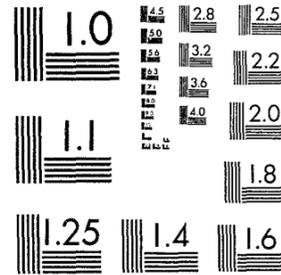


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GOALS AND STANDARDS FOR JUVENILE JUSTICE IN OHIO



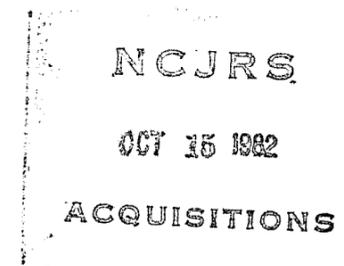
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GOALS AND STANDARDS for Juvenile Justice in Ohio



U.S. Department of Justice
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We are pleased to present these Goals and Standards for Ohio's juvenile justice system.

This document is the product of more than two years of work by the Ohio Juvenile Justice Advisory Committee. It is important to note, however, that the notions presented here not only reflect the views of the Committee, but also incorporate input from many organizations interested in improving our State's juvenile justice system. They also reflect the perspectives of over one thousand Ohioans who took the time to attend one of our public hearings or to provide written comments on our draft document.

We recognize that there will be those who will feel that some of these Goals and Standards are beyond the reasonable reach of Ohio's youth serving system. They will point to the substantial legislative and funding hurdles which will have to be overcome if we are to achieve all of the lofty objectives outlined in this document. While we acknowledge the difficulty of achieving some of the goals presented here, we firmly believe that their implementation should be vigorously pursued. Our commitment to this effort is based on the belief that our society must continue to strive to develop the most effective means of insuring the full development of our young people.

We hope this document will be used to plan, evaluate, and guide all elements of our State's youth serving system. We also welcome comments on the ideas presented here as well as suggestions regarding the implementation of these Goals and Standards.

H. Robert Wientzen
Chairman

Introduction

Background

With the passage of the Juvenile Justice and Delinquency Prevention Act of 1974, (JJDP), a new emphasis was placed on the juvenile justice area. Previous juvenile programs funded with LEAA monies focused on the adjudicated youthful offender, pre-delinquents and, in general, "bad kids". The JJDP Act attempted to shift the focus of efforts from the "deep end" to the "shallow end" - the prevention of juvenile delinquency through strengthening primary influence on a juvenile's life.

In drafting the Ohio Goals and Standards for Juvenile Justice and Youth Services, the Ohio Juvenile Justice Advisory Committee (OJJAC), has designed a framework for analyzing the juvenile system. The goals and standards have been divided into four major areas - planning, prevention, informal intervention and formal intervention. Taken as a whole, these sub-areas form the structure of an ideal system for Ohio.

Primary and Secondary Systems

In addition to the four subsystems, two basic levels of social control have been defined which influence youth development. The *primary system* refers to services provided to all youth and utilized by the general public as a routine matter. The basic primary influence on a youth's life is the family relationship and the youth's home environment. Because of the family's importance, the prevention goals and standards address the issues of family cohesiveness and participation in community activities as a unit. The standards are aimed at reducing fragmented family relations and strengthening ties of the family relationship.

The primary system also consists of other services in the community, such as health care, adequate food and shelter, education, and employment opportunities.* Although there are very influential factors on a youth's maturation process, the family is viewed as the most important influence since it is the basic

foundation of a youth's development. In the hierarchical structure of the primary system, the family would be at the pinnacle, with other services in descending order.

The secondary system is a system of services which are provided to youth when the primary system has failed to meet the needs of youth and to protect the safety of the community. Secondary systems are composed of law enforcement, courts, corrections, mental health and public welfare institutions. Secondary systems are mainly involved with formal intervention, but they may also be a part of informal intervention or planning.

In sum, the primary and secondary systems consist of activities and services which are parts of the planning, prevention, informal and formal intervention areas. These areas will be explained in more detail in the following section.

Planning

"Planning" has traditionally been a neglected area in juvenile services. The function of planning is very important for designing a network of service delivery to youth in the State of Ohio. Comprehensive and long-range planning efforts are necessary prior to implementing a youth services planning coalition at state, local and regional areas of Ohio.

The planning model developed consists of state and local coordinating councils for youth services. Functions of these agencies include information gathering, resource allocation, human resource development, and monitoring and evaluation. These activities are directed towards the development of programs, services, and qualified personnel for the youth service system. The goals and standards form the framework for a comprehensive and coordinated youth service system in Ohio.

Prevention

Prevention activities are aimed at strengthening the primary system which shapes a youth's outlook on life. The prevention chapter focuses on the sum total of services to youth and is similar to the Department of Human Services definition of youth development and delinquency prevention. The idea is to provide services to individuals without regard to the potential

*Particular attention is to be given to Public Law 94.142 (Education to the Handicapped Act) as well as other relevant Federal and State legislation.

delinquent risks of specific youths. The basic purpose of primary prevention is to reduce opportunities for delinquency or misbehavior by providing a comprehensive system of basic community services to youth. In line with this, prevention goals and standards cover the area of family, employment, education and individual rights.

Informal Intervention

The traditional view of prevention would include informal intervention activities. The goals and standards define informal intervention as the area between prevention and formal intervention in the juvenile justice system. Informal intervention offers services to youth on a *voluntary basis* when prevention efforts have failed to meet the needs of the youth, and prior to the youth becoming officially involved with the juvenile justice system. There is no attempt to stigmatize the participants in informal intervention programs, although the thrust of the programs is directed towards youth who are in need of help. As such, the informal intervention system would include crisis intervention centers, family counseling services, run-away centers, shelter care and alternative living services, and youth advocacy programs. The goals and standards provide guidelines for the operation of such programs, including standards for referral, intake, and termination of informal intervention services.

Formal Intervention

Formal intervention activities involve those youth who have already begun to have difficulty with the law. Formal intervention occurs when prevention and informal intervention efforts have failed, which necessitates the involvement of law enforcement, courts, corrections, and other formal components of the juvenile justice system.

The crucial issue for formal intervention is when should intervention by the juvenile justice system occur? The goals and standards address this issue by providing guidelines for law enforcement, courts, and correctional agencies, in addition to community-based formal intervention programs. Formal diversion by police or courts is also dealt with in this section, although the pure form of diversion -- diversion prior to any involvement with the formal system -- is emphasized in the informal intervention section. The basic differences between formal and informal are the characteristics of the target group. Formal intervention impacts youths who have been formally apprehended and charged with a delinquent or status

offense, while informal intervention impacts youths who participate in programs on a voluntary basis and aren't involved in formal procedures.

Special attention has been paid to strategies for dealing with status offenders and ensuring separation of adults and juveniles in detention facilities. These, again, are in line with special emphasis areas of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended.

Conclusion

The combination of these four sub-areas form the basic framework for the Youth Services System in Ohio. As such, the goals and standards are directed towards the development of a coordinated and comprehensive delivery of services to youth. This can be accomplished, in part, through the creation of youth service planning and coordinating bodies at the state and local levels, which will be responsible for developing comprehensive plans for youth services. OJJAC's efforts, coupled with that of the Ohio Criminal Justice Supervisory Commission, the State Planning Agency, and as mandated by the JJDP Act, can provide a coordinating and planning system for youth service in Ohio.

The goals and standards will serve as a focal point in such a system. Since the document will incorporate public input, it is hoped that citizens, groups, organizations, and agencies involved in youth services will utilize these standards and goals as guidelines for state operations. The published document is intended to be utilized as both a planning document for state direction and an operations manual for youth service agencies.

By following such a system, it is hoped that the Youth Service System in Ohio will more efficiently and effectively meet the needs of youth in Ohio.

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Preamble

The goal of the State of Ohio is for all children to have equal opportunity to live, grow and mature to their fullest potential under the law so as to become responsible and mature adult citizens.

These goals and standards are addressed to those specific youth who are involved in the juvenile justice system or are in need of specialized community services so as to prevent or limit involvement in the juvenile justice system.

CHAPTER ONE

Planning and Coordination

I. Planning

Goal:

There should be a mechanism at the local and State levels encompassing public and private agencies within the youth services system. This mechanism should:

1. Formulate policy and develop long-and short-range implementation plans that are responsive to identified needs;
2. Develop and select from a variety of strategies those programs calculated to achieve specific goals;
3. Achieve coordinated, effective, efficient, systematic and equitable delivery of services to youth; and
4. Encourage and assist in the interchange of ideas and information.

Standard 1.1 Local Youth Service Coordinating Council (YSCC)¹

The county commissioners of each county, or combination of counties, shall appoint a local Youth Service Coordinating Council (YSCC). In those counties with cities over 100,000 base population, the mayor or city manager of these municipalities will have the authority to appoint five (5) members to the YSCC.² The purpose of the YSCC will be to plan and coordinate local youth services. Where the population of the

county is less than 50,000, it is *recommended* that the county combine with an adjacent county or counties and establish a regional Youth Service Coordinating Council.

- a. Membership - The Council shall be composed of not more than 21 and not less than 15 voting members.
- b. Term - Members shall be appointed for staggered terms, the maximum to be 3 years. Members are eligible for reappointment for no more than two terms or 9 years, whichever comes first.
- c. Constituency - Councils shall include representation of units of local government; juvenile justice agencies such as law enforcement, correction or probation personnel and juvenile or family court judges; and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education or youth services departments. Also, representatives of private organizations concerned with delinquency prevention or treatment; neglected or dependent children; the quality of juvenile justice, education or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; and organizations which represent employees affected by the JJDP Act. The majority of members shall not be full-time employees of Federal, State or local governments. Twenty (20) percent of the members shall be under age 21 at time of appointment. Representation shall include youth, minority groups and women.³
- d. Chairman - The chairman will be elected annually by the YSCC from its membership.

¹ A Youth Service Coordinating Council (YSCC) is a locally appointed group, comprised of both public and private individuals, whose purpose is to advise on policy and develop strategies which ensure the coordinated, effective, efficient, systematic and equitable delivery of services to youth.

² If the government authority fails to appoint a YSCC, OJJAC may certify a local agency or organization for the purpose of appointing and establishing an interim YSCC, consistent with this standard.

³ Comment: It should be recognized that the quality of the local Coordinating Council and its

effectiveness will depend in large measure upon the care taken by appointing authorities in selecting appointees. Commissioners and mayors/city managers of eligible cities should be sensitive to the numerous agencies and representations necessary to create a broad based, multifaceted council that will give attention to the range of youth concerns in their communities.

OJJAC believes that a strong, representative Council can have an enormous effect in improving and coordinating services for youth and families. Besides the suggested Council representation, membership should also be extended to parents and potential recipients of juvenile services.

- e. Meetings - The Council shall meet quarterly and at such other times as established in the by-laws, or upon call of the chairman.
- f. By-Laws - Each Council shall adopt its own by-laws and file them with the county commissioners and the State Youth Service Coordinating Council within 90 days of organization.
- g. Vacancies - Vacancies on the Council shall be filled by the county commissioners within 60 days of notification.
- h. Purpose - The Council will implement these goals and standards.
- i. No Direct Services - At no time will a Youth Service Coordinating Council directly deliver services to youth.

Standard 1.2 Development of Plan

Each Youth Service Coordinating Council shall develop an annual plan for the coordination and delivery of services to youth who are involved in the juvenile justice system or in need of specialized community services so as to prevent or limit involvement in the juvenile justice system.

- a. The first plan must be completed no later than two years following the certification of a local YSCC.
- b. Each plan should identify the existing system and needs, develop alternative strategies and establish priorities.
- c. Each annual plan must be made available for public inspection. In the adoption of the plan, opportunities should be given for public suggestion and reaction.
- d. Upon adoption, the plan will be made readily available to all youth-serving agencies within the jurisdiction.
- e. Each plan must relate to goals and standards developed for the State of Ohio.

Standard 1.3 Submission of Agency Plans

It shall be the responsibility of every youth-serving agency to provide the local YSCC with its own annual or biennial plan to implement those goals and standards which are appropriate for the jurisdiction. Each plan shall be incorporated as part of the annual local YSCC plan. Any changes in goals or objectives must be documented within these plans, listing alternative goals and objectives for services.

Standard 1.4 Resources for Planning

Every youth-serving agency should expend at least five percent and no more than 15 percent of its resources annually for planning.

Standard 1.5 Other YSCC Functions

In addition to preparing an annual plan, the YSCC shall:

- a. Coordinate service delivery so as to avoid duplication or fragmentation of services.
- b. Provide technical assistance to local youth service agencies in matters of funding, program information, management, research and service development.
- c. Develop a standardized monitoring and evaluation system for youth service agencies and programs. This information should be used in developing agency plans as well as the local YSCC annual plan. (See Monitoring and Evaluation Section.)
- d. Sponsor training programs for youth service agencies and personnel.

Standard 1.6 State Coordinating Council

The State YSCC shall coordinate planning and delivery of services for (1) state-wide youth-serving agencies and (2) local youth-serving agencies through their Youth Service Coordinating Councils.

Standard 1.7 State Coordinating Council Membership

The membership of the State Coordinating Council will adhere to the following guidelines, consistent with the Juvenile Justice and Delinquency Prevention Act of 1974:

- a. The State YSCC will consist of not less than 21 and no more than 33 persons who have training, experience or special knowledge concerning youth services in Ohio.
- b. The State YSCC will include representation of local, regional and State units of government, public and private youth service agencies and organizations involved in juvenile justice.
- c. The majority of the members, including the chairman, must not be full-time employees of the Federal, State or local governments.
- d. At least one-third of the members must be under the age of 26 at the time of appointment.
- e. Membership must include balanced representation of young people, minority groups and women. The selection process should adhere to appropriate EEO guidelines.

Standard 1.8 State YSCC Purpose and Functions

The State YSCC will participate in the following activities:

- a. State YSCC shall establish written policies defining objectives and activities of local Youth Service Coordinating Councils.
- b. State YSCC shall supervise local planning efforts

to assure compliance with State goals and standards.

- c. State YSCC shall adopt goals and standards to assist youth-serving agencies in developing their own plans, programs and projects.
- d. State YSCC shall establish written guidelines for the development of planning units within each youth-serving agency.
- e. State YSCC shall develop written qualifications for planners in youth-serving agencies.
- f. State YSCC shall disseminate results of planning council studies and activities, together with annual plans, in appropriate ways.
- g. State YSCC shall support continued planning efforts at all levels of government.
- h. State YSCC shall provide consultation on planning for all agencies involved in the provision of services to youth.

Standard 1.9 State Plan

Guidelines will be established by the State YSCC to provide assistance to local YSCCs in development of plans. Upon receipt of local YSCC plans, the State YSCC shall develop the State plan.

The State plan shall develop a model to coordinate the delivery of services by State, public and private agencies. In addition, the State plan must clearly establish needs and priorities for services to all children in Ohio based on information and direction from localities. These needs and priorities should be consistent with goals and standards developed for the State of Ohio.

II. Acquisition and Allocation of Resources

Goal:

The State Youth Services Coordinating Council shall have primary responsibility in cooperation with local YSCCs to identify and acquire resources necessary to implement Ohio's goals and standards, as outlined in Standard 3.2.

Standard 2.1 Staff Responsibility

The State YSCC shall provide adequate staff specifically skilled in identification, acquisition and allocation of resources. It shall:

- a. Identify, catalogue and utilize all applicable sources of monies, personnel, technical assistance and information.
- b. Provide technical assistance to the State youth-serving agencies, local YSCCs and any other eligible applicants.

- c. Assist individual eligible programs in the application and funding process.
- d. Coordinate the establishment of simplified, standardized procedures with any appropriate funding and assistance sources.

Standard 2.2 Program Eligibility

Any service to youth which can effectively document its capacity to initiate or maintain beneficial services, as outlined in its local YSCC plan or Ohio's goals and standards, shall be eligible to receive any monies or technical assistance necessary to accomplish its purpose. Evaluation of program effectiveness shall follow criteria established in compliance with Standard 4.2, Monitoring and Evaluation.

III. Information

Goal:

The State YSCC should establish a statewide system of information for use by agencies, groups and individuals involved in youth-serving functions. This information system should provide accurate, accessible and consistent information, with adequate provisions for safeguarding confidentiality and privacy of records. Information generated will be incorporated as part of the on-going planning, coordination, implementation and evaluation of services process.

Standard 3.1 Statewide Information Collection and Dissemination

A statewide information system for youth services should be established by the State YSCC to coordinate the collection and dissemination of information at the local and regional levels. The local YSCC will assist the State YSCC in collecting and analyzing data from youth service agencies. This data will be in aggregate form and will not contain personal identifiers.

Standard 3.2 Information Function

The information function of the State YSCC will include, but not be limited to:

- a. collection, provision and coordination of youth services data on a statewide basis,
- b. development of information and statistical reporting procedures,
- c. preparation and publication of youth services statistical reports based on analysis and interpretation of statewide data,
- d. exchange of information with the National Institute for Juvenile Justice and Delinquency Prevention, as mandated by the Juvenile Justice and Delinquency Prevention Act of 1974,
- e. clearinghouse services, and

- f. coordination of information on allocation of resources.

Standard 3.3 Security and Privacy Requirements

Personal information about youth and families that is stored in an agency must be secure and protected. The collection, maintenance and dissemination of all forms of data must be subject to Federal and State regulations on security, accuracy and privacy.

Standard 3.4 Youth Access to Records

A procedure should be developed whereby a youth, parent or representative of the youth may challenge and review the correctness of an individual record. If an error is determined, it is the responsibility of the agency which created the record to make a correction as soon as possible. Notification of the correction must be disseminated to any agencies or persons holding incorrect information.

Standard 3.5 Relevant Information

Youth service agencies should only collect and store information that is necessary for that agency's operations.

Standard 3.6 Completeness and Accuracy of Information

A verification procedure should be instituted to review information that is entered into the agency's files. All entries should be checked initially to verify the completeness and accuracy of the information. Agency files should be reviewed annually to ensure that record information is updated and complete. If corrections are made, all persons or agencies who have received misleading information should be notified immediately.

Standard 3.7 Use of Information

Any information that is collected, stored and disseminated can be utilized for:

- a. comprehensive planning efforts,
- b. assistance in coordination of services,
- c. monitoring and evaluation,
- d. research, and
- e. technical assistance.

Standard 3.8 Technical Assistance

The State YSCC should develop, coordinate and provide materials, personnel, information and other resources for use in technical assistance efforts.

IV. Monitoring and Evaluation

Goal:

The youth services system should: (1) measure achievement of stated goals and/or objectives; (2) determine the effectiveness and efficiency of existing programs; (3) provide fiscal monitoring, evaluation and accountability; and (4) utilize both programmatic and fiscal monitoring and evaluation data in planning.

Standard 4.1 Monitoring Procedures

A standardized system shall be developed by the State YSCC. The monitoring process should include:

- a. written goals, objectives and timetables,
- b. methods used to accomplish goals and objectives and to meet timetables, and
- c. procedures for periodic collection and reporting of monitoring data.

Every youth service agency shall use this monitoring system, and it is the responsibility of these agencies to advise their local YSCC of that portion of their budgets which is being spent for planning and that portion spent in delivery of direct services.

Standard 4.2 Evaluation Procedures

Standardized criteria should be developed for youth-serving agencies to measure the impact of programs on both individuals and the system. Items measured should include:

- a. achievement of goals,
- b. achievement of objectives,
- c. program efficiency.

Standard 4.3 Internal Agency Evaluation

Youth-serving agencies should establish a research capability to conduct evaluation and follow-up studies, initiate efficiency studies and transmit research findings to local YSCCs.

Standard 4.4 Outside Agency Evaluation

All youth-serving agencies shall be evaluated by an outside source at least every three years. Schedules for the evaluation must be transmitted in written form to the local YSCC. A copy of results shall be delivered to both the evaluated agency and the local YSCC within 30 days of completion of the study. The evaluated agency shall receive the results first, and the report must be submitted to the local YSCC no later than 30 days after the evaluated agency receives the report. Independent evaluation should also be conducted in special situations, e.g., a new or questionable program.

Standard 4.5 Agency Support for Evaluation

Each youth-serving agency should ensure that

sufficient funds and/or resources are being allocated for evaluation research. YSCCs should assist in evaluation research.

Standard 4.6 Use of Evaluation Research

Evaluation studies should be used constructively to: (1) formulate administrative decisions; (2) shape future priorities; (3) determine programmatic and policy changes; and (4) improve program operations. If intensive evaluation data indicated that a program should be terminated or altered, the agency should be afforded a grievance process to review the decision.

Standard 4.7 Changes in Agency Goals/Objectives

Objectives and goals for agencies must be formulated prior to monitoring and evaluation studies. If agency goals/objectives are changed after formulation, the agency must promptly submit revisions and document the reason for changes. Any changes are to be reported to the YSCC and should be approved prior to the submission of any monitoring and evaluation studies.

V. Human Resource Development

Goal:

The youth services system should provide for the training, development and qualification of youth-serving personnel to ensure that those persons possess the appropriate skills and knowledge necessary for effective performance.

Standard 5.1 Knowledge and Skill Requirements

In selecting and placing personnel, youth-serving agencies should:

- a. identify specific and detailed roles, tasks and performance levels for each position in the agency;
- b. establish the knowledge and skill requirements of these positions;
- c. develop recruitment and selection criteria that incorporate the appropriate knowledge and skill requirements; and
- d. utilize above criteria in employment and placement decisions.

Standard 5.2 Training and Education

Educational curriculum and training programs should be developed to provide youth service personnel with requisite knowledge and skill requirements. Such programs may be provided by: (1) youth service agencies; or (2) other appropriate agencies. Such programs should:

- a. include pre-employment training,

- b. include a minimum of five percent personnel time for in-service training,
- c. be coordinated through the State information function, e.g., provide communication between providers of service and providers of training, and
- d. be evaluated to assess the relationship between training actual job personnel, consistent with Standards 4.3 - 4.5.

Standard 5.3 Volunteers in Youth Services

Appropriately trained volunteers should be utilized in all areas of the delivery of youth services. Agencies which utilize volunteers should:

- a. develop accurate and detailed job descriptions;
- b. develop knowledge and skill requirements for volunteer positions;
- c. train paid staff in use of volunteers; and
- d. train volunteers for specific jobs.

Standard 5.4 EEO Compliance

The selection, placement and promotion policies developed by youth service agencies must meet EEO requirements. An employment plan must ensure a balanced representation of minority groups and women within youth service agencies.

CHAPTER TWO

Prevention

Mission Statement

Prevention efforts should seek to deliver a comprehensive system of basic community services to children and their families, alone and together, that will: (1) enhance the opportunity for children to have successful development and socialization experiences and (2) strengthen the family structure and improve the living environment.

VI. The Family⁴

Goal:

To develop a family-focused neighborhood prevention system acknowledging the principle of family autonomy while recognizing that children often need and always deserve the law's protection. Standards should protect family decision-making from undue interference, as well as emphasize the strengthening of the family unit as an integral part of delinquency prevention.

Standard 6.1 Parental Responsibility

Parents have the primary responsibility to provide for the basic needs of their children, including:

- a. adequate food, clothing and shelter;
- b. permanent home environment that is physically and emotionally healthy and assists the youth in the developmental process; and
- c. enrollment in and attendance at school in order for them to attain skills and knowledge.

Standard 6.2 Parental Rights

Parents have the inherent right to raise their children without undue interference from outside interests. In addition, assistance should rightfully be provided to parents to help them uphold family responsibilities, to include public welfare assistance, social services, monetary aid and additional community resources.

Standard 6.3 Parent Training

Parents training programs should be provided by

public and private agencies to assist parents in developing skills of parenting. Program components should include:

- a. pre-marital counseling,
- b. techniques in child rearing,
- c. critical development stages of children and behavior and emotional responses to expect at all stages,
- d. fair and consistent methods of discipline,
- e. identification of learning disabilities and/or birth defects and methods of coping with these problems, and
- f. essential elements of nutrition.

Standard 6.4 Basic Needs of Family

Governmental units should seek to ensure that families are assisted in their efforts to meet the basic needs of the family. Efforts would address:

- a. employment for family support;
- b. adequate and proper nutritional requirements to avoid health problems and impairment of individual's functions;
- c. availability of preventive and therapeutic health care services to the family; and
- d. adequate housing.

Standard 6.5 Family Participation in Education

Programs should be developed to encourage family participation in education, and to assist parents in instructing their children within the home environment. The following guidelines should apply:

- a. parents and school staff should jointly develop techniques and methods for using the home as a learning environment;
- b. school districts should provide parents with assistance in home teaching programs, i.e., home study materials to supplement in-school teaching;
- c. schools should attempt to utilize parents as aides, assistants or tutors in classrooms; and
- d. voluntary participation of parents should be encouraged in all phases of academic programming.

Standard 6.6 Day Care Centers

Day-care and drop-in child care centers, for children of all ages and for children with special needs, should be established in communities. The center should attempt to involve qualified community residents in the staffing and administration of the centers.

⁴ See definitions.

Standard 6.7 Family Counseling

Family counseling services should be available in communities to assist families in making healthy adaptations to the emotional, psychological and environmental problems facing them, including problems caused by divorce, death, financial pressure, domestic quarreling or general family discord.

Standard 6.8 Child Abuse, Neglect, Dependency and Education

Special training and education programs should be established to help parents and the general public identify the dynamics of child abuse, neglect and dependency, and the role of social services and the court in dealing with the problem.

Standard 6.9 Developing Family Cohesiveness

Communities should seek to strengthen the family structure by sponsoring activities which are aimed at total family participation. Recreational, educational, and general community programs should be established to enable the family to function as a cohesive unit.

VII. The Youth

Goal:

To ensure a juvenile's right to family life free from undue interference and to further ensure that the needs and responsibilities of youth are identified and addressed with full protection of their rights and duties under the law.

Standard 7.1 Juvenile Rights

Juveniles are to be accorded not only all the basic constitutional rights of an individual, which include the right to a family life free from unreasonable interference, but also a permanent home environment that is physically and emotionally healthy. Restrictions on a youth which result from the status of being a minor must be justified in order to eliminate legally imposed disabilities on the child.

Standard 7.2 Juvenile Responsibility/Obligations

Youth have the responsibility to conduct themselves in a reasonable manner that is in accordance with laws, rules and regulations. Specifically, youth should strive to:

- be an active member of the family unit;
- attain necessary skills and knowledge to function as an independent and mature person.
- obey all reasonable requirements set by the custodial adult, and
- attend school as required by law.

Standard 7.3 Youth Input and Decision-Making

Communities should involve youth in decision-making processes which directly affect their lives. Youth should be given opportunity to provide input in:

- policies and practices adopted by the school system, e.g., dress codes, student publications, disciplinary policies and curriculum design;
- public entities, including boards, councils and committees, which are directly involved in youth services;
- community centers and recreational programs for young people;
- decisions concerning wage restrictions, wage standards and union regulations which affect the youth's ability to obtain jobs; and
- grievance procedures to appeal condition of the work environment to include both public and private industry.

Standard 7.4 Youth Advocacy Centers

Services should be established in communities to provide advocates for the rights and interests of youth. A youth advocacy center would provide legal services to youth in all cases where legitimate rights of youth are being threatened or needs are not being met. Advocates should be employed by public or private agencies, or may participate on a voluntary basis. Advocates should possess knowledge of youth rights, legal issues and community resources. In-service and pre-employment training programs should be established for preparation of youth advocates.

Youth advocacy centers should provide the following services:

- information on legal rights and responsibilities of minors;
- referrals for youth who need assistance;
- assistance in planning of youth environmental programs;
- information about student loans; and
- representation of minors in the juvenile justice process, giving consideration to both youth and parents, during intake, detention and the juvenile court hearing.

VIII. Education

Goal:

The goal of the educational system is to provide training and education to all youth in the State of Ohio to the end that each child may grow and mature to the fullest extent possible consistent with his/her academic and intellectual potential.

Standard 8.1 Essential Elements of Educational System

The educational system should seek to ensure that the following elements are present in Ohio's school systems:

- comprehensive educational and development services for all youth;
- special provisions for the gifted child or children with special needs;
- special provisions for the physically or otherwise handicapped child;
- due process in school administration;
- disciplinary actions that are free from arbitrariness and/or discrimination; and
- mandatory school attendance should be enforced against parents first, with secondary enforcement against the youth; suspensions and expulsions are inappropriate responses to truancy.

Standard 8.2 Community Involvement in Education

School systems should attempt to involve the community in all aspects of school functioning. School officials should attempt to expand the educational services for the entire community by:

- disseminating educational materials to community groups and agencies;
- sponsoring training seminars for community education;
- developing communications mechanisms between the school system and neighborhoods;
- involving citizens in educational policies through citizen representation on committees, boards, etc.;
- utilizing community resources in classroom instruction, i.e., community persons invited as guest lecturers, field trips to local businesses, programs or facilities; and
- sponsoring lectures or public forums on subjects of relevant interest to the community.

Standard 8.3 Reality Based Curricula

Schools should develop and/or expand reality-based curricula to prepare students to respond to the demand of living in contemporary society. Curricula should offer students practical education and should be closely interrelated with academic course work. Areas would include:

- exposure of students to the range of occupations and careers through experience, observations and study;
- identification of the types of skill and training required for occupations through cooperative programs with local businesses or colleges;
- information about personal financial management, including budgeting, credit cards, insurance policies and loan applications;

- consumer education to assist students in the future purchase of real or personal property such as houses, automobiles, services and general housewares;
- education concerning citizen involvement in the political process in the community;
- opportunities for student involvement in community and civic affairs, through field trips, internships, work-study programs and extra-curricular activities; and
- responsibilities of family life and preparation for marriage.

Standard 8.4 School Responsibility for Ensuring Basic Education

All elementary schools must be evaluated regularly by the State Department of Education to assure that every student will have acquired an acceptable level of academic proficiency, commensurate with his/her ability. Periodic reviews must be conducted, as established by legislation, to determine a student's educational performance, and to ensure that early remedial services are delivered to students who are in danger of not reaching an acceptable level of academic proficiency. Students should have obtained a competency in reading, writing and arithmetic upon completion of elementary school.

Standard 8.5 Alternative Education

Specialized educational alternatives should be developed to permit maximum academic growth for all children.

- In developing these programs, the following options may be utilized:
 - Experimental programs in alternative education through cooperative efforts of community organizations, businesses, voluntary agencies, non-profit enterprises and the educational system. Pilot programs could include the use of co-op work situations and joint projects between school and community;
 - Separate neighborhood educational programs which involve parents and community residents in the learning process. Localized educational centers can be utilized to provide practical experience in coordination with classroom learning, and can provide students with opportunities for community service and civic involvement;
 - Multicultural and racial awareness programs through classroom instruction, use of school facilities for cultural events and guest lecturers who represent different cultural and ethnic backgrounds;
 - Instruction in basic academic skills through

programmed learning techniques so as to adjust to the individual student's learning pace;

5. Bilingual education;
 6. Career education programs which emphasize career alternatives, requisite training and employment opportunities. Career education should also utilize internships, work-study programs and on-the-job training, and should obtain cooperation from community businesses, local professional and labor industries.
 7. Tutorial services;
 8. Vocational training programs; and
 9. Instructional programs designed to meet the needs of the developmentally disabled youth.
- b. The following criteria are suggested for programs which may be established:
1. programs are to be used in a positive way for creative academic growth,
 2. programs should be designed for individual interest and talents,
 3. programs should be used for change and experimentation in school routine,
 4. programs should be incorporated as part of the existing school program, but can be operated in a separate location or operated out of State-owned facilities, and
 5. programs may be sponsored by private organizations.

Standard 8.6 Support Services

Schools should provide or extend supportive services for early detection of student's problems in order to facilitate their positive growth and assist in adjustment problems. Supportive services should include:

- a. individual counseling to focus on a student's particular problem and/or learning disabilities;
- b. ability of home/school coordinators and school counselors to recognize family conflicts and ability to refer to appropriate outside resources for assistance;
- c. testing and diagnostic services for psychological problems or learning disabilities;
- d. remedial programs for deficiencies in academic background;
- e. consumer information;
- f. career guidance and student placement centers; and
- g. school detection and referral for treatment of students with health problems, e.g., hearing, visual perception, alcohol, drugs, and physical disabilities.

Education counseling should begin at the earliest

levels of elementary education and continue throughout the secondary level with special emphasis on developmental growth and career exploration.

Standard 8.7 Learning Disabilities

Special diagnostic programs must be developed to identify learning disabilities and to provide appropriate services for treating them. Teachers must be trained in techniques to identify special learning disabilities. In addition, school systems shall provide special teachers to instruct children with learning disabilities.

These provisions are mandated by existing federal legislation (Public Law 94-142) and state statute O.R.C. 3301.131. The State Department of Education, as required by the federal law, must develop rules and regulations to govern compliance. These statutes and regulations are minimum standards, but maximum use of available resources is encouraged at all times.

Standard 8.8 Use of School Facilities

School facilities should be made available to the community wherever possible. Classroom space and other school equipment should be utilized by local social services agencies, recreational programs, community meetings and cultural activities.

School districts and community agencies should actively explore all possible funding sources to expand usage of school facilities by the community. A shared-cost arrangement could be utilized.

Standard 8.9 Rules and Regulations

Schools should adopt regulations and policies for student conduct that reflect rights and responsibilities, and provide the students with an opportunity to participate in decisions affecting their lives.

The following guidelines and legislation on school regulatory policies should be applied:

- a. federal and state statutes, i.e., Amended Substitute H. B. 421 and O.R.C. Sections 3313.66 and 33.3.661,
- b. state Privacy Act.
- c. case law and Supreme Court decisions,
- d. opinions of the Attorney General, and
- e. rules and regulations developed by U.S. Department of Education, Department of Health and Human Services (formerly HEW), and U.S. Office of Civil Rights.

IX. Government and Private Services in the Community

Goal:

To provide adequate services for youth in the least restrictive environment through maximum utilization of services and cooperation between public and private sectors; to provide alternative ways to meet the needs of youth as well as opportunities for youth development and growth while limiting potential involvement in delinquent or maladjusted behavior.

Standard 9.1 Health Services

Comprehensive health services should be available in the community for all youth. Such services should include:

- a. preventive health care services including nutrition, sex education, etc.,
- b. medical treatment;
- c. dental care and treatment;
- d. assistance to youth during pre- and post-pregnancy periods; and
- e. specialized medical services including:
 1. treatment of venereal or other infectious diseases,
 2. cosmetic treatment for severe disfigurements,
 3. chronic disorders,
 4. dental treatment,
 5. birth control other than sterilization, and
- f. drug and alcohol treatment services.

Services should be offered at minimum or no cost. No youth shall be denied treatment because of inability to pay for services. Parental consent should be encouraged in all cases involving medical treatment.

Standard 9.2 Mental Health and Developmentally Disabled

A full range of mental health services should be provided to youth and their families by both private and public agencies. Services should include:

- a. family counseling to alleviate emotional or other problems in the home environment,
- b. individual counseling for personal problems,
- c. marriage counseling, and
- d. peer group counseling for those difficulties arising from friends, social interactions at school or general neighborhood associations.

Youth should be allowed to participate in confidential counseling sessions without parental consent, although family-type counseling is encouraged.

Outreach components should be included in mental health programs to encourage maximum utilization of services by those who are most in need of assistance.

Standard 9.3 Employment and Human Resources

A comprehensive employment and human resource strategy should be developed and utilized by the communities to expand job opportunities and job training for youth, and to eliminate discriminatory hiring practices. Strategies should include:

- a. coordinated provision of vocational training programs, both in high school and post graduation, to prepare those enrolled for realistic job opportunities;
- b. provision of career education and information within the school system and the community, including job placement centers;
- c. acceleration of efforts by employers and unions to provide union memberships or job opportunities for all youth, with special emphasis on those youth who are economically and educationally disadvantaged;
- d. elimination of discrimination and artificial barriers against youth, based on race, sex, national origin, minimum age requirements, wage policies and union restrictions or physical/mental disabilities;
- e. acquisition of support of community businessmen, professionals and civic leaders in sponsoring work-study, interns and on-the-job training programs;
- f. initiation of awareness seminars to sensitize employers, trainees and adult laborers to the special problems young people may encounter in their work environment; and
- g. provision of part-time and full-time employment programs for youth.

Standard 9.4 Recreation

Maximum use should be made of existing public and private recreational facilities to expand recreational opportunities to all youth in the community. In addition, new programs should be developed which emphasize outreach services to recruit youth who might otherwise be denied recreational opportunities. Guidelines for recreational services should include the following:

- a. recreational services should be provided within each neighborhood;
- b. recreation activities should be provided at minimum cost or no cost when feasible;
- c. recreation programs should include contact and non-contact sports, arts, crafts, music, games, etc;
- d. individual needs, as well as community needs must be considered in recreational planning;
- e. youth and parents should actively participate in recreational planning;

- f. recreational leaders should be trained in constructive methods of dealing with disruptive behavior and attempt to channel energies into more productive activities;
- g. special attention should be directed towards those youths with poor family relationships, school failures, limited opportunities and strong peer pressure to participate in criminal activities; and
- h. recreational services must be provided for handicapped youth, compliant with Federal and State law.

Standard 9.5 Juvenile Court Judges

Juvenile court judges should be deeply involved in the field of prevention services to the youth of their community because of their unique position.

- a. Juvenile court judges should be required to complete training in the juvenile justice system and juvenile delinquency prevention as soon as possible after assuming the bench. This training should include skill development in providing community leadership.
- b. Juvenile court judges should be active on behalf of the youth of the community to ensure that necessary services will be provided.

CHAPTER THREE

Informal Intervention

Mission Statement

The mission of informal intervention is to impact and enhance the capabilities of the primary and secondary systems in meeting the needs of youth and his/her family and to provide direct services to youth and his/her family on an informal, voluntary⁵ basis when prevention efforts have failed to adequately meet the needs of youth and family, and when formal intervention activities are not necessary.

X. Intake

Goal:

To establish procedures and guidelines for the referral and intake of youth from the community. The intake system should identify needs and make the appropriate referral of youth to community services and resources which will divert youth from the formal intervention system. Youth shall not be precluded from informal treatment solely by reason of having been previously adjudged a juvenile offender through court proceedings.

Standard 10.1 Written Procedures for Intake

Written policies and procedures should be developed to allow, in appropriate cases, the referral of youth into informal intervention programs any time prior to formal court adjudication. Guidelines should specify:

- a. eligibility criteria for referral to a program;
- b. reasonable time frame between identification of need and referral;
- c. agencies or types of programs to which youth can be referred;

All written policies and procedures should be made available to the public and referring agencies including but not limited to police, schools and courts.

Standard 10.2 Essential Fairness

The youth and his/her family should be treated throughout the system with respect, dignity and fairness.

Standard 10.3 Intervention Guideline

A clear understanding of the program should be explained to the referred youth and a voluntarily written agreement should be developed between the youth and the referring agency.

Once a youth is actively participating in the informal intervention system for a reasonable time and is successful, he should not be processed for the original charge. Reasonable time should be determined at the time of intake.

Standard 10.4 Screening Criteria

Initial intake should not be determined by race, creed, sex or socio-economic status. Screening criteria for a program should be based upon the following:

- a. Age of the youth being referred should play an important part in the decision to divert, taking into consideration that intellectual and emotional maturity do not necessarily progress with chronological age.
- b. The desire of the complainant/victim to prosecute must be respected. When deciding whether to divert a juvenile, care must be taken to insure that the complainant/victim is not deprived of the right to seek prosecution.
- c. Nature of the problem that led to the alleged delinquent act, to determine whether or not the alleged law violation is motivated by emotional, psychological, physical or educational problems.
- d. Number and nature of previous offenses or non-criminal misbehavior. For purposes of diversion, a youth's character can be evaluated by assessing such factors as previous warnings on the juvenile's conduct from police or other authority figures, drug addiction or alcoholism, psychological disorders, and evidence of dangerous behavior toward oneself or others. The possibility of recidivism must also be considered.
- e. Parental Responsibility - a decision to divert a youth into the informal intervention program must consider the degree to which the parents understand the seriousness of their child's problems, as well as their ability to control and discipline the child.

Standard 10.5 Counselor/Client Confidential Privilege

A counselor-client confidential privilege must be established to bar later use of potentially damaging information in formal court processing of a case. This

⁵ See definitions.

privilege should cover information obtained during intake interviews and program records of the youth's progress. The privilege does not extend to withholding knowledge or information about the intention of a person to commit an act which could cause serious harm to himself or others.

Legislation should be enacted to define guidelines to protect rights of counselor and client.

Standard 10.6 Sources of Referral

Referral of the youth to informal intervention services may be made by:

- a. self-referral;
- b. parents or family;
- c. school officials;
- d. public or private agencies;
- e. police, prior and after apprehension;
- f. court intake worker;
- g. referee or judge (informal disposition or dismissal of case); and
- h. others.

Standard 10.7 Right of Refusal

All programs involved in the provision of informal intervention services should be accorded the right to refuse to accept a youth, based upon a written explanation of the reason. The agency should explain reason for refusal to the referral source. Such right of refusal does not sanction discrimination based on race, creed, sex or socio-economic status.

Standard 10.8 Program Guidelines

All agencies or programs accepting referrals must adhere to the following guidelines:

- a. essential fairness safeguards must be accorded to youth involved in the program;
- b. all agencies accepting referrals must advise referring agencies concerning types of services provided by the program, eligibility requirements, and of openings available for referral;
- c. agencies accepting referrals should not be automatically required to submit reports to the referring agency on the status of youth but should do so upon request by the referring agency. They must, however, regularly submit data on the program's success rate over a set time period; and
- d. agencies must provide safeguards to insure confidentiality of case files.

XI. Provision of Services

Goal:

To ensure that every area or region develop and provide quality community-based services necessary to meet the needs of youth who experience difficulties either in their homes, educational systems, or the community, and to make such services available and easily accessible to these youth on a "voluntary" basis and as alternatives to proceeding formally against such youth.

Standard 11.1 Community Involvement

Communities should be encouraged to participate in the provision of local services to youth. Local citizens should be involved in identifying local needs, providing resources and sponsoring projects for youth services.

Standard 11.2 Alternative Living Arrangements

Communities should have available alternative living arrangements for youth whose home is not an acceptable residence. Alternative living arrangements should be available also to those youth 21 years of age who are still in high school and who otherwise meet informal intervention criteria. The following guidelines should be applicable for both long-term and short-term residences:

- a. Alternative residences should be located reasonably close to public transportation, employment and vocational opportunities, recreational activities, and other community resources;
- b. Alternative residences should provide the youth with basic needs of food, clothing and shelter;
- c. Family counseling service should be provided to the youth and his/her family to reduce existing tensions or conflicts;
- d. Alternative residences, including group homes for youth, must adhere to licensing requirements, as defined by State and local units. The requirements should be standardized so that minimum uniform regulations are applied to all types of alternative living arrangements; and
- e. Psychological, medical and dental services should be available to youth in alternative living situations.

Standard 11.3 Family and Individual Counseling

Adequate family counseling services should be provided in regions and communities to assist families in their ability to make healthy adaptation to the emotional and psychological problems confronting

them. Family counseling centers should apply the following guidelines:

- a. Services should be easily accessible and available. Provisions should be made for counseling according to the need of the client, including evening and weekend hours;
- b. Counseling should be provided to youth or family who voluntarily seek help. Every effort should be made to involve the family but consent is not necessary for the youth to receive services;
- c. Intake procedures should be simplified as much as possible, especially the number of forms to be completed;
- d. Services should be flexible in order to respond to the wide range of conflicts families experience; and
- e. Fees, if charged, should be based on a client's ability to pay. No one should be refused services because of lack of money.

Standard 11.4 Crisis Intervention Services

Crisis Intervention Services should be available in communities to provide emergency counseling on a short-term basis. The following guidelines should be adhered to:

- a. Crisis counseling should be available on a 24-hour time period, including telephone hot line services. This number should be well publicized in order to reach all segments of the community; and
- b. An updated index of community resources should be maintained to facilitate referral to the most appropriate agency or community organization.

Standard 11.5 Runaway Center

Runaway centers should be established in areas with significant numbers of runaway youth to provide emergency, temporary housing. All youth under age 18 will be admitted and eligible for services. Youth under age 12 should be referred to the local Childrens Services Board. The following guidelines should be adhered to:

- a. Runaway shelters should be designated as a "place of shelter care" by the juvenile court, pursuant to O.R.C. 2151.311(A)(2), so that youth may be lawfully delivered there by police;
- b. Eligible clientele would include any youth who is separated from a person having responsibility

for his/her care and appears to be in need of emergency housing and other services;

- c. Runaway centers should strive to achieve family reconciliation that appears to be in the best interests of the child;
- d. Counseling services should be offered to assist the youth and family in resolving conflicts;
- e. Parent(s), guardian or custodian must be contacted within 24 hours of the youth's arrival unless there is a compelling reason (which must be documented) for delaying notification. Youths' wishes should be considered in determining whether the youth will be returned home. The police department or law enforcement agency must be notified within 24 hours if the parent(s), guardian or custodian either cannot or should not be notified;
- f. The youth may voluntarily remain at the runaway center for 30 days if appropriate parent, guardian or custodian have been notified or there are documented reasons against such notification;⁶
- g. Runaway facilities must provide adequate housing and food to residents, and meet fire, safety and health regulations as defined by State and local agencies;
- h. There should be a clear agreement between local law enforcement officials and the runaway center;
- i. Police departments should have written policies regarding runaway centers;
- j. In cases of child abuse or suspected abuse, protective services must be notified; and
- k. The court or the State should be apprised by the runaway center staff when they admit a child known to have run from an official placement.

Standard 11.6 Substance Abuse Treatment Services

Services for the elimination of substance abuse should be available for youth who abuse drugs, alcohol or toxic inhalents, etc. Treatment services for youth should contain the following:

- a. screening of applicants by medical/psychological and other qualified persons to determine appropriate treatment methods;
- b. provisions for or referral to agencies that will provide early, transitional and/or prolonged treatment; and
- c. linkage with all local agencies that are able to

⁶ The Runaway Act placed no time limits on the number of days a youth can voluntarily remain at a runaway center.

contribute to the rehabilitative process of youth who abuse drugs.

Standard 11.7 Educational System

The educational system should utilize resources to develop alternatives to standard educational opportunities for those youths whose needs are not being met by the school system. Such educational alternatives should be designed to prevent drop-outs or expulsions from school (any level) and permit maximum academic growth. Alternative programs for education may include:

- a. career and vocational training;
- b. neighborhood education centers;
- c. work-study programs;
- d. street academics;
- e. programmed learning model for individuals;
- f. multi-cultural awareness and bilingual instruction;
- g. tutorial programs; and
- h. diagnosis and programs with learning disabilities.

Standard 11.8 Employment Opportunities

Programs to enhance youth employment opportunities and to provide job placement assistance should be established in communities. Communities and business organizations should work cooperatively to provide job placement opportunities for youth. Strategies should include:

- a. expanding the number of jobs available to youth, either part-time during the school year, or full-time summer employment;
- b. provision of relevant job training and vocational skills instruction, and development of positive attitudes toward work;
- c. elimination of discriminatory hiring practices, i.e., ethnic, racial, handicapped, sex, age- and income-related etc.;
- d. availability of career counseling;
- e. establishment of job placement and information centers which are both visible and accessible to the youth population;
- f. adherence to minimum wage laws; and
- g. subsidizing private employees as an incentive to employ youth.

Standard 11.9 Recreational Programs

Recreational programs should be available in the communities to provide recreational activities beyond the regular school day to include evenings and

weekends on a twelve month basis. Recreational programs should reflect ethnic characteristics and interests of the respective localities. Recreational programs should be open for formal referrals of youth, as well as self-referrals, and should eliminate any cost barrier to participation by juveniles. Other cultural activities such as art, crafts and music should be included.

Standard 11.10 Child Abuse

Communities shall provide an integrated system of services and care for children who have suffered or who are likely to suffer emotional or physical harm or serious injury by the child's custodial adult. Child abuse and dependency services should also be provided for those youths who suffer damage because of conditions created by failure of the parent or guardian to supervise or protect the child. This includes physical, emotional or sexual abuse, or failure of parents to provide needed treatment for the child. If appropriate services cannot be delivered informally, the case should be dealt with through informal intervention. Parents should be informed of their rights by the diverting party or agency.⁷

Standard 11.11 Youth Advocates

Youth advocacy services should be made available to youth and their families to inform them of their rights and resources in all cases where rights of youth are being threatened, including situations in the home, community, schools, employment and those where legal services are necessary.

Standard 11.12 Disengagement From the System

Procedures and guidelines should be developed for monitoring, reporting, and terminating a youth in the informal intervention system. No youth should be retained unnecessarily but should be released at the earliest optimum time.

⁷ See Section 2151 of Ohio Revised Code dealing with the abused child.

CHAPTER FOUR

Formal Intervention

Mission Statement

To provide services, consistent with due process of law, to youth formally apprehended and charged with delinquency or status offenses, youth in need of services beyond those provided through informal intervention, youth who pose a threat to their own safety and/or the safety of the community.

XII. Law Enforcement Function

Goal:

To ensure that law enforcement policies and procedures reflect the agency's commitment to effective and appropriate performance of duties in the apprehension, detection and prevention of delinquent and unruly behavior.

Standard 12.1 Guidelines for Police Alternatives

Police departments should establish written guidelines and policies to describe procedures for usage of alternatives. Alternatives may include but are not limited to:

- a. referral to parents;
- b. referral to social agencies; and
- c. referral to juvenile court intake.

Standard 12.2 Residential Placement

Law enforcement officers may place juveniles in a residential setting, e.g., detention facility, jail, shelter care facility, receiving home, or other non-family situation with prior approval and/or sanction of the court.

Standard 12.3 Non-Court Referral

Law enforcement officer should utilize community referral for youth if they are not serious or violent offenders. These agencies include but are not limited to youth service bureau, community recreation projects, work programs and diversion and prevention programs.

Standard 12.4 Guidelines for Police Custody of Juveniles

The following guidelines are to be followed by the police when taking a juvenile into custody.

- a. *Notice and Advisement of Rights:* Whenever a child is taken into custody by a law enforcement

officer or duly authorized officer of the juvenile court, such officer shall:

1. Immediately advise the child of the reasons for such custody.
 2. Immediately advise the child that the he/she has a right to contact a custodial adult; and facilitate such contact.
 3. Notify the custodial adult that the child has been taken into custody and the reason therefore; granting the parent, custodian, guardian, or other person acting in loco parentis a reasonable opportunity to counsel with such child before he/she is removed to any other place or further interrogated.
 4. Advise the child of his/her right to be represented by an attorney and of the right to have an attorney appointed for him free, if he/she is indigent.
 5. Advise the child of his/her privilege against self-incrimination, the right to remain silent, and that if he/she chooses to make a statement, such statement may be used against him/her in future proceedings.
 6. Advise the child of his/her right to have an attorney and/or custodial adult present during any questioning.
 7. Not fingerprint or photograph such child without prior verbal or written consent of the juvenile court, unless the officer is investigating a felony and has probable cause to believe that the juvenile may have been involved in such felony.
- b. *Waiver of Rights:* A child under the age of 12 may not waive his/her right to counsel or his/her privilege against self-incrimination without the express consent of his/her custodial adult or legal counsel.
 - c. *Procedure Upon Taking Into Custody:* Whenever a child is taken into custody by a law enforcement officer or duly-authorized officer of the juvenile court, such officer shall, with all reasonable speed, either (a) release the child to his parent, guardian or custodian upon their promise to bring him before the court when requested by the court; or (b) deliver the child to the court or the place of shelter care (as to status offenders) or detention (as to alleged delinquents) by the court.
Such child should be released to the custody of the custodial adult unless (a) shelter care or detention is required to protect person or property of others; (b) the child may abscond or be removed from the jurisdiction of the court; or (c) the child has no parent, guardian or custodian, or other person able to provide

supervision or care for him/her and to return him to the court when required.

- d. *Procedure Upon Delivery to Detention or Shelter Care:* Upon delivery of a child to the court, or the place of detention or shelter care designated by the court, the officer shall:
1. Deliver a signed written report to the admissions officer, stating why the child was taken into custody and not released to his parent, guardian or custodian; and
 2. Assist the admissions officer, if necessary, in notifying the parent, guardian or custodian of the place and reason for detention; visiting privileges; the time, place and purpose of a detention hearing; and the right to counsel and appointed counsel, if indigent.
- e. *Interrogation:* Juveniles shall be informed they have the right to have parents or guardians present during interrogation. Parents or guardians shall likewise be afforded the opportunity to be present during interrogation, except in interrogation concerning criminal behavior between custodial adult and child. Procedures developed to assure compliance with the standard shall be documented.

Standard 12.5 Recruit Training

Minimum recruit peace officer training curriculum must include:

- a. Orientation to the juvenile justice system,
- b. Police officers role in delinquency control,
- c. Organization, development, and philosophy of juvenile justice system,,
- d. Juvenile law, with respect to juvenile rights in intake, detention, and disposition stages, as well as case law, e.g., *Kent v U.S.* 383 U.S. 541 (1966) and *in re Gault* 387 U.S. 1 (1967).
- e. Training in the use of discretion;
- f. Psychology and human behavior,
- g. Orientation to juvenile services available in their respective areas; and
- h. Maximum utilization of lay speakers from the youth services areas.

Standard 12.6 Officer Assignment

Every law enforcement agency should have a sufficient number of properly trained juvenile officers to adequately address the needs of juveniles and the juvenile delinquency problem in their communities. These officers should be assigned to keep informed of juvenile needs in their communities, to advise supervisors of appropriate juvenile policies, and to advise and assist patrol officers.

Standard 12.7 Orientation Training

Juvenile officer orientation training should include

as a minimum, the following competency based skill training areas:

- a. *Crisis Intervention* - to include individual and family crisis intervention techniques;
- b. *Counseling* - to include individual, group, and family counseling techniques;
- c. *Community Relations* - to include public speaking, teaching techniques, and the effective use of audio-visual materials and equipment; courses within this area should also address ethnic, cultural and minority relations;
- d. *Crime Prevention* -to include the development of and/or working with preventive programs such as police athletic leagues and specialized patrol techniques addressing high juvenile crime areas;
- e. *Case Work* -to include investigation techniques, diversion and referral systems, and follow-up procedures;
- f. *Administrative* - to include the keeping and handling of juvenile records, juvenile law, court procedures, training drug control, school systems and the development of agency policies.

Standard 12.8 In-Service Training

Juvenile officers should receive in-service training each year on a coordinated statewide basis. Such training will ensure adequate levels and standardization of juvenile officer performance.

Standard 12.9 Juvenile Officer Supervisors

Juvenile Officer Supervisors should be qualified by either training or experience to provide guidance and to ensure implementation of policies.

XIII. Pre-Adjudication Detention

Goal:

To provide intake services for apprehended youth which recognize the juvenile's constitutional rights and the special needs of juveniles; to ensure maximum use of non-court referral services; to define policies and procedures to be used by law enforcement and court staff during the pre-adjudication state.

Standard 13.1 Guidelines for Shelter Care or Detention Facility Admissions Officer

The following guidelines are to be followed by the admissions officer when taking a juvenile into detention:

- a. *Pre-admission* - Whenever a child is delivered

to a shelter care or detention facility, prior to admitting the child, the admission officer shall:

1. Examine the report delivered by the delivering officer;
 2. Make such additional investigation as is appropriate.
- b. *Admission* - The admissions officer shall either (a) release the child to the custodial adult upon their promise to bring him/her before the court when requested by the court; or (b) admit the child to the shelter care or detention facility.
- Such child should be released to the custody of the custodial adult unless (a) shelter care or detention is required to protect the person or property of others; (b) the child may abscond or be removed from the jurisdiction of the court; or (c) the child has no parent, guardian or custodian, or other person able to provide supervision and care for him/her and to return him/her to the court when required.
- c. *Duties on Admission* - If the child is admitted to the facility, the admissions officer shall:
1. Make a written report giving the date, time, and reason for admission.
 2. Advise the juvenile of his/her immediate right to telephone his/her parents, guardian, custodian, or legal counsel, and of his right thereafter to make reasonable telephone calls.
 3. Advise the juvenile of the time, place, and purpose of a detention hearing.
 4. Notify the child's custodial adult in the exercise of reasonable diligence, of (1) the time, place, and reason for detention; (2) the time the child may be visited; (3) the time, place, and purpose of the detention hearing; and (4) the right of the parties to counsel and to appointed counsel, if indigent.
 5. Advise the juvenile, prior to taking a statement from him/her concerning the allegations of wrongdoing leading to his/her detention or shelter care, of his/her right to counsel and appointed counsel, if indigent; his/her right to remain silent; and that if he/she chooses to make a statement, such statement may be used against him/her.
- d. *Interrogation* - Juveniles shall be informed that they have the right to have parents or guardians present during interrogation. The interrogation should be monitored by an official of the court. Parents or guardians shall be afforded the opportunity to be present during

interrogation, except in interrogation concerning criminal behavior between parent or guardian and child.

Standard 13.2 Physical Restraint

Juveniles shall be handcuffed or subject to other physical restraint when it appears to be necessary to prevent escape or harm to another person, or injury to himself/herself.

Standard 13.3 Intake Criteria

Detention intake should be available on 24-hour basis, seven days a week and should address the following areas:

- a. Initial court or intake decisions to admit a juvenile to detention must be based on a personal interview by the admissions officer with the juvenile and the person requesting detention.
- b. The admissions officer should prepare a written report stating the reasons for admitting the juveniles and shall ensure that parents or guardians be notified.
- c. Detention facilities should have written policies and criteria for referrals and these policies should be communicated to all admissions officers and those who make use of the detention facilities.

Standard 13.4 Detention Hearings

A hearing shall be held within 72 hours of admission or on the next court day--whichever is earlier--to determine whether further detention or shelter care, pending adjudicatory hearing, is necessary. Rehearings may be had from time to time thereafter, and shall be had if the original hearing was held without effective notice to the parent, guardian or custodian.

Prior to such hearing, the court shall inform the parties that the child and the parent, guardian or custodian each has a right to counsel and to appointed counsel, if indigent; and that the child has the right to remain silent as to any allegations of delinquency.

At the conclusion of any such hearing or rehearing, the juvenile shall be released, upon the written promise of the parent to bring the child to court, unless further shelter care or detention is required to protect the person or property of others; the child may abscond or be removed from the jurisdiction of the court; or the child has no parent, guardian or custodian or other person able to provide supervision and care for him/her, and to return him/her to the court when required.

Standard 13.5 Duration of Detention

No child shall be held in detention for a period longer than 90 days.

XIV. Court Intake and Informal Disposition

Goal:

To develop screening and referral intake services for juvenile court cases which ensure that formal court proceedings are utilized only when judicial intervention is deemed to be in the best interest of the youth and the community, with special emphasis placed on the use of diversion and community resources.

Standard 14.1 Intake Procedures

Intake staff with the exception of the prosecutor, should function in non-adversary roles with youth and should have the authority and responsibility to:

- a. Dismiss the complaint when the matter does not fall within the jurisdiction of the juvenile court;
- b. Dismiss complaints which seem arbitrary, vindictive, or against the best interests of the child; and
- c. Use the least restrictive alternatives available, in view of circumstances, i.e. diversion to community programs such as mental health or family services.

In cases involving the youthful offender who allegedly commits serious and major crime the prosecuting attorney should participate in the intake process.

Standard 14.2 Constitutional Rights

During intake, the youth shall be informed of the following constitutional rights:

- a. The right to remain silent;
- b. If the right to remain silent is waived, anything said can and will be used against the juvenile in a court of law;
- c. The juvenile's and parent's or guardian's right to talk to a lawyer before answering any questions, and have the lawyer present in the event the juvenile decides to answer questions;
- d. If the juvenile decides to answer questions, he/she may stop at any time;
- e. If the juvenile cannot afford a lawyer, one shall be provided without cost to the juvenile and/or parents; and
- f. Full and complete notice of all charges against the juvenile.

Standard 14.3 Knowledge of Possible Disposition

Both parents and youth have the right to be informed of dispositions which could result from the court proceedings. In addition, the parent or guardian has the right to attend the youth's intake session.

Standard 14.4 Informal Disposition

Informal disposition may be utilized by court intake staff and shall consist of a voluntary agreement between the youth and the intake worker for a specified time period. Such agreements should be in writing, signed by the youth, parent or guardian, and intake officer.

Standard 14.5 Informal Disposition Policies

Written policies and procedures governing the use of informal disposition should be established as rules of the court and made available to people working with the court.

XV. Court Function

Goal:

To ensure statewide procedures which provide for a separate adjudicatory hearing within the juvenile court process and affords the juvenile due process rights in the judicial proceedings.

Standard 15.1 Due Process in Pre-Hearing Stages

Due process shall be institutionalized in the juvenile court by the adoption of uniform written procedures to be followed throughout the state in the pre-hearing stages. The following steps are to be adhered to in the pre-hearing procedures:

- a. A complaint must be filed, which would include a written statement of facts constituting all of the offenses charged. The complaint may be filed by any person having knowledge of the alleged act and shall show the evidence establishing probable cause that the act has occurred.
- b. After a complaint has been filed, written notice of the time, place, and purpose of the initial hearing must be given to the juvenile and parents or legal guardian at least 72 hours before the time of the initial appearance, along with a copy of the complaint. If the juvenile is indigent, he should be assigned counsel to appear with him throughout all stages of the adjudicatory process.
- c. To ensure speedy adjudication, time limits should be established to define the maximum amount of time allowable between detention,

hearing, filing of petition, initial court appearance, and the date of trial and disposition.

- d. A complete fact-finding investigation must be conducted in order to provide adequate information for informed pleas, to expedite trials, and meet due process requirements.

Standard 15.2 Adjudicatory Hearing

The hearing to determine whether the state can produce sufficient evidence to establish the validity of a complaint should be distinct and separate from dispositional hearings. At the adjudicatory hearing, the juvenile shall be afforded all the rights given a defendant in an adult criminal prosecution excluding trial by jury. In all delinquency cases, a prosecutor should be present in court to present evidence supporting the allegation of delinquency.

Standards to be followed for such hearings include:

- a. A juvenile must be present at all hearings alleging him/her to be delinquent or unruly. A juvenile may be excluded from the courtroom only if counsel is allowed to remain in order to represent the interests of the juvenile.
- b. The standard rules of juveniles procedure relating to motions before the hearing shall apply in proceedings against a juvenile.
- c. Procedural due process must apply to these proceedings which would include:
 1. Juveniles right to notice of charges;
 2. Right to counsel;
 3. Right to confrontation and examination of witnesses;
 4. Privilege against self-incrimination; and
 5. Right to a transcript of the proceedings.
- d. The juvenile court should encourage openness in the official court hearings but shall exclude those whom the judge feels may threaten the child's right to confidentiality.
- e. Adjudication in the juvenile court shall be based on full knowledge of the facts; only relevant evidence shall be admitted at the fact-finding hearing.
- f. Proof beyond a reasonable doubt is required when a juvenile is charged with a delinquent, unruly, or traffic offense. Clear and convincing evidence is required when the juvenile proceeding is for dependency, neglect, or child abuse.

Standard 15.3 Right to Counsel

Each youth appearing before the juvenile court is entitled to representation by counsel. In the event a youth cannot afford the services of counsel then that youth is entitled to a court-appointed attorney. Waiver

of counsel is permissible under the following circumstances:

- a. Such waiver is made intelligently;
- b. Such a waiver is made knowingly;
- c. The waiver is made with the clear understanding of the implications of such an act;
- d. A waiver shall not take place without the exploration and consideration of possible conflict of interest between the parent and the child.

The right to counsel may not be waived by the juvenile in a hearing to determine if a case will be bound over for adult criminal prosecution.

Standard 15.4 Presence of Prosecuting Attorney

Contested adjudicatory hearings involving alleged delinquent acts, which would be a felony if committed by an adult or which may result in institutionalization, require that the case must be presented by a prosecuting attorney.

Standard 15.5 Juvenile Court Judge Training

All new juvenile court judges, prior to service on the bench shall complete a mandatory 80 hours training program. The training curriculum should include classes and seminars in the following subjects: community resource utilization, urban and rural delinquency, detention and corrections, dependency and neglect, Supreme Court decisions pertaining to juvenile courts, formal and informal hearings, case law review, dispositions, rights of the child, inherent powers of the court, court management, alternatives to incarceration, adolescent psychology, evidence in juvenile hearings, appellate problems, drug abuse, probation, community relations, prosecution and defense counsel in juvenile court, usage of volunteers in juvenile court, developmental disabilities, substance abuse, child abuse (including sexual abuse), and training in human relations along with a fundamental approach in the area of sociology.

Standard 15.6 In-Service Training

All juvenile court judges shall attend annual in-service training session covering subject matter as outlined in Standard 15.5.

Standard 15.7 Institutional Visitation

All juvenile court judges shall be expected to visit at least one Ohio juvenile correctional institution annually.

Standard 15.8 Dispositional Hearing

The dispositional hearing should be separate and distinct from the adjudicatory hearing. The procedures followed should be identical to those followed in sentencing procedures for adult offenders. To ensure

equity and uniformity the following substandards should be instituted:

- a. All evidence or testimony relevant to arriving at a disposition should be admitted. The social history information should be gathered by court authorized personnel and be subject to challenge during the dispositional process. The sources of information should be documented in a report and kept confidential.
- b. Both defense counsel and the juvenile court prosecutor must be present if pre-dispositional discussions are held before the juvenile court judge. All juveniles shall be represented by counsel during the dispositional hearing which follows a contested hearing and may result in confinement. Waiver of right to counsel should not be allowed in cases where there are clear indications that the disposition will result in institutional confinement.
- c. The dispositional hearing shall consist of three distinct parts:
 1. Presentation of data from reports and interested parties.
 2. Parties having a legitimate interest in the disposition of the case should have the right to present alternatives, orally, in open court as well as in writing.
 3. A discussion of available alternative options should take place. The juvenile court judge should make the reasons for his dispositional decision part of the court record.
- d. The juvenile court shall maintain jurisdiction over all subsequent reviews of dispositional alternatives and placements.
- e. The juvenile shall be entitled to have the dispositional hearing as soon as possible after the adjudicatory hearing unless a continuance is agreed upon by the juvenile and his/her custodial adult. The time period from the date of the adjudication hearing to the dispositional hearing shall be no longer than 60 days.

Standard 15.9 Placement of Juveniles

The juvenile judge should have primary responsibility for deciding where and in what manner the juvenile will be placed. Correctional input should be encouraged in the form of a recommendation or report to the judge from a relevant agency, e.g. probation department or community mental health agency, which has conducted a social study of the youth.

Standard 15.10 Least Restrictive Alternative

In choosing among statutorily permissible alternatives the court should employ the least restrictive

disposition as dictated by the degree of culpability indicated by the circumstances of the particular case, age and prior record of the juvenile.

Standard 15.11 Dispositional Alternatives

The juvenile court shall have at its disposal a variety of alternative dispositional options which attempt to address the diverse needs of the youth. Alternatives should include but are not limited to:

- a. State or local secure detention;
- b. Community based residential services;
- c. Probation;
- d. Referral to community based social services;
- e. Release to parents or other court appointed adults;
- f. Restitution;
- g. Commitment to appropriate agency;
- h. Fine and payment of court costs; and
- i. Other appropriate alternative.

XVI. Community Based Residential Alternatives

Goal:

To develop correctional programs which interact with the community to offer services to youth in need as an alternative to incarceration, thereby assisting the juvenile offender in the reintegration process.

Standard 16.1 Alternatives to Institutionalization

The state juvenile correctional system should work with local and regional planning agencies to develop plans for alternatives to institutionalization. Alternatives to institutionalization should include individualized residential alternatives to incarceration, e.g., group homes, foster homes, and community facilities for released status offenders and juvenile offenders in the re-entry phase. Such facilities should be part of a coordinated system for juvenile community corrections in the State of Ohio.

Standard 16.2 Licensing of Residential Alternatives

All child care facilities, halfway houses, group homes, foster homes, detention facilities, rehabilitation facilities and juvenile correctional facilities must be licensed by an appropriate state sanctioned licensing authority. As a condition for licensing, all facilities must provide information describing conditions, range of services, and programs that will be provided to the juveniles. An annual or biennial review must show that services are being provided as stated. If deficiencies exist, the license shall be terminated and

reapplication can occur only when deficiencies are corrected.

Standard 16.3 Supervisor Qualifications

Directors of community based facilities must meet the minimum requirements of the State. Such requirements should include:

- a. child care or youth residential experience;
- b. completion of training dealing with supervision in a community-based setting;
- c. in-service training; and
- d. administrative training/experience.

XVII. Juvenile Probation

Goal:

To develop an effective system of probation for juveniles who are not a threat to the safety of the community, in order to decrease the use of correctional institutions and so provide necessary services to meet the needs of juveniles placed under supervision.

Standard 17.1 Service Delivery System

Each probation system should develop a goal-oriented service delivery system that seeks to remove or reduce barriers confronting probationers. The needs of probationers should be identified, priorities established, and resources allocated based on established goals of the probation system. Smaller counties should have the option of combining probation services with other counties.

Standard 17.2 State Technical Assistance

Specialists should be provided by the appropriate state agencies to counties in such areas as: case classification, management of operations, community resource development and service delivery.

Standard 17.3 Intake Services

There should be judicial control of all intake services. The staff delivering probation services should be separate and distinct, when feasible, from staff delivering court services such as pre-sentence and probation investigation.

Standard 17.4 Professionalism of Probation Staff

Probation services staff are to be considered professionals and should be hired based upon competencies, educational background, and experience. They should be afforded full civil service protection.

Standard 17.5 Staff Workload

The probation system should be organized to deliver to probationers a diversity of services by a range of staff. Various modules should be used for organizing staff and probationers into workloads, not caseloads. Each workload should include not more than twenty-five (25) cases.

Standard 17.6 Probation Subsidy

All counties should develop programs for probation in conformance with state minimum standards. To assist the counties in this effort, a state aid subsidy program should be developed and/or expanded. The subsidy should be paid only to those counties which plan to provide a wide range of programs. The system should establish a sharing rate between counties and the state to cover per diem probation costs.

Standard 17.7 Human Resources

The state should develop a human resources development and training program to recruit, screen, train, and evaluate a full range of probation personnel, including volunteers, minority groups, ex-offenders, and women. The following minimum qualifications should apply:

- a. The educational and occupational requirements for probation officers should be possession of a bachelor's degree in the social/behavioral sciences. This can be supplemented by a year of graduate study in corrections, criminology, or a related field, or a year of full-time casework, counseling or community experience.
- b. A significant number of probation officers should have graduate degrees in one of the enumerated subjects.
- c. It is desirable that staff include some individuals who may lack formal professional qualifications, but have a particular sensitivity and a background similar to the probationers.
- d. All newly-hired probation officers should receive in-service orientation training. The content of this training should emphasize: basic corrections history, counseling techniques, crisis intervention, group work, adolescent psychology, case classification, social/cultural awareness, resource development and an orientation to agency philosophy, procedures and policy development.
- e. All probation officers should participate in an annual 20 hour in-service training period on a coordinated statewide basis.

The supervising agency should establish a regular monitoring system for all county and state probation

policies and practices and should have the authority to order compliance with state minimum standards and/or withhold state funds.

Standard 17.8 Restrictions on Juveniles

All restrictions placed on juveniles during the probationary period should be directly related to their correctional program.

Standard 17.9 Revocation Procedures

Formal and uniform revocation procedures and rules should be developed, with provisions for due process rights.

Standard 17.10 Utilization of Para-Professionals

Probation programs should utilize para-professionals and volunteers in various roles. Such staff should include ex-offenders and members of minority groups.

Standard 17.11 Equal Employment Opportunity

All probation programs should reflect the intent of the Equal Employment Opportunity Act in their hiring policies and practices.

XVIII. Local Detention

Goal:

To establish policies which govern the proper use of detention for juveniles and to ensure the provision of adequate and humane facilities for youth who are detained from the pre-hearing stage to the post-dispositional execution of courts orders.

The following standards apply only to Local Detention. The Institutional Care Standards (Section XIX) will also apply to Local Detention.

Standard 18.1 Use of Detention

Detention is to be used only for juveniles who are alleged to have committed a delinquent act and who have shown by their act that they present a danger of physical violence to others or may destroy property except as stated in Standards 22.3 and 22.4. That determination may be made only by a judicial representative such as a judge, court commissioner, or the authorized court intake staff. Juveniles who need help because they are a danger to themselves should be referred to hospitals and emergency clinics, or local counseling/crisis intervention centers.

Status offenders should not be held in detention except in instances outlined in Sections XII, XIII, and XXII of this Chapter.

Standard 18.2 Population of New Detention Facilities

The population of new detention facilities ideally should not exceed 20 juveniles. In instances where populations must be larger, individual living units should not exceed 20 beds.

Standard 18.3 J.J.D.P. Act Compliance

Juveniles placed in secure detention facilities shall be separated from adult offenders at all times, subject to regulations of Section 221(a)(13) the Juvenile Justice and Delinquency Prevention Act of 1974 as amended and Section 2151.31.2(4) of the Ohio Revised Code.

Standard 18.4 Services Available In Detention

Juveniles in secure detention facilities should have access to the following services:

- a. Counseling services, on voluntary basis, for either juvenile or parent;
- b. Recreational activities as resources of the facility e.g. crafts, reading, sports;
- c. Intake physicals and medical services for juveniles as well as access to proper dental care;
- d. Learning resources including schools and teachers that meet the educational needs of the juvenile; and
- e. Voluntary religious services for all faiths.

Standard 18.5 Communication with Significant Others

Detention facilities should establish minimum guidelines which would enable a juvenile to communicate with his or her family and/or other responsible parties on a weekly basis. These guidelines will address access to a telephone and the provision of postage and stationery for letters. Transportation assistance guidelines for juveniles should also be developed addressing preplacement visits, emergencies, court appearances, or other transportation needs as authorized by the facility superintendent or director.

Standard 18.6 Room Checks

Room checks should be made periodically and such checks should be logged. While more frequent checks may be necessary to ensure the safety of the child, observation of the child should be made no less than once per hour.

Standard 18.7 Citizen Advisory Board

Facilities used to detain juveniles should develop

a citizen advisory board to assist in program development, volunteer participation and positive assistance in improving detention facilities. These boards should: be appointed by juvenile court judges; have at least seven members; not have a majority of public employees; ensure racial, economic, sexual and political balance; and recognize the existing bodies in the area of children's services as the responsible body.

Standard 18.8 Personnel Training

Detention staff should receive orientation training related to unique aspects of juvenile detention. Recruitment of personnel should seek to encourage hiring of minority individuals, and to encourage career development in detention through the use of interns, work-study, and on-the-job training programs, etc.

Standard 18.9 Use of Detention For Status Offenders

The use of detention facilities for status offenders should be viewed as the least desirable placement alternative. (See Standard 22.3 and 22.4.)

Standard 18.10 Criteria for Bind-Over

Youths who are bound over to be tried as adults must be separated from the adult population while awaiting trial.

XIX. Institutional Care

Goal:

To develop policies and procedures which govern the continued use of juvenile correctional facilities and to ensure that existing facilities meet the basic physical, mental, and emotional needs of those they serve.

Standard 19.1 Community Corrections

Each corrections agency administering state institutions for juvenile offenders should adopt a policy of utilizing community corrections as a first priority and, in addition, should adopt a policy of not constructing any new institutions with populations in excess of 200 residents.

Standard 19.2 Re-Examination of Institutions

A five-year planning program should be undertaken by each correctional agency administering State institutions for juvenile delinquents. The program

should include (1) re-examining existing institutions to maximize their programmatic utilization, and (2) proposing modifications to minimize the deleterious effects of excessive regimentation as well as harmful physical structures. Additionally, an evaluation of existing facilities, their purpose and their policies should be undertaken.

Standard 19.3 Policy Review

The correctional agency operating juvenile institutions should re-examine and review its policies, procedures, and practices to bring about a social environment that will stimulate offenders to change their behavior, to experience interpersonal growth and to participate, on their own initiative, in programs intended to assist them in reintegrating into the community.

Standard 19.4 Open Communications

The organizational structure of institutions should provide for open communications and allow offenders to provide input in some decision-making process, such as:

- a. advisory committees;
- b. in-house newspapers or magazines; and
- c. grievance process for juvenile complaints.

Standard 19.5 Community Interaction

Juvenile institutions should provide opportunity for juvenile offenders to interact with the community through:

- a. work-release or study-release programs;
- b. joint programming of services between the institutions and community agencies;
- c. participation in community educational programs;
- d. recreational programs in the community that are open to institutionalized juveniles; and
- e. interaction with volunteers from the community.

Standard 19.6 Educational Programs

Each institution should have a comprehensive educational program that meets minimum standards of individual education and training. The following guidelines should be followed:

- a. The educational system should develop a system of internal evaluations to measure the effectiveness of the institutional program. Such an appraisal would be similar to the accreditation process and should utilize community representatives, and educational department staff, as well as juvenile offenders involved in the program.

- b. The educational curriculum should involve individualized programming, and include assistance in developing social skills and adjusting to family and community life.
- c. In addition to meeting State certification requirements, teachers should also have course work in, or experience with, inner city children, juvenile programs in education, social education and psychology.
- d. Each educational program should have a guidance counselor, school psychologist, and a pupil personnel worker. School records of juvenile should be available to these persons at the time of commitment.
- e. Each institution should have a complete, up-to-date and fully staffed library. This library should have available all sections of the Ohio Revised Code pertaining to juvenile law.

Standard 19.7 Vocational Training

Each juvenile institution serving youth over 16 years of age should have a comprehensive vocational training program to enhance the offenders' skills and chances of employment. The training program should include:

- a. short-term, intensive curriculum;
- b. individual prescriptions for vocational training which integrate academic and training education;
- c. training for skills which are considered marketable and of value when searching for employment;
- d. employment of competent and licensed personnel; and
- e. job placement/assistance center to guide the youth in obtaining either full-time or part-time jobs upon release. Institutions serving youth under age 16 should develop comprehensive career education programs.

Standard 19.8 Recreational Services

A wide range of recreational services should be made available to the institutionalized youth so as to stimulate constructive use of leisure time and aid in modifying patterns of behavior. A full-time director should be employed to manage activities and integrate recreational activities with the rest of the program. Recreational activities should include music, athletics, painting, drama, handicrafts, and similar pursuits.

Standard 19.9 Counseling Programs

Juvenile institutions should plan and organize counseling programs that are designed to provide a

social-emotional climate conducive to growth and behavior change. Such programs should:

- a. Employ professional clinical supervisors to administer institutional programs and supervise staff. These supervisors should possess a master degree in social work, counseling, or psychology.
- b. Have at least one clinical staff member to train and supervise non-professional staff. Trained ex-offenders and para-professionals should also be utilized.
- c. Provide for three levels of counseling, i.e., individual, group, and family therapy.
- d. Substance abuse counseling programs shall be available at each institution and mandated where appropriate.
- e. Non-coercive participation in each program should be encouraged.

Standard 19.10 Supervision of Direct Services

All persons responsible for the supervision of direct services provided to youth should have experience, training and education in human relations and behavior such as mental health, social services or related disciplines.

Standard 19.11 Religious Programs

The institution should provide for a full range of religious programs and should maximize the individual's opportunity to pursue the religious faith of his/her choice while confined. Community representatives of all faiths should be encouraged to participate in religious services and other activities within the institution. All religious activities must be coordinated with the chaplain of the institution in order to facilitate the religious and treatment program. All chaplains should be licensed and legally ordained, and have experience or training in pastoral counseling.

Standard 19.12 Institutional Physical Environment

The physical environment of the institution should be designed to meet the basic needs of the youth and meet requirements for an adequate standard of living. Provision should be made for:

- a. minimization of noise;
- b. routine interpersonal contact;
- c. adequate maintenance and support services;
- d. minor medical services and access to community hospitals;
- e. ample outdoor recreational space;
- f. adequate facilities for receiving visitors;
- g. privacy and personal space;

- h. proximity to the youth's home to permit visitation by parents and friends;
- i. compliance with various state and local building and fire codes;
- j. properly trained and certified dietary and food personnel under the direct supervision of a licensed dietician;
- k. a youth to staff ratio of 1:10;
- l. living units with a capacity limited to twenty youths and individual sleeping rooms for each youth;
- m. staff observation of the youth at all times; and
- n. indoor recreational facilities.

Standard 19.13 Staff Training

All new employees in correctional facilities for youth should receive 80 hours of initial in-service training and orientation and 20 hours annual training emphasizing the following relevant areas: counseling skills, community resource utilization, basic child psychology, human growth and development, cultural awareness, economic awareness, and first aid. Newly hired employees should also be required to take additional in-service training, including courses on basic correctional history, institutional philosophy and procedures, policy development, case management, rules for disciplinary procedures, and procedure for treating developmental disabilities.

Standard 19.14 Usage of Medication

Usage of psychotropic and behavior altering medication shall be kept to an absolute minimum.

Standard 19.15 Regulation Development

All juvenile institutions should have an advisory committee comprised of representatives from the local community, representatives from mental health and social services and juveniles from the institutions. The advisory committee should review, annually, all existing rules and regulations to ensure that all substantive rights of juveniles are acknowledged and implemented.

Standard 19.16 Dissemination of Regulations

All juvenile institutions should develop rules and regulations which are free of arbitrariness. Juvenile offenders should receive a verbal explanation and written rules and regulations of the institution within 24 hours of arrival. Any changes in the procedures or rules should also be documented in written form. The regulations should also be specific enough to give juvenile offenders and parents or guardians adequate

knowledge of what is expected of them. A statement should be included concerning the ranges of sanctions to be imposed for violations and should also indicate the juvenile's right to present witnesses in the event he or she is accused of a rule violation.

Standard 19.17 Limitation of Constitutional Rights

Institutional rules and regulations must not restrict the juvenile's constitutional rights of freedom of expression or due process.

Standard 19.18 Disciplinary Procedures

Coordinated and standardized minimal state disciplinary procedures for juveniles in correctional facilities should be developed immediately.

- a. Rules governing minor violations of institutional regulations should state that:
 - 1. staff may not impose sanctions until the juvenile is informed of the nature of misconduct and provided opportunity for explanation or denial;
 - 2. minor violations may be recorded in a log book, but shall not be included in the juvenile's file;
 - 3. disciplinary procedures may not exceed temporary loss of commissary, entertainment or recreational privilege.
- b. Major violations of misconduct may be punished with more stringent sanctions, e.g., transfer to a more secure cottage, suspension of privileges, or postponements of release.
- c. Isolation should be used as a last resort for youths who present an immediate danger to self or others and must be limited to a 24-hour period
- d. Under no circumstances will any form of corporal punishment or any other physical assault, either actual or threatened, be utilized.

Standard 19.19 Disciplinary Hearings

A hearing must be held when an alleged major violation of institutional regulations is contested. Such hearings shall include the following procedures:

- a. a staff person chosen by the juvenile should conduct an investigation of the facts;
- b. hearings should be prompt, within approximately 72 hours after the charges are made;
- c. juveniles may present witness, and cross-examine adversary witnesses; and
- d. all hearing officers decisions must be in writing, and reason for findings and conclusions must be clearly stated, so as to avoid arbitrary and capricious action by administrative authorities.

Standard 19.20 Grievance Procedures

Each correctional facility must develop and implement a grievance procedure that contains the following guidelines:

- a. each juvenile shall be able to report a grievance, and the juvenile shall not be subject to any adverse reaction as a result of filing the report;
- b. the grievance shall be transmitted without alteration or delay to a person or agency responsible for receiving and investigating grievances;
- c. each grievance shall be promptly investigated and a written report prepared for the superintendent and the complainant;
- d. the superintendent shall respond promptly to each report, indicating what disposition will be made of the recommendations received.
- e. the grievance procedure may also function as an appeal procedure for disciplinary hearings.

XX. Juvenile Aftercare

Goal:

To establish procedures which provide for equity and uniformity in aftercare decision-making; to establish a coordinated state system of aftercare which provides services and supervision to youths released on an aftercare program.

Standard 20.1 Service Plan

A service plan should be developed for each youth on aftercare. The plan should state specific long- and short-term goals which can be used as benchmarks to measure progress. The goals should be formulated through mutual input and discussion by the worker, the family, the youth and other resources available to the correctional agency.

Standard 20.2 Level of Service

For all conditions or expectations in the service plan, there should be corresponding services delivered and available to the youth. If an occasion arises when a service is not available in a community relating to a specific problem or goal, a youth's failure to reach that goal shall not be used as a basis for continuing the youth under supervision.

Standard 20.3 Caseload Size

The State correctional agency should establish and adhere to a maximum workload size (cf. Standard 17.5 *Staff Workload*).

Standard 20.4 Violations of Court Orders or Parole Conditions

Aftercare workers may petition the court or the state correctional agency when parole conditions have been violated. This petition, however, should not request confinement of the youth unless the youth is thought to be a threat to public safety a threat to himself, or has in fact committed another delinquent act.

Standard 20.5 Revocation Procedures

Formal and uniform revocation procedures and rules shall be developed, providing for due process rights.

Standard 20.6 Community Resources

To assist with the task of community supervision, the aftercare worker shall be knowledgeable of community resources relevant to the clients and utilize these resources to the maximum extent possible. A combination of counseling and case management is an appropriate intervention strategy.

XXI. Endangered, Neglected, and Dependent Youth

Goal:

To ensure that the statutory basis for formal state intervention integrates the interests of the parents, the youth, and the State. The interest of the youth and the parents require that they be free from unwarranted state involvement. The interest of the State and the youth require that the youth be protected from serious harm.

To ensure that youth who are defined as endangered (neglected or dependent) and have not committed a delinquent act are provided assistance from community service agencies.

Standard 21.1 Respect for Parental Autonomy

Statutes authorizing formal state intervention should be based upon recognition of parental autonomy in youth rearing. In the event of the incapacity of the parent to perform in this role, and all other feasible methods are exhausted, it is incumbent upon the State to intervene

Standard 21.2 Statutory Grounds for Formal State Intervention

States should be authorized to assume jurisdiction

only when the youth is endangered in a manner specified below. The statutory ground for formal State intervention should be:

- a. A youth has no parent, guardian or other adult to whom the youth has substantial ties, who is available and willing to care for him/her;
- b. A youth has suffered or is likely to imminently suffer a physical injury, intentionally inflicted upon him by his parent which causes or creates a risk of disfigurement, impairment of bodily functioning or severe bodily harm;
- c. A youth has suffered or there is a risk that the youth will imminently suffer disfigurement, impairment of bodily functioning or severe bodily harm as a result of conditions uncorrected by the parents or by the failure of the parents to adequately supervise or protect the youth;
- d. A youth is suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, psychosis or untoward aggressive behavior toward self or others and the parents are unwilling to permit and cooperate with necessary treatment for the youth;
- e. A youth has been sexually abused by a member of the household;
- f. A youth is in need of medical treatment to cure, alleviate or prevent serious physical harm which may result in death, disfigurement, impairment of bodily functions, severe bodily harm or severe or lasting psychological damage and the parents are unwilling to permit medical treatment; or
- g. A youth is committing delinquent acts as a result of parental pressure, encouragement or approval.

Standard 21.3 Consideration of Cultural Values

Child care workers should consider the youth's cultural background when establishing a plan to meet the youth's needs.

Standard 21.4 Protection of the Youth's Interests

When the needs of the youth, as defined in these standards, conflict with parents' interest, the court should protect the youth's needs and interest. Except in cases involving medical emergencies as provided by law, parents shall retain the right to have their position represented to the court.

Standard 21.5 Promotion of Continuous, Stable Living Environments

The entire system of formal State intervention should be designed to provide youth, to the maximum

degree possible, with continuous, stable living environments.

Standard 21.6 Accountability

All participants within the state's formal intervention system should be accountable for their actions.

Standard 21.7 Parties in the Proceedings

The following parties should be included in all proceedings regarding a child alleged to be or adjudicated endangered, neglected or dependent:

- a. the youth;
- b. the parents, guardians or other adults who have been performing the caretaking role; and
- c. any agency considered appropriate by the youth, his or her parents, or the court.

Standard 21.8 Deinstitutionalization of Endangered, Dependent or Neglected Youth

- a. No endangered, dependent or neglected youth will be committed to a correctional facility, detention facility, jail or to the OYC.
- b. Endangered, dependent or neglected youth may be placed in nonsecure facilities which meet the following criteria:
 1. which is not physically restrictive;
 2. which, ideally, is no larger than 20 beds;
 3. which does not primarily serve adjudicated delinquent youth;
 4. which is community-based, meaning as close to the endangered, dependent or neglected youth's home as possible; and
 5. where psychological restraint is permissible though methods of education, persuasion, and positive reinforcement rather than coercion and/or punitive measures.

Standard 21.9 Review of Placement

When a disposition is made placing an endangered, dependent or neglected youth outside his home, the youth, his parents, or the residential program administrator can request a judicial review of the disposition, when such placement appears to be inappropriate. Such a process shall guarantee a prompt judicial review of the placement.

- a. The court shall designate a person to receive requests for review of placement.
- b. A hearing may not be requested until the youth has resided in the placement for a minimum of fourteen (14) days, except where the allegations are based upon physical or mental abuse.

- c. Upon receipt of an allegation of physical or mental abuse the designated court staff shall promptly arrange a transfer to a temporary non-secure placement while awaiting judicial review.
- d. Within one working day of the receipt of the request the designee shall file same for review with the court.
- e. The youth will remain in the placement during the review hearing process unless the request involves allegations of physical or mental abuse.
- f. A hearing must be held within ten (10) days of the filing of the request for judicial review.
- g. Should the court fail to act within the stated time period the youth shall be discharged from the placement.
- h. Should the court find that the allegations contained in the request for judicial review are true then the court shall consider a new placement or treatment alternatives.
- i. A decision must be reached within seven (7) days of the hearing.
- j. Should the placement operator fail to take constructive action as appropriate to the existing situation, the youth shall be automatically discharged from the placement.
- k. If the court determines that the youth shall continue in the present placement, the placement operator shall take constructive action as appropriate to the situation within five (5) days. If the placement operator fails to take the appropriate action, the youth shall have the option of leaving the placement and the court shall provide a new placement to meet the specific needs of the youth.
- l. Any subsequent requests for judicial review shall be based upon new facts.

XXII. Deinstitutionalization of Status Offenders

Goal:

To ensure that the statutory basis for formal State intervention integrates the interests of the parents, the youth, and the State. The interests of the youth and the parents require that they be free from unwarranted State involvement. The interest of the State and the youth require that the youth be protected from serious harm.

To ensure that youth who are defined as endangered (neglected or dependent) or unruly and

have not committed a delinquent act are provided assistance from community service agencies.

Standard 22.1 Definition of Status Offenses

Status offenses are those acts committed by youths which, if committed by an adult, would not constitute a criminal offense, and would subject the youth to the jurisdiction of the juvenile court under the unruly statute. This included such offenses as incorrigibility, truancy and runaways. Status offenses are those acts committed by youth who:

- a. do not subject themselves to the reasonable control of parents, teachers, guardian, or custodian, by reason of being wayward or habitually disobedient;
- b. are habitual truants from home or school;
- c. so deport themselves as to injure or endanger the health or well-being of themselves or others;
- d. attempt to enter the marriage relation in any state without the consent of their parents, custodian, legal guardian, or other legal authority;
- e. have violated a law applicable only to a youth.

Standard 22.2 Jurisdiction of Juvenile Court

All status offenders should be diverted into voluntary, non-judicial agencies to the extent possible, consistent with the welfare of the youth and the needs of his/her family. If complaints to juvenile court are deemed necessary by such agency or family, the court intake department shall endeavor to process the complaints informally. The juvenile court shall assume jurisdiction over status offenders only after all appropriate voluntary, community-based treatment alternatives have been exhausted.

Standard 22.3 Detention of Status Offenders Upon the Filing of a Complaint

No accused status offender should be detained unless the least restrictive alternatives have been exhausted and there is a clear and present danger that non-detention will endanger the health or welfare of the child or that he/she will run away again. Accused status offenders may not be confined more than 24 hours or the next court day.

Standard 22.4 Detention of Runaways

- a. Under normal circumstances, in-state runaways should be placed in a runaway center or shelter care facility.

- b. Under emergency conditions created by the inability of the county to return youth to their home communities, the youth may be detained no longer than seven (7) days, as long as parents or guardians have been notified within 24 hours.
- c. Out-of-state runaways may be detained no longer than seven (7) days.

Standard 22.5 Post Adjudication Confinement Prior to Disposition

- a. Status offenders shall not be confined from post adjudication to disposition.
- b. Whenever possible a status offender manifesting self-destructive behavior should be referred to the mental health agency.

Example of self destructive behavior include drug dependency, suicidal tendencies.

Standard 22.6 Provision of Services

In providing alternatives to confinement for the status offenders, the YSCC should be involved in planning of programs for the delivery of services. Local governmental agencies, such as mental health and educational systems should also be involved in the provision of services.

Standard 22.7 Violation of a Court Order

Violation of a lawful order of the court, such as rules of probation, by an adjudicated status offender shall be considered a status offense. Repeated status offenses committed by an adjudicated delinquent may be considered a violation of probation.

Standard 22.8 Disposition of Status Offenders

- a. No status offender youth will be committed to a correctional detention facility, jail or the OYC.
- b. Adjudicated status offenders may be placed in nonsecure facilities which:
 - 1. are not physically restrictive;
 - 2. have a capacity of primarily no more than 20 beds;
 - 3. do not primarily serve adjudicated delinquents,
 - 4. are community-based, meaning as close to the status offenders home as possible,
 - 5. do not use coercion and/or punitive measures of restraint but rather employ methods of education, persuasion and positive reinforcement.

Standard 22.9 Review of Placement

When a disposition is made placing a status offender outside his/her home, the child, his parents, or the residential program administrator can request a judicial review of the disposition, when such placement appears to be inappropriate. Such a process shall guarantee a prompt judicial review of the placement.

- a. The court shall designate a person to receive requests for review of placement.
- b. A hearing may not be requested until the youth has resided in the placement for a minimum of fourteen (14) days, except where the allegations are based upon physical or mental abuse.
- c. Upon receipt of an allegation of physical or mental abuse the designated court staff shall promptly arrange a transfer to a temporary non-secure placement while awaiting judicial review.
- d. Within one working day of the receipt of the request the designee shall file same for review with the court.
- e. The youth will remain in the placement during the review hearing process unless the request involves allegations of physical or mental abuse.
- f. A hearing must be held within ten (10) days of the filing of the request for judicial review.
- g. Should the court fail to act within the stated time period the youth shall be discharged from the placement.
- h. Should the court find that the allegations contained in the request for judicial review are true then the court shall consider a new placement or treatment alternatives.
- i. A decision must be reached within seven (7) days of the hearing.
- j. Should the placement operator fail to take constructive action as appropriate to the existing situation, the youth shall be automatically discharged from the placement.
- k. If the court determines that the youth shall continue in the present placement, the placement operator shall take constructive action as appropriate to the situation within five(5) days. If the placement operator fails to take the appropriate action, the youth shall have the option of leaving the placement and the court shall provide a new placement to meet the specific needs of the youth.
- l. Any subsequent requests for judicial review shall be based upon new facts.

XXIII. Inspection, Dissemination and Expungement of Records

Goal:

To establish policies which provide for the security and protection of all juvenile records or information in a manner which protects the privacy and best interests of the youth. To establish a statewide procedure to ensure expungement of juvenile records in the manner proscribed by law

Standard 23.1 Inspection of Records

Inspection of any law enforcement agency record, file or report concerning a youth outside of the law enforcement or judicial system is not permitted without signed release of the youth or his/her custodial adult.

Standard 23.2 Disclosure of Court Records

Juvenile Court files and records should not be opened for inspection or their contents disclosed except to:

- a. counsel for the youth,
- b. adult criminal court for purpose of preparing a presentence report,
- c. the youth and/or custodial adult,
- d. person and or organization having legitimate interest in research of the court and the information must then be non-identifiable as to individual identity, and
- e. law enforcement agencies in cases where the suspect is involved in an active case.

Standard 23.3 Disclosure of Service Agency Files

Information in any youth service agency file on an individual may only be released by a waiver signed by custodial adult and/or the youth involved.

Standard 23.4 Removal of Records

The following rules should apply to permanently removing records from unsealed files:

- a. Expungement of records must be strictly adhered to.
- b. Information in "closed" file is accessible only by court order as follows:
 1. Where information is issued for a statistical survey in which individual's identity is not revealed.
 2. Where individual to whom the information relates seeks access to the file.

3. Where necessary to permit the adjudication of any claim by an individual that information is inaccurate, incomplete, or misleading.
- c. The sealing of records should be performed by specifically designated personnel directly responsible to the agency maintaining the file.

Standard 23.5 Planning and Research Reporting Systems

Any data gathering effort for purposes of planning and research for the juvenile justice system shall ensure total confidentiality of individual records and of the identities of the youth involved.

Standard 23.6 Media Disclosure

Newspapers and other public news mediums should adopt a policy which prohibits the disclosure of the identities of youth involved in the juvenile justice system.

Dissenting Opinions

A series of 14 dissenting opinions regarding proposed standards in the Prevention, Informal Intervention and Formal Intervention chapters are shown on pages 35 and 36. In accordance with the procedures established for review and comment on the proposed standards, it was agreed by OJJAC to include dissenting opinions in the Goals and Standards document if more than three of the 21 OJJAC members supported alternative positions.

Prevention

Standard 7.3 Youth Input and Decision-Making

Although youth should be involved, in appropriate cases, in decision-making procedures, they should not be involved in every aspect of decision-making by both public and private systems, as it may affect their lives. The Standard is too broad.

Standard 9.1 Health Services

Parental consent should be required in all cases involving specialized medical services, except those specifically exempted by Ohio law.

Informal Intervention

Standard 11.5(e) Runaway Center

Many parents of lost or runaway children are legitimately terrified of the potential danger to their children. Parents should be notified immediately upon admission that their child (for whom they continue to have a moral and legal responsibility) is safe. If there is probable cause to believe the child is abused or neglected, and notice to the parent of the location of the child creates a clear and present danger to the safety of such child, such notification should be given immediately to the local Childrens Service Board or Protective Service Division of the Welfare Department, who, in turn, should conduct an investigation pursuant to O.R.C. 2151.421 (the child abuse/negligence reporting law).

This Standard states that the police should be notified only if the juvenile's parents cannot or should not be notified, and this is to be done within 24

hours. Throughout these Goals and Standards, agency responsibility and accountability are stressed. Not to notify the proper law enforcement agency reflects neither responsibility nor accountability.

Local law enforcement is the only agency charged with responsibility to actively pursue lost or runaway children. These seeking activities must take place until the youth is found and taken to a place of safety. It must also be determined that the youth was not a victim of a criminal act which may have contributed to his disappearance. Too often the police department is the last agency to be notified that a youth has been found or returned, and this accounts for many lost police man-hours.

It is irresponsible not to notify the person or agency looking for the youth, as they must continue to do so until notified of the youth's safety.

Standard 11.8(f) Employment Opportunities

This provision should be eliminated. Regardless of what the Goals and Standards set forth, the statutory provisions with respect to minimum wages must be complied with. Rather than making provisions for adherence to minimum wage laws, a Standard should be developed which would call for pursuing the enactment of laws which would exempt certain classes of youngsters from child labor and minimum wage laws, and thus afford them greater opportunities for employment.

Formal Intervention

Standard 14.2 Constitutional Rights

The Miranda warnings are inappropriate in an intake hearing. This standard misunderstands the function of intake.

Standard 14.4 Informal Disposition

Written agreements are not always necessary or appropriate.

Standard 15.1 Due Process in Pre-Hearing Stages

Every juvenile court should follow Ohio's Juvenile Rules of Procedure. This Standard demonstrates lack of knowledge of Ohio law.

Standard 15.8(e) Dispositional Hearing

The first sentence is illusory. The Juvenile Rules allow six (6) months from adjudication to disposition, which is, in many cases, a valuable aid in final disposition.

Standard 17.4 Professionalism of Probation Staff

Officers of the court work at the pleasure of the court, per O.R.C. 2151.13, for good reason.

Standard 18.1 Use of Detention

This standard should read:

"A child taken into custody should not be placed in detention or shelter care prior to final disposition unless his detention or care is required to protect the person and property of others or those of the child; or the child may abscond or be removed from the jurisdiction of the court; or he has no parent, guardian, or custodian or other person able to provide supervision and care for him and return him to the court when required."

Standard 18.2 Population of New Detention Facilities

There is no social or economic evidence to support a 20-bed limitation.

Standard 22.2 - 22.5 Detention of Status Offender

Under this standard, a juvenile judge has absolutely no authority to detain a status offender after a hearing. Without authority to detain, he has no powers or controls over a youth. With no power or authority, the juvenile judge is only a figurehead. To believe a youth will voluntarily participate in any program at the simple request of a powerless judge is not reasonable.

Standard 22.3 Detention of Status Offenders

Limiting detention of status offenders to 24 hours or next court day may be neither in the best interests of the child, parents or society.

Standard 22.8 Disposition of Status Offenders

The standard for disposition of status offenders should be the least restrictive order consistent with the treatment needs of the youth. Although commitment to secure institutions of the Ohio Youth Commission is inappropriate, in some situations, commitment to organizations that may not be in the community or that house over 20 is not only appropriate, but necessary. Examples include Boys' Village, Boys' Town. . . .

Appropriate treatment because of the label of "delinquent" or of "status offender" should not be denied.

Definitions

Adjudication

The process or act through which a case is heard, tried and judged, i.e., the process through which the juvenile must go to determine if he/she is delinquent, neglected or unruly.

Adjudicatory Hearing

The process to determine whether a child is a juvenile traffic offender, delinquent, unruly, neglected, dependent or otherwise within the jurisdiction of the court or whether temporary legal custody should be converted to permanent custody.

Community-Based Facility, Program, Services

A small, open home or other suitable place located near the juvenile's home or family, and programs of community supervision and service which maintain community and consumer participation in the planning, operation and evaluation of their programs/which may include, but are not limited to, medical, educational, vocational, social and psychological services, training, counseling, abuse treatment and other rehabilitative services. (JJDP Act of 1974, as amended through October 3, 1977).

Correctional Institution

(1) Any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses. (JJDP Act of 1974).

(2) A physically restrictive residential facility providing permanent custodial care for adjudicated youth. Facilities may vary in the level of security and the amount of contact with the community each environment maintains.

Custodial Adult

A parent, custodian, guardian, or other person acting in loco parentis for the child.

Custodial Child

Any juvenile who violates State or Federal statutes and/or any ordinance or regulation of a political subdivision of the state which would be a crime if committed by an adult; who violates any lawful order of the Court (Ohio Revised Code, Section 2151.02).

Dependent Child

Any juvenile who is homeless, destitute, or without proper care or support, through no fault of his/her parents, guardian, or custodian; one who lacks proper care or support by reason of the mental or physical condition of his/her parents, guardian, or custodian; one whose condition or environment is such as to warrant the State, in the interest of the child, in assuming his/her guardianship.

Detention

(1) A physically restrictive residential facility providing temporary custodial care for youth while awaiting court disposition or undergoing physical and psychological evaluation prior to placement in an appropriate correctional facility. Such facilities are generally locally administered and small in capacity.

(2) Temporary care of children in physically restricted facilities pending court disposition or transfer to another jurisdiction or agency. (National Council on Crime and Delinquency).

Detention Hearing

(1) The process to determine whether a child held in custody shall remain in custody, as applied to juvenile court;

(2) The process to determine whether a child shall be held in detention or shelter care prior to or pending execution of a final dispositional order. (Ohio Rules of Procedures).

Disposition

The term applying to what the court rules should be done with the child after the case has been adjudicated. Disposition may be formal or informal. The court makes placement findings based on evidence submitted. Dispositional alternatives for a child adjudged delinquent are: (1) counseling; (2) supervision in his/her own home; (3) placement in a foster home, transfer of custody to a relative, county agency, licensed child welfare agency, the Department of Welfare; (5) order of restitution; or (6) revoking of driver's license.

Dispositional Hearing

The process to determine what action shall be taken concerning a child who is within the jurisdiction of the court.

Diversion

The process of referring youth to an existing community treatment program or prevention program in lieu of further juvenile justice system processing at any point between apprehension and adjudication. Diversion can occur at three points: (a) after initial

police apprehension, (b) at court intake, and (c) anytime prior to adjudication. (President's Commission on Law Enforcement and Administration of Justice).

Endangered Child

A juvenile who:

- (1) has no parent, guardian or other adult to whom the youth has substantial ties, who is available and willing to care for him/her;
- (2) has suffered or is likely to imminently suffer a physical injury, intentionally inflicted upon him/her by a parent, and which causes or creates a risk of disfigurement, impairment of bodily functioning or severe bodily harm;
- (3) has suffered or there is a risk that the youth will imminently suffer disfigurement, impairment of bodily functioning or severe bodily harm as a result of conditions uncorrected by the parents or by the failure of the parents to adequately supervise or protect the youth;
- (4) is suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, psychosis or untoward aggressive behavior toward self or others, and the parents are unwilling to permit and cooperate with necessary treatment for the youth;
- (5) has been sexually abused by a member of the household;
- (6) is in need of medical treatment to cure, alleviate or prevent serious physical harm which may result in death, disfigurement, impairment of bodily functions, severe bodily harm or severe or lasting psychological damage in the event the parents are unwilling to permit medical treatment; or
- (7) is committing delinquent acts as a result of parental pressure, encouragement or approval.

Fact-Finding Hearing

A hearing to determine if the allegations of the petition are supported. (See Adjudicatory Hearing).

Family

A unit comprised of youth, parents, guardians, single mother or father, or any person(s) legally responsible for the care and supervision of youth (immediate family).

Formal Intervention

The activity of secondary systems which interact with individuals on a formal basis when prevention efforts and informal intervention have failed, or when it has been determined that formal intervention is the proper mode of interaction in meeting the needs of both the youth and the community.

Informal Intervention

The activity of secondary systems which interact with individuals on an informal basis when prevention efforts have failed to meet the needs of youth. Informal intervention is strictly voluntary on the part of the youth being served.

Intake

The point at which a decision is made concerning whether any court action will be taken.

Least Restrictive Alternative (Confinement)

"The minimum limitation of movement or activity of a patient or resident necessary to provide reasonable assurance that his/her dangerousness would not constitute a significant risk to others and in which treatment or habilitation continues to the fullest extent possible." *Davis v. Watkins*, 384 F. Supp. 1196, 1203 (N.D. Ohio 1974)

Neglected Child

Any juvenile: (1) who is abandoned by his parents, guardian or custodian; (2) who lacks proper parental care because of the fault or habits of his parents, guardian or custodian; (3) whose parents, guardian or custodian neglects or refuses to provide him with proper or necessary subsistence, education, medical or surgical care, or other care necessary for his health or well being; (4) whose parents or guardian neglect or refuse to provide the special care made necessary by a mental condition; (5) whose parents or guardian have placed or attempted to place such child in violation of Section 5103.16 or 5103.17 of the Revised Code. (Ohio Revised Code, Section 2151.03).

Planning

System design, systems analysis, goal setting, research and information gathering, evaluation, policy formulation and development of strategies for interaction. Youth service planning is on three levels: (1) comprehensive statewide planning; (2) allocation of funds and (3) planning for program activities and components of the system.

Prevention

Those activities of primary systems which impact upon and interact with youth-service agencies and organizations with the purpose of enhancing the capabilities of primary systems to meet the needs of youth, to perform their duties and to fulfill their responsibilities effectively.

Primary System

A system of services which provides for the needs of youth such as shelter, food, health care, education

and employment through families and those agencies and organizations which are utilized by the general public. Included are school systems, health and mental health care systems and other service systems.

Residential Care Facilities

Facilities that provide alternatives to incarceration or institutional care. Residential care facilities include: (1) Foster Care Homes - A subsidized home consisting of a person or couple who have been licensed to provide for the care and maintenance of a set number of children. (2) Group Homes - Dwellings located within a community, not part of an institutional campus, which makes available to residents community resources. Group homes generally have a capacity for six to ten persons, and may be operated by State or private agencies or nonprofit organizations.

Secondary System

A system of services which provides for the needs of youth such as shelter, food, health care, etc., through agencies and organizations which may be utilized by those youth, whose needs are not adequately met by the primary system. Included are law enforcement, corrections, mental health, public welfare institutions and other supplemental services.

Shelter Care

(1) The temporary care of children in physically unrestricted facilities, pending court adjudication or disposition, or execution of a court order. (2) An open facility, public or private, providing temporary boarding care while a youth is separated from his family or awaiting court disposition. A youth receiving services from such a facility cannot be confined in a physically restrictive area within the facility, and the maximum length of stay is ten days at one time. Such facilities provide a broad range of social services to delinquent, dependent and neglected youth.

Status Offense

Any act committed by juveniles which, if committed by adults, would not constitute criminal offenses, and which subject the juvenile to the jurisdiction of the juvenile court under the unruly statute. This includes such offenses as incorrigibility, truancy, runaways and immoral behavior. Status offenses are acts committed by juveniles who: (1) do not subject themselves to the reasonable control of parents, teachers, guardian or custodian, by reason of being wayward or habitually disobedient; (2) who are habitual truants from home or school; (3) who so deport themselves as to injure or endanger the health or well-being of themselves or others; (4) who attempt to enter the marriage relation in any state without the consent of their parents,

custodian, legal guardian or other legal authority; and (5) who have violated a law applicable only to a child.

Treatment

Services which include, but are not limited to medical, educational, social, psychological, and vocational. Also included under this term are corrective and preventive guidance and training, and other rehabilitative services.

Unruly Child

Any juvenile who does not subject himself to the reasonable control of his parents, guardian, or custodian by reason of being wayward or habitually disobedient; who is a habitual truant from home or school; who so deports himself as to injure or endanger the health or morals of himself or others; who attempts to enter the marriage relationship in any state without the consent of his parents, or guardian; who is found in a disreputable place, visits, or patronizes a place prohibited by law, or associates with vagrant, criminal, notorious, or immoral persons; who engages in an occupation prohibited by law, or in a situation dangerous to life or limb, or injurious to the health or morals of himself or other; who has violated a law applicable only to a child. (Ohio Revised Code, Section 5121.022).

Voluntary

A person acts in a voluntary manner when he/she has the opportunity and when he/she exercises that opportunity to choose between two or more possible alternative courses of action offered to him/her by some authority, whether it be parent, teacher, police officer or other person in authority, whereby one of the alternatives includes avoidance of further formal intervention prior to any judgement of adjudication.

Waiver Hearing

The process to determine whether a juvenile alleged to be delinquent will be tried in juvenile court or waived to adult criminal court. The juvenile must be 16 or over to be considered for the waiver or transfer to adult court.

Youth

Any person under the age of 18 unless he/she has been bound over to the adult court. In such event the youth is then legally considered an adult.

Youth Service System

Youth services system in the State of Ohio is each agency, public or private, dealing with children.

Youth Service Coordinating Council (YSCC)

A locally appointed group, comprised of both public and private individuals, whose purpose is to advise on policy and to develop strategies which ensure the coordinated, effective, systematic and equitable delivery of services to youth.

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