

Juvenile Justice Regional Workshop

Piedmont and West
November 18-19, 2021



▶ Let's Discuss SB 207

SECTION VI: Juvenile Court Mental Health Assessments

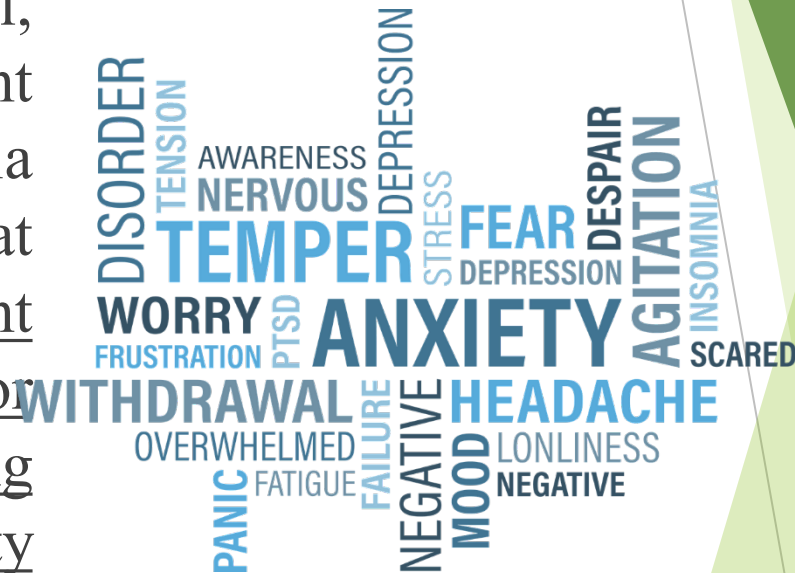
FOR ALL JUVENILES APPROVED FOR COURT

Comprehensive Clinical Assessment(CCA) Process

- ▶ Adjudicated delinquent
- ▶ Juvenile with suspected mental illness (MI), developmental disability (DD), or intellectual disability (ID)
- ▶ Where can you find information to help determine if there is suspected MI, DD, ID
 - ▶ GAIN-SS Score of 3 or more total score
 - ▶ Referral for further assessment
 - ▶ YASI
 - ▶ Mental Health Information/MH Records (psychological or other MH assessments)
 - ▶ Self or Parent Reported Information
- ▶ Require JCC to make a referral for a CCA or equivalent MH Assessment
- ▶ Completed within 45 days of adjudication hearing
- ▶ Assessment must evaluate developmental, emotional, behavioral, & mental health needs of juvenile
- ▶ This section's effective is date the "petition filed" on or after December 1, 2021

Severe Emotional
Disturbance - G.S. 7B-
1501(24a)

“A diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the DSM-5 that resulted in functional impairment which substantially interferes with or limits the child's role or functioning in family, school, or community activities in a person who is under the age of 18.”

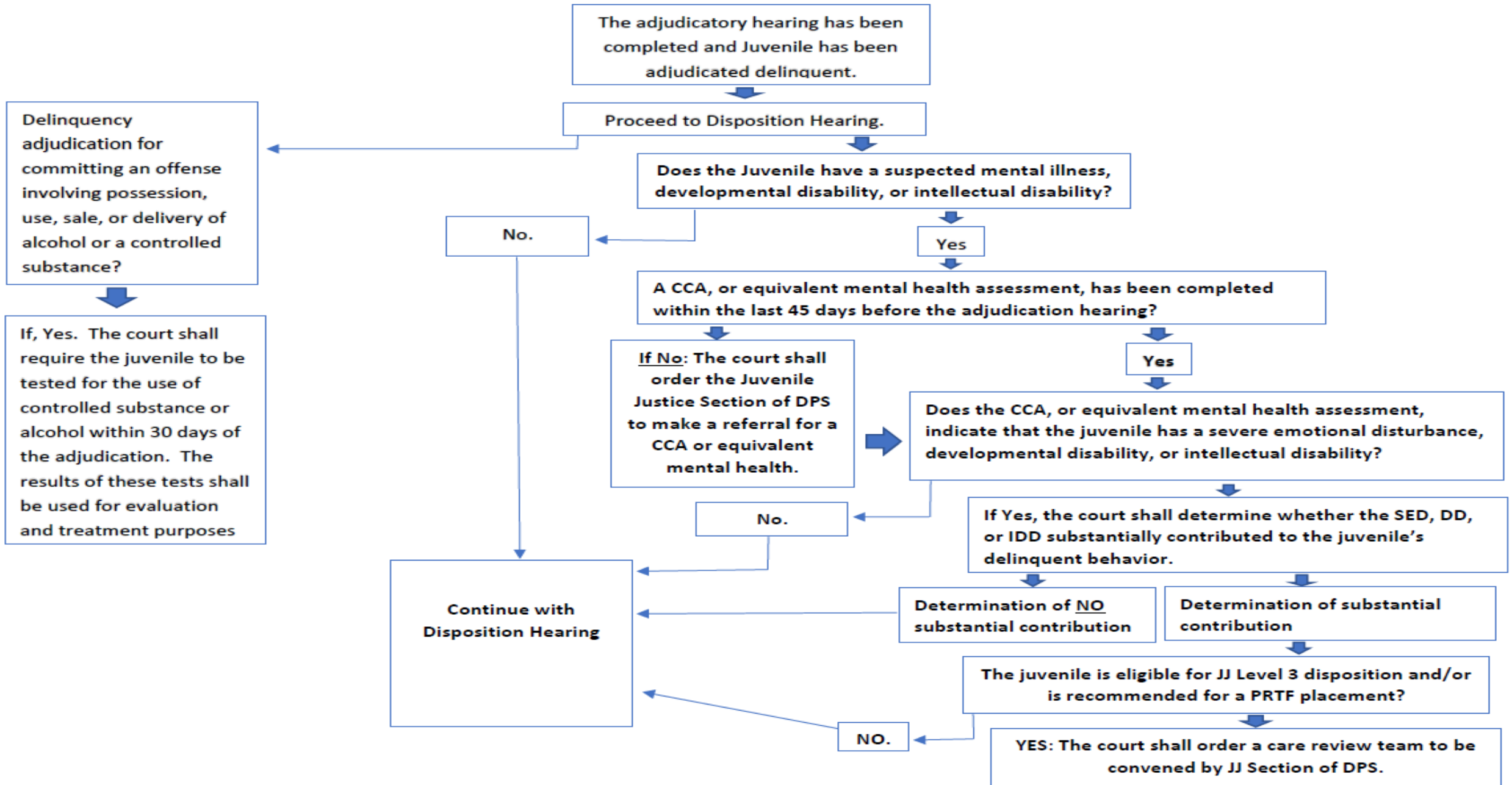


Severe Emotional Disturbance

Requires individual to be:

- ▶ **Under the age of 18; or**
- ▶ **be a person between the ages of 18 and 21 who was receiving services prior to 18th birthday and that must be continued for therapeutic benefit.**
- ▶ **A clinically significant disorder of thought, mood, perception, orientation, memory or behavior that is listed in the current edition of the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders (DSM) (Exclude IDD/DD and Substance Use Only)**
- ▶ **Functional Impairment for 1 year (or a professional prediction of impairment for 1 year without clinical intervention) in at least 2 of the following areas: Self-Care; Interpersonal Relationships; Family Life; School/Work; Self-Direction**

JUVENILE COURT MENTAL HEALTH ASSESSMENTS AND CARE REVIEW PROCESS FLOWCHART



When previous elements are met, the JCC shall...

01

Notify supervisor prior to court and conduct case staffing

02

Check to see if a CCA or equivalent assessment has been completed and the date of assessment

03

If one is not completed or within 45 days of the adjudication hearing, make a referral for a CCA or equivalent mental health assessment

04

Provide CCA to the court at disposition attached to the disposition report and Risk and Needs Assessment (YASI)

CCA and Care Review Process for Committed Youth or Recommended for PRTF

Eligible for Level 3 commitment or JCC recommending a Level 3 commitment OR recommending juvenile for placement in a PRTF (Psychiatric Residential Treatment Facility)

Conduct case staffing for ALL juveniles eligible for Level 3 commitment, JCC is recommending a Level 3 commitment OR recommending juvenile for placement in a PRTF (Psychiatric Residential Treatment Facility)

Ensure a Comprehensive Clinical Assessment (CCA) or equivalent assessment has been completed within within 45 days of the adjudication hearing

If CCA is not completed or not within 45 days of adjudication hearing, start process to get an addendum to the CCA or equivalent mental health assessment completed or a new CCA completed prior to the adjudication hearing

Notify Care Review Facilitator and submit Care Review referral form

Required Juvenile and Family Team Members

juvenile

parent, guardian, or
custodian

representative from DJJ

representative from the
local LME/MCO or
prepaid health plan
(PHP) in which the
juvenile is enrolled

representative from any
State agency or local
DSS that is currently
providing services to the
juvenile or family

Care Review Facilitation Coordination Services



- ▶ Court Services is working to hire a Care Review Facilitator to coordinate and assist JCC with care review process
- ▶ JCC will notify Care Review Facilitator and provide the following Information
 - ▶ Name and NC-JOIN # of Juvenile eligible for a Level 3 Commitment or is being recommended for a Level 3 commitment or PRTF placement
 - ▶ Send copy of current CCA or inform Care Review Facilitator date of referral for CCA. Send copy of CCA to Facilitator once completed.
 - ▶ Inform Care Review Facilitator of date adjudication hearing is scheduled or may be scheduled
- ▶ JCC will work closely with the Care Review Facilitator to begin the Care Review Process
- ▶ Once ordered by the court, Care Review process must begin quickly to meet the 30 required timeline
- ▶ QA/QI staff will also notify Facilitator when commitment parameters have been submitted for review for a juvenile eligible for YDC commitment

Potential Hearing Outcomes



PGC SHALL be allowed to arrange for evaluation and treatment



If PGC declines or is unable to make necessary arrangements, parent can be ordered to pay cost of care



If court finds parent and juvenile justice are unable to pay cost of evaluation or treatment, the court may order the county to pay



Payment for Treatment

- ▶ If the juvenile does not have insurance or Medicaid, the JCC will assist the family with applying for Health Choice or Medicaid
- ▶ If the juvenile does not have health insurance, the court shall conduct a hearing to determine who should pay the cost of evaluation or treatment
- ▶ County manager, or any other person designated by the chair of the board of county commissioners, of the county of the juvenile's residence shall be notified of the hearing, and allowed to be heard
- ▶ Court shall allow parent to arrange for evaluation or treatment
- ▶ If the court finds the parent or funding through Juvenile Justice is unavailable to pay the cost or evaluation or treatment, the court shall order the county to arrange for the evaluation or treatment and pay the cost

Care Review Team Shall

Develop a Recommendation Plan recommending appropriate services and resources needed to address the identified needs of the juvenile

Submit Recommendation Plan to the court within 30 calendar days of the order requiring the team to convene

CARE REVIEW MANUAL

will Include....

- Care Review Referral Form
- What to Expect at Care Review
- Care Review Recommendation Plan
- Care Review Meeting Confidentiality Sign-In Sheet
- JJ Care Review Process Checklist
- Additional Resources



Paradigm Shift

- ▶ New way JJ will assess juveniles prior to recommending commitment to YDC or PRTF placement
- ▶ Ensuring a current CCA has been completed if suspected Mental Illness (MI), Developmental Disability (DD) or Intellectual Disability (ID)
- ▶ Completion of a Care Review to assess services and treatment needed; ensuring means for payment

Part V. Modify Minimum Age of Delinquent and Undisciplined Juvenile



Let's walk through Vulnerable Juvenile Process

a.k.a. **RAISE the MINIMUM AGE (RMA)**

- ▶ Vulnerable Juvenile Ages
 - ▶ Ages 6-7 (All Offenses)
 - ▶ Ages 8-9 (H-I, Misdemeanor Offenses)
 - ▶ Use newly created JJ Juvenile Consultation Form (CS 050)
- ▶ Exception
 - ▶ Ages 8-9 charged with A-G Felony or has a prior adjudication is charged as we do now. **NOTHING HAS CHANGED!**
 - ▶ Use AOC Juvenile Complaint form
- ▶ Compliant Driven
- ▶ Notify victim if complaint is not handled as a vulnerable juvenile.
- ▶ When complaint is closed, remove complaint from juvenile's file
- ▶ If determined compliant will be handled as a vulnerable juvenile, provide standard case management services.
- ▶ Will not complete YASI for a vulnerable juvenile; reviewing new assessment instruments for under 10 population with help of Clinical staff.
- ▶ Will continue to complete YASI for 8- & 9-years old juveniles charged with A-G felony offense(s) approved for because risk and needs assessment is still statutorily required to be provided to court.

Vulnerable Juveniles

CONFIDENTIAL

Juvenile
Consultation
Records are
Confidential

Vulnerable Juveniles Consultation

6 months, with possible 3-month extension

Case management services

- Screenings
- Assessments
- Community resources
- Programming

For juvenile and the parent, guardian, or custodian

Vulnerable Juvenile Consultations

- ▶ Policy and SOP Committee have been working hard to develop a Policy & SOP for Vulnerable Juvenile Consultations and is being finalized
- ▶ ITS is working on development in NC-JOIN and creating a User Guide
 - Validation
 - Entering Vulnerable Juvenile Complaint in NC-JOIN
 - Creating Supervision Record
- ▶ Completed by December 1, 2021



VJC Documents You Will Receive on or before December 1st

- ✓ Juvenile Policy and SOP
- ✓ Revised Vulnerable Juvenile Complaint Form (CS 050)
- ✓ User Guide for new NC-JOIN development created for Vulnerable Juvenile Process

Friendly Reminders



Prosecutor

Part III: Secure Custody Order Changes

Superior Court Judge has jurisdiction to issue a secure custody order when a juvenile matter that was transferred to superior court is remanded to district court

A hearing to determine the need for continued secure custody shall occur within 10 calendar days

Hearing cannot be continued or waived

District court has authority to modify the secure custody order following the issuance of the order by the superior court

Prosecutor must provide CCC or designee with copy of joint motion prior to submitting the motion to the court

Superior court shall expunge the superior court record at the time of the remand and may place the juvenile in secure custody at the request of prosecutor if juvenile meet criteria for secure custody

Prosecutor must provide a copy of the SCO issued to the CCC or designee, as soon as possible but at least within 24 hours of issuance of the SCO

Part IV: Prosecutorial Discretion for D-G Felonies for Juveniles

Prosecutor can decline to prosecute a 16- or 17-year-old for an alleged D-G felony offenses if charge was subject to mandatory transfer

If the prosecutor declines to prosecute matter in superior court, jurisdiction will remain in juvenile court following a finding of probable cause

Prior to adjudication, the prosecutor may choose to transfer the matter if the juvenile has allegedly committed an offense that would be a Class D-G, if committed by an adult

Legislative Changes for 16 & 17-year-old Committed Youth

Part I. Youth Detention Centers Commitment Changes

- ▶ QA/QI staff are updating current commitment forms and documents. Updated forms will be distributed to CS staff on or before December 1, 2021.
- ▶ AOC forms have been revised to reflect SB 207 legislative changes and have been reviewed by JJ. Updated forms will be available on AOC website.
- ▶ All commitment training materials will be updated by November 23, 2021.
- ▶ CS QA/QI staff will begin training CS staff (FSS and one other person) on commitment parameters
 - Eastern and Central Area staff scheduled to attend training January 20, 2022 @ Hammond Road Business Place in Conference room 144, Raleigh, NC.
 - Piedmont and Western Areas staff scheduled to attend training January 26, 2022 @ Beaty Training Center at the Winston Salem Police Department, Winston-Salem, NC.
 - Makeup session February 3, 2022 @ Hammond Road Business Place in Conference Room 144, Raleigh, NC for anyone who needs to make up the training and any other JJ staff who would like to be trained.
- ▶ Staff attending the training will receive 6 hours in-service credit

Any Questions????



This Photo by Unknown Author is licensed under [CC BY-SA](#)