

<p>Milwaukee County Department of Health and Human Services Division of Youth and Family Services</p> <p>POLICY & PROCEDURE</p>	<p>Original Date Issued: 08/01/2018</p> <hr/> <p>Last Revision Date: 09/25/2018</p>	<p>Current Review Date: 04/05/2018</p> <p>Current Review By: MG</p>	<p>Section: INTAKE</p>	<p>Policy No: 028</p>	<p>Pages: Page 1 of 6 (1 Attachment)</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: 06/01/2019</p>	<p>Subject:</p> <p style="text-align: center;">Intake Assessment Process Detention and Order-In Cases</p>			

I. Policy

It is the policy of the Division of Youth and Family Services (DYFS) to provide a comprehensive array of direct, collaborative services and programming to youth and families involved in the youth justice system in Milwaukee County. DYFS utilizes a balanced approach to protect the community, hold youth accountable for their actions, and build competencies in youth to help them become productive, responsible individuals. We strive to provide youth and families with supervision and support in pursuing a prosocial life through the use of trauma informed, evidence-based practices. Services and programming provided within this Division are primarily governed by the Juvenile Justice Code (Chapter 938) and other state and county mandates and policies.

II. Court Intake

Juvenile Intake is responsible for the initial screening and assessment of youth referred to court by law enforcement. Youth Assessment Team (YAT) Human Service Workers (HSW) review the referrals to ensure that the allegations meet jurisdictional criteria. Referrals may be handled informally, referred to court, or closed.

Juvenile Court intake, as related to delinquency referrals, involves the Human Service Worker-Youth Assessment Team (HSW-YAT), Youth Correctional Officers, and Human Service Worker Supervisors assigned by the Department of Health and Human Services of Milwaukee County. Their combined efforts result in:

- ❖ A determination that the information contained in the referral is sufficient to establish prima facie court jurisdiction (938.24(1)), based on age, venue, and elements of the specific law violation.
- ❖ A determination as to how the child/family can best be assured of care, protection, and/or treatment that also reasonably ensures protection of the public interest.

This initial review and determination should be made, whenever possible, within 30 days of the date of referral from Law Enforcement to the Court.

Pursuant to 938.06(2) (a) the following guidelines are to be used by HSW-YAT relative to their duties to review delinquency referrals. These guidelines apply whether or not the child is currently under court supervision.

In the event the youth is already under court supervision, the HSW assigned to provide on-going supervision is required to complete a Court Hearing Work Sheet and provide to the assigned HSW-YAT before the custody hearing.

Exceptions

- ❖ Any youth involved in the Milwaukee County Accountability Program (MCAP), Aftercare status from the Department of Corrections, or the Milwaukee County Residential Treatment Care Program (Bakari) that are referred out to DYFS on new charges will be continued to be assigned to the ongoing Human Service Worker.
- ❖ Any Capias on an open case will continue to be assigned to the ongoing Human Service Worker. The HSW will be responsible for completing the Part A & B Out of Home Care forms, Central Staffing forms, and Program Referral forms. Any exceptions to this process should be discussed and approved by the HSW Supervisor for appropriate next steps.

III. Procedure-Detention Cases

A. Law Enforcement Arrival

If a youth is brought to the Detention Center by law enforcement, the following documents must accompany the youth:

- Law Enforcement Referral (top part filled out by Law Enforcement)-State Form 1701
- Temporary Physical Custody Request (filled out by YCO Supervisor)-State Form 1710
- Police Report and any other Police Information

B. Detention Assessment

The Youth Correctional Officer Supervisor will complete the Detention Risk Assessment Instrument (DRAI) to determine whether a youth is to be held in secure detention or can be released home or to a non-secure placement, such as Temporary Shelter Care.

- If it is determined that the youth will not be held in secure or non-secure custody, then the referral will be processed in the same manner as an order-in, unless it has one of the identified offenses (*refer to page 3 of this policy*) that are referred directly to the District Attorney's office. If the HSW-YAT receives a case that was NOT DETAINED/NO HEARING-CASE BEING HANDLED AS AN ORDER IN, the HSW-YAT Is required to reach out to the family that same business day to schedule an intake appointment for that week. The HSW is to have the intake paperwork completed and submitted to the District Attorney's Office for review within 14 days from receipt of referral.
- All sexual assault cases where a youth is not detained must have a scheduled home visit completed by the HSW-YAT within 24 hours of receipt of referral to assess and ensure the safety of any victims.
- If a youth remains in secure or non-secure custody, including Temporary Shelter, a Temporary Physical Custody Hearing will occur within 24 hours of placement. The HSW-YAT will initiate Part A & B Out of Home Care Forms on any new youth placed at Shelter (*refer to DYFS Policy 061: OOH – Safety Assessment*).

C. Youth Assessment Worker

If a youth is brought to Detention during normal business hours a HSW-YAT worker will report to detention to initiate the Intake process if they are available to do so.

If a youth is brought to detention and has one of the following offenses, the youth will remain in detention and will be automatically referred to the District Attorney's office:

- Homicide
- Attempted Homicide
- 2nd degree Reckless Homicide
- Armed Robbery
- Robbery
- Offenses which involve the use of a weapon
- Other weapons related offenses, including pellet/bb-guns, in which the weapon was used to intimidate, threaten, injure, harass, or otherwise harm another person or which the use of a weapon could have caused the death of or great bodily harm to another person
- Delivery of or possession with intent to deliver cocaine, cocaine base, LSD, barbiturates, narcotics, and hallucinogens
- Threat to harm/injure a witness of a pending charge
- Felony Battery
- Arson of a Building
- 1st degree sexual assault
- Fleeing
- Operating Motor Vehicle without consent
- All new referrals for youth that are currently on orders of supervision (Probation or Consent Decree) or pending court for another offense

If the youth has an open case, the ongoing Human Service Worker will complete the Court Hearing Worksheet for the assigned HSW-YAT. Any youth that are on an MCAP, Department of Corrections, or Milwaukee County RTC (Bakari) order will be assigned to the ongoing Human Service Worker for intake processing.

The YASI will be re-assigned by the HSW Supervisor to the HSW-YAT to do a YASI re-assessment on all open cases to be completed within 6 business days. The assigned ongoing HSW can add onto and update the YASI and Behavioral Analysis as needed.

D. District Attorney Decision

The Districts Attorney's office will notify the DYFS by completing the Delinquency Intake Referral Form and emailing this upon completion to DYFS at juvenileinfo@milwaukeecountywi.gov if the case is a No Process. The HSW-YAT is then required to complete the DYFS Movement Form which will allow the youth to be released from detention.

IV. Procedure-Order In Cases

A. Administrative Responsibilities

- Police reports are received and date stamped by DYFS Administrative Staff.
- Enter the information regarding the referral in the Juvenile Program Management (JPM) System.
- Provide 3 copies of the police report to the HSW-YAT Supervisor for case assignment. JPM entry should occur within 24 hours of receipt of referral.
 - Note: If the police referral does not include the State Form 1701, administrative staff will contact Law Enforcement to inform them that State Form 1701 is required the referral can be processed.

B. Human Service Worker-YAT Supervisor Responsibilities

- Entering the case assignment in JPM.
- Entering the referral information in Synthesis.
- Assigning the referral to a HSW-YAT in Synthesis (if applicable).
- Reassigning the YASI in Case Works (if applicable).

Upon completion of data entry, the JPM system will determine whether the case is Open, New or Reopen (returning referral).

The case assignment will be automatically sent via email from JPM to the assigned HSW-YAT, notifying them of the referral assignment. An email will automatically be sent to the ongoing HSW assigned to the case, if applicable.

C. Human Service Worker-YAT Responsibilities - Intake Process

- Receive and review the Police Report and the Law Enforcement Referral Form 1701.
- Within 24 hours, contact the youth's family to confirm whether the date given to them by law enforcement is appropriate or if a rescheduled intake date is requested. The HSW is to advise the parent to bring current insurance/medical card and updated school information, i.e. attendance records and grade reports to the appointment. The HSW is to start gathering other collateral contact information regarding the youth.
- If there is no date set up on the Police Report, the HSW-YAT is to schedule an Intake Date with the youth's family (*refer to Attachment A: Notice of Intake Letter*). The HSW-YAT has the option to conduct the intake appointment in the youth/family home, based on the needs and request of the family.
- If the family fails to appear for the scheduled intake(s) appointment:
 - a. After 1st missed appointment, the HSW is to refer the youth to the Capias Abatement Program for follow up:
 - To complete a referral to the Capias Abatement Program, email the Information Application System Specialist within one (1) business day the Court Capias Abatement Referral Form (*refer to DYFS Policy 031: Capias Abatement Program*).
 - b. The HSW-YAT is required to make efforts to schedule subsequent intake interviews with the youth and family as time permits.
 - c. If the youth fails to appear for the intake by the 20th day from case assignment, the HSW is to complete the Intake Inquiry Recommendation on the Court Referral Form 1701 and refer the case to the District Attorney's office.

Intake appointment(s) expectations for the HSW:

- a. Introduce self, role and purpose of the appointment;
- b. Read Notice of Rights to youth and obtain youths and parent/guardians signature;
- c. Have the DYFS Consent Form reviewed and signed by parent/guardian;
- d. Proceed with Intake Interview/Assessment, which includes the following:
 - Pre-Screen Youth Assessment Screening Instrument (YASI)
 - Massachusetts Youth Screening Instrument 2 (MAYSI-2)
 - Urban Adverse Childhood Experiences (ACE)'s-Trauma Screen
 - Fetal Alcohol Spectrum Disorder-FASD Screen
 - Sex Trafficking Screen

- eWISACWIS check-Child Welfare information (HSW-YAT will inform Branch 93 that the family has an open Child Welfare/CHIPS case so that the youth can be assigned to the Judge that is hearing the CHIPS case)
- School information
- Municipal citation check

Note: If there is a youth involved in the child welfare system and is open with DYFS, the HSW is to notify the Court Coordinator in order to notify the courts of a dual status involved youth. The Court Coordinator will work to ensure that there is one judge assigned to the youth for all court related matters.

All of the screening information will be incorporated into the Intake Conference Assessment. Upon completion of the intake on a case and a recommendation for a petition to be filed for a consent decree or formal supervision, the HSW-YAT is to have the case prepared for transfer to the ongoing HSW within 6 days of referral to the DA's office. At the time of submitting the Intake Conference Assessment to the DA's office, the HSW-YAT will be transferring the case to a regular ongoing HSW. For those youth that have completed an intake inquiry and who have additional referrals to DYFS, the HSW-YAT is to complete the bottom of State Form 1701 and submit it to the DA's office.

Service referrals may be made on all new cases at the time a need is identified (to include the Central Staffing Packet and Part A & B Out of Home Care Forms, if the youth is placed outside of the home, referrals for immediate services, etc.).

All youth with an overall risk score of Low on the pre-screen YASI will be assigned to the Diversion Alternative Team (DAT) for ongoing supervision and monitoring. All youth with an overall risk scores of Moderate and High on the pre-screen YASI will be assigned to a regular ongoing HSW for monthly monitoring and supervision. If an exception to this needs to be considered, the HSW will staff it with their assigned HSW Supervisor for determination of need.

1. Delinquency referrals to the District Attorney's Office should include the following within 30 days of receipt stamp date:
 - a. Intake Conference Assessment
 - b. Police Reports
 - c. All screens identified in section C.4 are to be completed BEFORE sending the case information to the DA's office.
 - d. If appropriate, complete a Deferred Prosecution Agreement (DPA)-send a signed copy to the DA's office.
 - e. For all DPA's, the Victim Statement and Restitution Sheet is to be sent.
 - f. If a DPA is accepted by the DA's office, a copy of the DPA must be submitted to DYFS Administration for entry into JPM.
 - g. The HSW Supervisor must review all content of the case with the HSW-YAT and sign the Intake Conference Assessment prior to submission to the DA's office.
 - h. A court hearing date will be scheduled for all court actions. If the HSW-YAT recommends Counsel and Close, No Process, or DPA, the HSW-YAT will keep the case until the plea hearing is completed in order to present their recommendations in court. If the HSW-YAT is recommending that a petition be filed, the case will be transferred to a regular ongoing HSW prior to the plea hearing.

- i. If additional information is needed by the ADA, the ADA is to request additional time and a staffing will occur between DYFS and the DA's office to discuss any questions or concerns regarding the case.

2. Family Notification of the District Attorney's recommendation:

If a youth is charged, the youth and parent/guardian must receive a copy of the petition via certified mail from the DA's office. The HSW-YAT notifies the youth and parent/guardian of the petition and court date via telephone or mail as well.

✚ **Please note:** For all new cases that are moving from the Youth Assessment Team: The Case Transfer Sheet will need to be completed by the HSW-YAT and provided to the ongoing HSW.

D. Ongoing HSW Responsibilities - Petition to Court:

1. If the District Attorney makes a decision to charge the youth after reviewing the Police Reports and Intake Conference Assessment Packet, the ongoing HSW will receive a Petition and will be notified about a Court Hearing by the Clerk's Office.
2. The youth and family will be notified by the Clerk of Courts via mail with the Court Hearing information. The newly assigned ongoing HSW must contact the family to confirm their receipt of the Notice of Court Hearing.
3. The District Attorney's office will complete the victim's statement and determine any restitution owed to the victim on cases that are petitioned by their office.
4. Once the petition has been filed, the ongoing HSW must follow DYFS Contact and Case Management Standards (*refer to DYFS Policy 014: Youth Contact Standards*).
5. Before the Initial Hearing, the HSW must speak with the youth/family about any changes since the Order-In date and Intake Conference and discuss with them what to expect following the court hearing.
6. The HSW should be prepared to provide Court with relevant case related information. Consult with your Supervisor for additional support and guidance.

Reviewed & Approved By _____


Mark Mertens, Division Administrator

Notice of Intake Inquiry

1. Intake Case Number
2. County
3. Case Type <input type="checkbox"/> Delinquency <input type="checkbox"/> In Need of Protection/Services under ch. 48 <input type="checkbox"/> In Need of Protection/Services under ch. 938 <input type="checkbox"/> Ordinance/Civil Law

4. Child's/Juvenile's Last Name	First	Middle	5. Date of Birth	6. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
7. Child's/Juvenile's Street Address	City	State	Zip Code	8. Telephone Number ()
9. Legal Father's Name	Address			10. Telephone Number ()
11. Legal Mother's Name	Address			12. Telephone Number ()
13. Guardian/Legal Custodian/Indian Custodian	Address			14. Telephone Number ()

15. The Juvenile Court Intake Office has received a referral from _____ regarding the following allegations:

A referral to court is a serious matter.

An intake inquiry will be conducted on behalf of the court regarding this matter to determine whether the available facts are sufficient to establish jurisdiction and to determine the best interests of your child and of the public with regard to any action to be taken.

You and your child are requested to be present at an intake conference scheduled below.

16. Date	Time	17. Location
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No child/juvenile or other person may be compelled by an intake worker to appear at any conference, produce any papers, or visit any place. **Failure to attend this conference may result in referral to court.**

18. Intake Agency's Name	Address	Telephone Number
19. Name of Intake Worker	Signature	Date