

<p>Milwaukee County Department of Health and Human Services Division of Youth and Family Services</p> <p><b>POLICY &amp; PROCEDURE</b></p>	<p>Original Date Issued: <b>08/15/2016</b></p> <hr/> <p>Last Revision Date: <b>11/15/2018</b></p>	<p>Date Last Reviewed: <b>11/06/2017</b></p> <p>Last Reviewed By: <b>KG</b></p>	<p>Section: <b>DETENTION</b></p>	<p>Policy No: <b>045</b></p>	<p>Pages: <b>Page 1 of 4</b></p>
<p><input checked="" type="checkbox"/> Division of Youth and Family Services (DYFS)</p> <p><input checked="" type="checkbox"/> Detention Center</p> <p><input type="checkbox"/> DYFS Services Network</p> <p><input type="checkbox"/> Purchase of Service Agencies</p>	<p>Current Effective Date: <b>01/01/2018</b></p>	<p>Subject:</p> <p style="text-align: center;"><b>Out of County Juvenile Transfer Policy</b></p>			

## I. Policy

It is the policy of Division of Youth and Family Services (DYFS) to serve the youth that access services through its system in the best practical and systematic manner possible. In meeting this standard, there are occasions upon which a transfer of youth from the Milwaukee County Detention Center to adjacent county Detention Centers is appropriate and deemed in the best interest of the youth served. This policy outlines the steps necessary to carry out the process of transferring youth from the Milwaukee County Detention Center facility to an adjacent county Detention Center facility.

- ✚ This policy is in relation to DYFS Detention Center Policy 029: Overcrowding Process
- ✚ This policy corresponds with the Microsoft Excel tracking spreadsheet titled "Out of County Youth" located on the shared drive at the following path: H:\Management\Overcrowding.

## II. Required Process

- A. This process begins with the DYFS identifying the youth determined to be good candidates for transport if the Milwaukee County Detention Center is over capacity and maintaining that capacity is a safety risk for youth and staff. Criteria to be considered in making this determination are as follows:
  - 1) Whether the youth has been waived to adult court,
  - 2) Whether there are any delinquencies pending,
  - 3) Whether the youth is involved in Wraparound,
  - 4) Whether the youth is on medication or has mental health issues,
  - 5) Whether the youth has any physical limitations or medical conditions,
  - 6) Whether the youth has a court date that is more than 2 weeks away and/or
  - 7) Whether the youth will face a disruption in any services if moved.
- B. All youth with a pending delinquency petition or court order require a hearing before the youth can be transferred.
- C. Determine if there are any adult charges are pending in conjunction with any delinquency case(s).
- D. Youth that should not be considered for adjacent county transfer:
  - 1) If the youth is currently having behavior problems in Detention,
  - 2) If the youth is currently on medication,
  - 3) If the youth is enrolled in Wraparound Milwaukee and/or
  - 4) If the youth has intensive family involvement.

### III. Procedure

Once a youth has been identified as appropriate for transfer and a hearing has been scheduled, the following procedure will be followed to move a youth to adjacent county:

#### DYFS

- A. Check with the assigned Human Service Worker (HSW) to ensure that there will not be any services that will be disrupted by the transfer. This should include verifying whether there are any court ordered evaluations or assessments that will be disrupted by the move. Also determine whether there are any concerns with moving the identified youth by any team members.
- B. Ensure that Delinquency staff, i.e. the assigned HSW, HSW Supervisor and/or Section Manager, has a discussion with the youth and any involved parent, guardian, or caregiver about the potential upcoming move. This detailed discussion must include but is not limited to informing the family about the move, the reason for the move, the associated process and addresses any questions and/or concerns of the family. This discussion and outcome must be documented in Synthesis case notes.
- C. Notify the assigned assistant district attorney and youth's defense attorney of the proposed move and the expected timing of the placement review hearing.
  - 1) If the assigned defense attorney is unavailable for the hearing, DYFS will arrange with the Public Defender's Office to have an intake attorney cover the hearing.
  - 2) Notify the District Attorney's Office file room (ext. 7725), at least three hours before the hearing, to ensure that the DA file is brought to Branch 93 prior to the hearing.
- D. DYFS shall contact Court Administration, i.e. The Court Coordinator or Judicial Court Manager to ensure that Branch 93 or assigned Judge can conduct the hearings as requested.
- E. Contact the Deputy Control Center (ext. 5901) and the Detention Center (ext. 7715) to alert them that the youth will have to be transported to Branch 93, or assigned branch, for the hearing.

#### The Court

- A. Court Administration will contact the assigned judge to inform the judge of the proposed move.
- B. Unless otherwise requested, hearings in Branch 93 are heard at either 10:00 a.m. or 1:30 p.m.
  - 1) If DYFS wants to move the youth that day, then Court Coordinator must be alerted before 10:00 a.m. and the hearing will take place at 1:30 p.m. If notification occurs after 10:00 a.m., then the hearing will be conducted the following day at 10:00 a.m.
- C. Once all parties have been notified by DYFS, Court Administration will:
  - 1) Add the hearings to Branch 93's court calendar.
  - 2) Arrange for the court file to be brought to Branch 93.
  - 3) Alert the check-in clerk for Branch 93 of the added hearing.

#### At the Hearing

- A. DYFS representative will complete:
  - 1) An amended Temporary Physical Custody Order (goldenrod) Form (TPCO),  
\*Note: The form must request that the youth be produced back to Milwaukee County for any

- upcoming court dates.
- 2) The Order to Transport the youth to the adjacent county

After the Hearing

- A. The HSW will ensure/verify that copies of the orders get to the Detention Control Center.
- B. The Detention Center Control Center staff will contact the Sheriff Department Transportation and schedule the youth for pick-up.
- C. At every subsequent hearing:
  - 1) The court will determine the appropriateness of returning the youth to the adjacent county's detention center.
  - 2) A DYFS representative will provide the court with any updates from the adjacent county, treatment providers, and the youth.
  - 3) DYFS will be prepared to address the current detention population.

If the youth is facing adult, criminal charges and does not have a pending delinquency court case, the following procedure should be followed:

- A. Juveniles do not require a hearing prior to transport.
- B. Any orders to transport or produce shall be requested and filed under the criminal case number, not any expired delinquency orders.
- C. The Chief Judge will sign these orders. The Chief Judge's clerk will docket the entry in the criminal case CCAP file.
- D. DYFS shall notify the defense attorney and assistant district attorney assigned to the criminal case to ensure that the defense attorney knows where she/he can contact the youth and that the assigned assistant district attorney can ensure that, when applicable, orders to produce are completed and filed with the court.
- E. Court Administration will forward signed documents to the clerk in the assigned criminal court, with an explanation, to ensure that any documentation is filed with the appropriate court file.

**IV. DYFS Requirements**

- A. Documentation
  - 1) All documentation to track youth that transfer out of the JDC during this overcrowding period will be tracked by the individual youth's assigned HSW in the Synthesis database using case notes. *(Please refer to Case Note Policy 012 for more details).*
  - 2) The HSW must ensure all documentation includes the decision, reasons why the decision was made and any follow up needed.
  - 3) For youth that are transferred to an detention facility out of county, the JDC management will track youth's identifying information and pending court dates in an Excel Spreadsheet (SS) titled "Out of County Youth".

- 4) The Out of County Youth SS will be stored on the DYFS shared drive at the following path: H:\Management\Overcrowding.
- 5) The DYFS Detention Superintendent or Juvenile Correctional Officer Supervisor must maintain a record of all youth transported to adjacent county facilities, that includes but is not limited to the following information:
  - Youth Last Name
  - Youth First Name
  - Youth Date of Birth
  - Date Sent to Other County
  - County Sent To
  - Next Court Date
  - Release Date

B. Youth Contact/Visits

- 1) HSW are required to maintain contact with the youth and caregiver (i.e. adjacent county DT staff) while the youth is placed in the adjacent county, in accordance with the DYFS Contact Standards policy and document all efforts.

Identify yourself as a HSW and make contact using the appropriate county's contact information.

**Racine County Juvenile Detention Center**

1717 Taylor Ave, Racine WI 53403

Facility Main Line: #262-638-6729

Superintendent Direct Line: #262-638-6722

- 2) The HSW is responsible for notifying the family of visiting hours and to assist in facilitating visits with the youth and family as needed. If the family is not able to get transportation to the adjacent county for the visit, DYFS will ensure adequate transportation provisions are made. Please see the HSW Supervisor if support with transportation planning is needed.

Reviewed & Approved By: \_\_\_\_\_

  
**Mark Mertens, Division Administrator**