history of the youth – first offenders only, prior JRB appearance, Juvenile Court history

(Note: a sample MOU can be found in Appendix A)

As a JRB matures and gains experience handling cases, develops a cohesive membership and a network of service providers, it can expand the scope of the cases it accepts. When starting out, a new or newly reorganized JRB, termed a “Level 1” JRB, could consider limiting the cases it will accept in the following ways:

- Residency – limit cases to those involving children that reside in the town served by the JRB and not accept cases involving out of town residents that commit an offense in the JRB town
- Location of offense – limit cases to those offenses that occur in the town served by the JRB and not accept cases involving local residents that commit offenses in other towns *(Such cases would involve out of town police or school officials that might not be familiar with the JRB and with whom there might not yet be a cooperative working relationship.)* For JRBs accepting referrals for offenses that occurred out of town (by a resident of your town), it is suggested that a MOU be put in place with surrounding towns’ police departments to ensure consistency.

Type of case and referral source – options:

- Accept only delinquency¹ cases from the police
- Accept only school-based delinquency² cases from the police

- Accept only FWSN³ cases from police or parent/guardian (until August 2017)
- Accept only school-based FWSN⁴ cases from the school
- (Or accept any combination of the above case types)
- Severity of delinquency cases – limit the severity of the offenses to accept only non-felony delinquency⁵ cases from the police
- Prior history of the youth – limit eligibility to first-time offenders only and accept only youth that have never appeared before the JRB or have never been referred to the Juvenile Court

An experienced, or “Level 2”, JRB could accept any case eligible for referral to the Juvenile Court,⁶ except serious felony charges⁷ or charges designated as Serious Juvenile Offenses⁸

A “Level 2” JRB could also accept:

- The case of a youth that resides in the town served by the JRB, regardless of where the offense is committed. It may also accept a case involving an out of town resident that commits an offense in the JRB town, but it is recommended that an out of town youth be referred to the youth’s local JRB, if one exists.
- Delinquency cases, school-based or otherwise, referred from the police
- FWSN cases, school-based (until August 2017) or otherwise, referred from the police, school or the parent/guardian
- Delinquency cases involving offenses classified as violations, infractions, misdemeanors, or non-serious felonies
- Cases involving a youth that has previously appeared before the JRB or previously referred to the Juvenile Court⁹ (if deemed appropriate by the JRB and the probation department, if applicable).

IV. Intake Procedure

- **Responsibility of the referring agency (police, school or Juvenile Court):**

The referring agency will initially determine if a case is eligible or appropriate for diversion to the JRB. Collaboration with the JRB Administrator or Case Manager should also be used for further discussion on determination for possible referral. It is critical for referring agencies to fully understand eligibility criteria, as well as the function and purpose of the JRB, in order to ensure all appropriate referrals are made.

In delinquency matters, the police will refer directly to the Juvenile Court any case that they determine requires court intervention. This is a critical law enforcement function. However, in some instances, the Juvenile Court may, upon further review, divert the case to the JRB.

In school related FWSN matters, the school must exhaust all available options to resolve the matter before referring a case to the JRB. A referral to the JRB may also be incorporated into a suspension/expulsion disposition. *(Note: Starting in August of 2017, truancy and defiance of school rules will be removed from the FWSN definition and schools will no longer be able to file a FSWN petition for these behaviors)*

When possible, the referring agency will inform the family of the JRB diversion option.

- If the family accepts the JRB option, the necessary information¹⁰ will be forwarded to the JRB Case Manager or other designee for review.
- If the family rejects the JRB option, the matter may be referred to the Juvenile Court by the referring agency along with a note that the JRB option was offered and rejected.

- **Responsibility of the JRB Case Manager or designee:**

If the case is referred to the JRB, the JRB Case Manager or other designee will meet with the family to fully explain the role of the JRB, the JRB process, and the expected outcomes.

- If the family agrees to participate in the JRB, they will complete the necessary intake forms¹¹.
- If the family does not agree, the case is returned to the referral agency with a note indicating the family's decision not to participate. The referral agency may then choose to send the case to the Juvenile Court, if appropriate.
- *(If a family refuses to participate in the initial meeting or does not respond to attempted communication, the case should be returned to the referral agency with a note indicating the circumstances.)*

- **The intake meeting with the family**

At the intake meeting with the family, the Case Manager will make sure the family fully understands and agrees to the JRB process, obtain the appropriate background/intake information, forms and releases and gather any other information necessary to present the case to the JRB. The case manager should make sure the following steps are completed at intake:

1. The Case Manager will fully explain the JRB purpose and process to the family and the family must agree to participate and to have the case considered by the JRB.
2. It should be explained to the youth and family that their case will be open for a minimum of six months and within that time frame, they will need to complete the recommendations that are agreed upon by both the family and the JRB.
3. The youth 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 back to the referring agency to determine if the case needs to be sent to court for resolution.

4. The Case Manager must also explain to the youth and family that if consensus on the recommendation plan that comes out of the JRB meeting cannot be agreed upon, the case may be sent back to the referring agency for possible referral to court.
5. The youth and family must understand 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, have a trial and confront any witnesses against them, as well as the right to be represented by a lawyer.¹²
6. The family should also be informed that, while JRB matters are confidential, if something is said during the meeting that constitutes a violation of the law or school policy, or that requires a mandated reporter to file a report, that information will be disclosed to the proper authorities.
7. All appropriate intake forms and releases should be fully explained and executed.
8. The family should then be given the date of the JRB meeting. They may also be advised that they may bring with them any other person (i.e. a grandparent, aunt/uncle, coach, scout leader or clergy member) whom the youth/family respects and would like to have present at the meeting for support and input to the process. This should be at the discretion of the parent/guardian and the parent/guardian should let the Case Manager know ahead of time who will be attending.

During the intake meeting with the youth and family, the Case Manager should conduct an interview of the youth and family to begin to determine the issues presented in the case, the family dynamics, and strengths and weaknesses that exist for the youth and family. This interview may be conducted through the use of a validated, evidence based screening instrument and/or through a guided interview process. This is a critical role for the Case Manager. It is one of the reasons that the Case Manager must be able to administer screening tools and interpret results, be knowledgeable about the JRB and court process, possess excellent communication skills and have the ability to identify the family characteristics that will be relevant and helpful to the outcome of the JRB process. Family centered, strengths based approaches are highly recommended for this process. Additionally, the family should be asked if they have other case managers or workers from other agencies working with the youth and/or family, with the understanding that another case worker may be helpful in the JRB process and will ensure a smooth and useful plan execution. The family should be encouraged to invite any other worker(s) to the meeting and to speak with the JRB case manager prior to the meeting.

- **Following the intake meeting with the family**

1. The Case Manager or designee should gather all available and relevant information regarding the reason for referral, and the background of the child and family whose case will be considered by the JRB. This includes any reports of the incident/reason for referral, as well as the child's school attendance, discipline and academic records. Information regarding other services currently in place for the youth and/or family, as well as other past services the youth and/or family has received, should also be gathered.
2. Whenever possible, the victim should also be contacted to explain the process. The victim's input, such as any suggestions they may have to repair the harm done to them (i.e. apology letter, restitution, etc), can be solicited. Input can include a victim statement or can be in the form of attendance at a portion of the JRB meeting, when appropriate. The victim should also be informed of their right to submit a written request for the identity of the youth and family, as well as the outcome of the process, in the event they intend to pursue any civil remedies.
3. The Case Manager or designee will then prepare the case for presentation to the JRB. Case presentation includes creating an informative, cohesive and succinct package of materials with appropriate summaries of information gathered. This "packet" should have all of the information a Board member needs, but does not include materials or information that may not be pertinent to the case at hand. It is suggested that the Case Manager verbally present the case to the JRB members with the information in the "packet". If a copy of the "packet" is given to each JRB member for review at the meeting, all copies need to be collected at the end of the meeting for reasons of confidentiality.

V. The Initial JRB meeting

The youth and family should always appear before the JRB at the meeting. Involvement of the family and youth is key to a successful process. Please ensure the environment is safe, confidential and professional.

- **Before the meeting begins**

1. Before the youth and family actually appear before the JRB in person, the facts of the case, the elements of the offense and any available relevant background information on the youth and family should be presented to the JRB members by the Case Manager or designee to ensure a basic understanding of the offense and the background of the youth and family. Any victim input should also be disclosed at that time as well (but should also be presented to the youth and family during discussion).

2. For criminal cases and non-school related status offenses, a police officer should present the facts of incident leading to the referral to the JRB when possible, 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.
3. If any member believes there may be a conflict of interest with the youth and/or family, that information should be discussed among JRB members and a determination should be made if that member should excuse themselves from the meeting for that particular case.
4. Any member of the JRB may also provide additional factual information about the incident or the family, if it is relevant to the case.
5. Preliminary discussion on possible recommendations may occur at this time, however, it is recommended that no final decisions be made until after the youth and family have appeared before the JRB and the youth and family have had input into the process and the possible recommendations.
6. If there is other pertinent information regarding the family that may not be appropriate for the portion of the meeting that includes the youth and family, those issues should be brought to the JRB's attention at this time.

- **Conducting the JRB meeting**

1. When the youth and family actually appear before the JRB, the Chairperson should welcome and summarize for the youth and family the role of the JRB and the procedures for the meeting. The youth and family should also be asked if they have any additional questions regarding the process.
2. The Chairperson should have each of the JRB members introduce themselves by name and position within the community to help familiarize the youth and family with the members of the Board. If the family objects to a particular member hearing the case, that member should be excused and the family given an opportunity to express their objection in the member's absence. The JRB will decide by a simple majority whether to proceed without that member or decline to hear the case. If possible, the family should be provided with, verbally or in writing, a list of JRB members who will be present ahead of time so any objections to particular members are known prior to the meeting.
3. The Chairperson may discuss with the youth and family that an important component of the process may be for the JRB to determine if the case is appropriate to be heard by the JRB or if it should be returned to the referring agency for possible referral to court. While the youth and family have agreed to the process, the JRB still has discretion to reject a case and suggest that it be referred to the court for resolution for appropriate reasons. Most often, determination of case acceptance is done by the case manager and referring agency, but circumstances

may arise where the JRB needs to make an acceptance determination at the time of the meeting.

4. The Chairperson should then offer the youth an opportunity to explain the circumstances that led to the referral and ask why the youth believes the JRB should proceed with the case. The Chair should ask open ended questions to elicit from the youth the facts of the case to determine the youth's understanding of the circumstances of the case, the level to which the youth takes responsibility for their actions and the extent that the youth is aware of the consequences of their conduct, both to the immediate victim and to the larger community. It is important that the youth and family understand how the youth's actions may have impacted the larger community. This is one component of repairing the harm done to the victim(s) and/or community. If there is input from a victim, that information should be presented at this time as well.
5. The Chairperson can invite the JRB members to ask questions of the youth 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 meeting. The youth and/or family can also be asked to explain why they think the JRB is the best option for their case, if they have not done so already. Questions asked by JRB members should be thoughtful, respectful, and professional, and be relevant to the issues of the case and age appropriate for the youth. JRB members should also demonstrate a heightened sensitivity to the youth's actions in the context of social and emotional behavior versus criminal behavior.
6. The Chairperson should ensure proper decorum is observed during the meeting, JRB members are afforded a reasonable opportunity to ask questions, and the youth and family are treated with respect and given an opportunity to answer the questions asked. This should all be done while maintaining reasonable time limitations.
7. When discussion is complete, the family should be asked if they have any additional questions for the JRB. Any questions asked of the JRB should be fully answered. The youth and family should also be given an opportunity to suggest ideas for the recommendation plan. Input directly from the youth and family is critical to buy-in and to the success of this process.
8. Depending on the JRB process, the youth and family may be excused so the JRB can discuss the case privately. This should only happen if there are specific circumstances or issues that arise during the meeting that the JRB needs to discuss in private. JRB's should opt to keep the youth and family in the room during discussions and case planning for additional input whenever possible. Having the youth and family remain in the room for discussion is recommended, however, the JRB has discretion to deliberate outside of the presence of the family when necessary.

9. When appropriate, adult family members may be asked to stay and speak with the JRB in the youth's absence to gather additional input before determining what recommendations will be proposed for the youth.
10. In some situations, it may be appropriate for the JRB to speak with the youth outside of the presence of the parent/guardian. If any conversations take place with one family member outside of the presence of another, there should be some attempt to summarize the substance of that conversation, while maintaining appropriate confidentiality, in order to avoid any division of the family members.
11. The JRB will discuss the case to identify the issues and needs that should be addressed in the recommendation plan and discuss appropriate recommendations to address those needs. When choosing recommendations, the JRB should consider the identified needs, including any emotional or mental health factors, the youth's and family's risk and strength factors, the availability of appropriate services and any potential road blocks to providing or receiving those services. Additionally, any other specific facts or special nature of the case, any victim input, the youth's age and background, amount and availability of family support systems, and the availability of the recommended services should be discussed.
12. If the family was excused for JRB discussion, once the recommendation plan is finalized and includes a timeframe for completion of a minimum of six months, the family should be brought back before the JRB so the proposed recommendation plan can be explained and discussed. The JRB will have the opportunity to fully explain the expectations and give the family the opportunity to resolve any questions or issues they have with those recommendations. After explaining the recommendation plan, input from the youth and family should be sought and any changes or additions should be considered.
13. If the family does not agree to the proposed recommendation plan and there is no consensus on an appropriate alternative plan, the family should be informed that the JRB will not be able to 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.
14. If the family agrees to the proposed recommendation plan, the Contract agreeing to complete the proposed recommendations within the time specified should be executed. A copy of the Contract should be given to the family.
15. A date for the next meeting should be set. This next meeting may be an interim meeting to check on the youth and family's progress with the recommendation plan, or it may be the final meeting to close the case. The case manager should be doing regular follow-up/periodic check-ins with the family throughout the entire process and between any scheduled meetings. Additional meetings can be scheduled, as appropriate, to discuss lack of progress or any necessary changes that may need to be made to the recommendation plan. (It is common for recommendation plans to be amended based on circumstances that may arise during the process. If changes to the plan will lead to an increased likelihood of success, while still providing for the needs of the youth and family, changes should be considered.)

- **Options for handling a case**

A JRB does not have to accept every case referred/presented. If the JRB determines that the offense is not appropriate for diversion, the youth or family does not agree to participate, or the youth and/or family is not willing to follow through with potential recommendations, the JRB is free to decline hearing the case and may return it to the referring agency for possible referral to court. A JRB may also begin the process, but then discover the youth and/or family are not fully participating. A case can be closed unsuccessfully earlier than the six months if that is determined to be the best option. The case would be sent back to the referring agency with an explanation of the circumstances.

If the JRB decides to accept a case, there are several recommendation plan recommendations available for the JRB to consider. Options recommended should be available and accessible to JRB families. The purpose of the recommendation plan is not meant to be punitive, but to hold the youth accountable for their actions, address any underlying causes of the negative behavior, and to repair any harm done to the community as a result of their actions.

Among the options for recommendations are: (all options are not listed and all may not be appropriate in every case)

- Behavioral Health assessments/evaluations
- Substance abuse assessment/evaluation
- Individual/group and/or family counseling (community based or in-home)
- Engagement in a positive youth development activity
- Completing appropriate and meaningful community service hours (and when possible, service that relates back to the initial reason for referral)
- Mentoring
- Mediation
- Educational support or tutoring
- Employment Services
- Completion of a report on an appropriate topic related to the offense through use of research and/or interviews
- Presentation to the JRB on an appropriate topic related to the offense
- Restitution
- Letter of apology to victim(s) or larger community harmed
- Journal of “good decisions” to bring back to the Board
- JRB monitoring and return to the JRB for periodic follow-ups

If the JRB decides not to accept the case, the case information, as provided by the referring agency (not including any additional documents acquired by the JRB) should be returned to the referring agency with a note indicating that the case was not accepted for diversion and the reasons why that decision was made. Any other background information collected should be destroyed.

- **Case Manager responsibilities after the Initial JRB meeting:**

It is the responsibility of the Case Manager or designee to periodically follow up with the youth and family after the initial JRB meeting to:

- ensure they are complying with the recommendation plan;
- offer any assistance needed to access the recommended services or to complete the tasks assigned;
- monitor the youth's school attendance, discipline and academic performance;
- monitor the youth's conduct in the community;
- follow up with other service providers and supports engaged with the family or named in the recommendation plan;
- Acknowledge the youth and family's progress, support the youth and family however possible, and continue to encourage them.

Any problems should be reported to the JRB and, if it is determined that an interim meeting with the JRB is necessary for any reason, a meeting should be scheduled.

VI. The Interim JRB Meeting

An interim meeting is any meeting of the JRB held between the initial JRB meeting and the closing JRB meeting. An interim meeting could be scheduled in advance during the initial JRB meeting for the purpose of monitoring the progress of the youth and family, or it may be necessary to schedule a new meeting to address difficulties in completing the Diversion plan.

The Case Manager or the Chairperson of the JRB may call for an interim meeting of the JRB at any time while a case is pending if it becomes necessary (if issues have arisen with respect to the youth or family's compliance with the recommendations or because new issues or concerns have been raised). If their presence is necessary, the child and family may be brought before the JRB at this meeting.

At the interim meeting, the issues that gave rise to scheduling a new meeting will be discussed among the JRB members and, if present, the youth and family. It is recommended that the youth and family appear before the JRB board to discuss the issues that prompted the meeting, when appropriate. In some instances, it may not be possible for the youth and family to appear, and the meeting will be held without them. This will be determined on a case by case basis.

Possible outcomes of this meeting include:

- changes in the recommendation plan;
- time for completion extended;
- additional assistance offered to ensure completion;
- discussion with the family that failure to comply could result in the matter being referred to the court;
- case closed early due to new violation of the law, lack of follow-through in complying with the recommendations, or other special circumstances (i.e. family illness, relocation, etc.)

VII. Case Closing

All cases must have a case closing meeting. Whether a case is successfully completed or unsuccessfully “completed”, the youth and family should be brought back before the JRB board to discuss the outcome, whenever possible (especially in the case of a successful completion). Some circumstances resulting in an unsuccessful case closing may prohibit the youth and family from returning for the meeting.

If the case is SUCCESSFUL:

- The JRB should acknowledge the success of the youth and family and offer to provide ongoing support, if needed.
- The JRB can continue to support the repairing of any relationships the youth and family have with the police, school or anyone else that may have been harmed as a result of the behavior/incident that brought the family to the JRB.
- It should be strongly suggested that the youth and parent/guardian complete an anonymous exit questionnaire indicating their experience with the JRB and how it may have impacted their family, as well as allow for an opportunity to make suggestions on how to improve the process. Those surveys should be filled out on site, whenever possible, immediately following the closing meeting. Anonymity should be considered when collecting the survey upon completion. (*The SDE survey is attached*)
- The JRB should discuss the strengths that the youth and family possess that led to successful completion and encourage them to continue with any activities, programs, or services that proved helpful. Any support the JRB/YSB can give for these services should be provided whenever possible.

If the case is UNSUCCESSFUL:

- The JRB should discuss why the outcome of case was unsuccessful and discuss any opportunities or ideas members have to prevent this situation for similar future cases.
- If present, a discussion should occur with the youth and family to explain the reason for an unsuccessful result and possible actions they may expect to see moving forward.
- It should be explained to the youth and family that although diversion was not effective in this case, the JRB members and YSB are available to provide any support or assistance necessary outside of the JRB process.
- This meeting should also be used to continue to repair any relationships the youth and family have with the police, the school or anyone else that may have been harmed as a result of the incident that brought the child and family before the JRB.

- It should be strongly suggested that the youth and parent/guardian complete an anonymous exit questionnaire indicating their experience with the JRB and how it may have impacted their family, as well as allow for an opportunity to make suggestions on how to improve the process. Those surveys should be filled out on site, whenever possible, immediately following the closing meeting. Anonymity should be considered when collecting the survey upon completion. (*The SDE survey is attached*)
- The case information, as provided by the referring agency (but not any additional documents acquired by the JRB, which should be destroyed), should be returned to the referring agency with a note indicating that the case was not successfully completed and the reasons why. The referring agency can then decide whether or not to refer the case to the Juvenile Court. In making that decision, the referring agency could consider:
 - the severity of the offense;
 - the youth's role in the offense;
 - how much time has gone by since the offense;
 - what, if anything, was accomplished by the JRB process;
 - the benefits, if any, of referring the matter to court;

If the matter is referred to the Juvenile Court at that point, the referring agency should indicate on the referral that diversion through the JRB process was attempted, but was unsuccessful.

VIII. Administrative Information

- **Confidentiality**

For reasons of confidentiality, and to preserve the integrity of the JRB process, all information, documents, records, files, etc. obtained or created in the handling of a JRB case must be kept confidential and available only for use by the JRB in its handling of cases.

- Every member of the JRB should sign a Confidentiality Statement at the time of their appointment (*See attached sample*). Some JRBs have members sign statements at the beginning of each meeting.
- A Confidentiality Statement should also be signed by anyone observing a JRB meeting.
- Information about cases should be presented verbally to JRB members rather than in hard copy. If hard copies are distributed to JRB members prior to or at a meeting, they should be collected at the conclusion of the meeting. Do not electronically send confidential information to JRB members.
- Files should be kept securely in a location with limited, controlled access.

- Physical files, other than statistical data, can be destroyed by shredding or some other suitable method within twelve months of the completion/closing of a case, depending on level and length of follow-up with the family. Additional regulations or different time frames for record retention may exist depending on your agency policy. Follow agency policies in these situations.

- **Data collection**

Data collection is necessary in determining the effectiveness of the JRB process and to continue the funding of JRB programs. The Legislature, state agencies, and private funders/foundations need to know that the JRB process is producing positive results. The Results Based Accountability (RBA) framework is now being used across agencies and programs and it requires programs to produce data showing that what they are doing is working and is positively affecting those they serve. The Connecticut Youth Services Association (CYSA) is also using this framework for reporting purposes. Requirements for data collection and reporting to funders and stakeholders should be noted on JRB Intake paperwork and explained to the family. Explain that all data will be aggregated for reports with no individually identifiable information.

CYSA, in conjunction with State Department of Education (SDE), has developed easy-to-use data collection forms to record relevant information about the JRB process. All YSBs with JRBs are required by SDE to gather specific data on JRB cases through the use of a data collection tool, as well as submission of completed JRB questionnaires (given at case closing for youth and parent/guardian). Other funders may also require additional data collection and reporting requirements. (*See attached SDE data tools*)

IX. Summary

JRBs are a community-based diversion process aimed at identifying the needs of youth and their families who have been referred for delinquent or status offenses. The goal is to keep youth out of the juvenile justice system and to provide services and support for youth (and families) in order to help build necessary skills for ongoing success.

It is important for JRBs to maintain a level of individuality based on the direct needs of their community, however it is also critical that key components be adopted by JRBs to ensure success and a level of system-wide accountability for this diversion process.

This document serves to set forth guidelines for some standard protocols and procedures that should be adopted by all JRB programs. Most of the protocols and procedures could be adopted immediately by existing, experienced JRB programs (referred to in this document as “Level 2” JRBs), while some protocols and procedures may be more useful for less experienced or newly formed programs (referred to in the document as “Level 1” JRBs) as they learn and evolve.

JRBs should use this document in discussion with their Boards and modify/create policies and procedures based on information included in this Guide.

It is also suggested that JRBs adopt and accept this framework and sign off on it as a Board and as individual members.

**This is a working document. It should be expected that it will be revised periodically to address legislative changes, “best practice” updates, other mandates, or other pertinent information. If you have comments or suggestions on the document, please forward them to Erica Bromley, MSW, Juvenile Justice Liaison for CYSA, at ebromley@ctyouthservices.org.*

Special thanks to the team of people who helped put this document together. Special thanks to Fran Carino who spent a tremendous amount of time on the project and the team who kicked off this process along with Fran that also included Joel Rosenberg, Barbara Lockhart, and Chris Montes. Thanks to the CYSA Executive Board of Michelle Piccerillo, Trish Torruella, Crystal Morawitz, and Mary Seidner, as well as to Kitty Tyrol and Sara Jeffries from University of New Haven, Tow Youth Justice Institute.

X. FOOTNOTES

¹ Delinquency cases include:

1. The violation of any federal criminal law by an un-emancipated person who is at least 7 years old and under the age of 18 at the time of the offense;
2. The violation of any state criminal law by an un-emancipated person who is at least 7 years old and under the age of 18 at the time of the offense other than:
 - An offense classified as an infraction or violation committed by a 16 or 17 year old (other than the possession of under ½ ounce of marijuana or related paraphernalia);
 - A motor vehicle offense in title 14 of the Connecticut General Statutes;
 - Failure to appear for an adult court hearing;
 - Failure to pay or plead for an infraction;
 - Violation of adult probation;
 - Violation of an adult court order;

² A school-based delinquency case is one that involves the arrest of a student for conduct on school property or at a school-sponsored event.

³ FWSN cases involve an un-emancipated person who is at least 7 years old and under the age of 18 who:

1. has without just cause run away from the parental home or other properly authorized and lawful place of abode,
2. is beyond the control of the child's or youth's parent, parents, guardian or other custodian,
3. has engaged in indecent or immoral conduct,
4. is 13 years of age or older and has engaged in sexual intercourse with another person and such other person is 13 years of age or older and not more than two years older or younger than such child or youth;

**Before 8/15/2017*

5. is truant from school;
6. while in school, has been continuously and overtly defiant of school rules and regulations, or

⁴ A school-based FWSN case is one that involves truancy or defiance of school rules.

⁵ A non-felony delinquency case would involve a delinquency offense designated as a misdemeanor, violation or infraction.

⁶ The Juvenile Court can accept:

- any delinquency cases from the police
- any FWSN cases from the police

- Any FWSN cases from the school regarding truancy and/or defiance of school rules **(before 8/15/2017)*
- any FWSN cases from parents/guardians

⁷ A “serious felony charge” would involve an incident resulting in significant injury or death or substantial property damage.

⁸ A “serious juvenile offense” (SJO) is an offense designated as such by the Legislature. These offenses carry many serious consequences for children charged with or convicted of an SJO. For a list of offenses designated as “Serious Juvenile Offenses” see <http://www.francarino.com/SJOList.htm>

⁹ A youth that has previously been referred to the Juvenile Court may only be considered for acceptance for diversion by the JRB if the family executes the appropriate waiver and a release of information for the Probation Officer to talk with the JRB and the juvenile probation department agrees that diversion is appropriate.

¹⁰ In delinquency cases, this information consists primarily of the police incident report. In FWSN cases, it consists of a written report of the incident/behavior. In addition, for school-based FWSN cases, the school must provide a completed Discipline and Truancy Referral Form for Juvenile Review Board and the youth’s school academic, attendance and disciplinary records.

¹¹ Intake forms include:

- Juvenile Review Board Intake Summary
- Juvenile Review Board Youth Intake Questionnaire
- Contract/Waiver of Rights/Release of Information
- Checklist of information necessary for the process
- Any other relevant JRB documents

¹² The youth and family are not permitted to have counsel present at a JRB meeting because JRB meetings are not court proceedings and do not result in a conviction or loss of liberty. They are not an adversarial process and the JRB is not represented by a lawyer. If there are lawyers on the JRB panel, they are there serving as community members or court personnel and not in the capacity of representing any legal party.

If the family has any legal questions about the JRB process, or if they wish to discuss their case with a lawyer, they should do so prior to the JRB meeting.