

13.12, Probation Requirements for Delinquent Youth

Application: To All Department of Children's Services Juvenile Probation Officers and Court Liaison Workers Assigned Probation Cases

Authority: TCA: 37-1-131, 37-1-132, 37-5-105 (3), 37-5-106, 37-1-166, 49-6-3051

Standards: COA: PA-JJCM 3.01-3.03 ; 4.01; 4.03; 6.01; 6.02

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Glossary:

◆ Service Provider

- An individual or organization, other than DCS, that provides a specified service to a client or their family. The service may be a paid or free service.

◆ Judicial Diversion

- Per TCA § 37-1-129, a case in which a youth has pled guilty, or was found guilty at trial but the court has deferred further proceedings and placed a youth on probation without entering a finding of guilty.

◆ Financial Obligations

- Fines, fees, costs, surcharges, child support, or other monetary liabilities ordered or assessed by any court or county government but does not include restitution.

Policy Statement:

The Department of Children's Services (DCS) provides probation services for non-custodial delinquent youth as mandated by the courts and the Interstate Compact for Juveniles (ICJ).

Purpose:

To ensure community safety and youth accountability through the assessment of youth and family needs and provision of probation services including case management, treatment, and the appropriate level of supervision.

Procedures:

A. Types of Probation Monitoring (including ICJ Cases Supervised in Tennessee)

The function of Probation is to provide supervision and monitoring to youth, under the jurisdiction of the court, and ensure community safety as these youth comply with all requirements.

1. Types of Probation Monitoring

- a) Probation- Monthly face-to-face visits with youth per current supervision level. A minimum of one (1) face to face visit a month in the home. *Note: Youth are on high supervision until the CANS is completed to determine appropriate supervision level.*
- b) Intensive Probation-A minimum of three (3) face to face visits a month within the same calendar month, with at least one (1) of the visits being in the home. This supervision is used for youth who the court have placed on intensive probation or based on need/CANS score and need more supervision.

ICJ Probation is used when youth who are under probation supervision originating from another state are being supervised in Tennessee. Case requirements are the same as a probation case.
- c) Judicial Diversion is used by the courts as an avenue for youth who are typically first-time or minor offenders. Case requirements are the same as a probation case.
- d) Inactive Supervision is used only when the youth is in adult jail, the youth is under out-of-state ICJ, or the youth resides in another state but is placed on probation in Tennessee. TL approval is required for inactive supervision and quarterly review of the case must be documented as a case consultation in the Electronic Records System.

B. Types of Engagement

- a) On the initial day of probation, the youth and parent/legal custodian meets with the Court Liaison (CL) or the Juvenile Probation Office (JPO), as applicable in counties/regions, to receive information regarding expectations while on probation and to sign required documents.
- b) Monthly face-to-face visits are conducted with the youth per the identified supervision level. Face-to-face visits are purposefully conducted at different intervals throughout the month to assess safety, well-being, and compliance.
- c) Parent/legal custodian contacts are conducted at least monthly, but the frequency is determined by the supervision level of the youth.
- d) Home visits are conducted to assess risk, view the youth's living environment, and ensure there are no safety concerns in the home by observation. The assessment includes all members who live in the home. Home visits are conducted with the youth and parent(s)/legal custodian(s) and may be scheduled or unannounced.

- e) School monitoring of the youth's attendance, behavior and progress occurs to ensure the youth is attending regularly, complying with school rules, performing academically, and to develop strategy to address any concerns.
- f) Service provider contacts are conducted to confirm the delivery and appropriateness of identified services as well as to address concerns, complaints, or problems presented by the service provider, youth, or family.

For detailed information on probation supervision requirements and case process, see the [Protocol for Juvenile Justice Non-Custodial Supervision Program](#). The JPO engages the Child and Family Team and completes informal and formal assessments to monitor the appropriate probation type and services.

C. Assessments

Assessment is an ongoing process of collecting and evaluating information needed to make decisions in a timely, culturally competent manner in keeping with the goals of community safety and family stability. The Child and Adolescent Needs and Strengths (CANS) assessment is administered and submitted within the first seven (7) business days of probation to help identify risks and needs of the youth, services, supports, supervision level and is utilized to develop the Non-Custodial Family Permanency Plan (FPP).

Note: Attempts are made to locate and involve absent parents utilizing diligent search procedures outlined in DCS Policy [31.9, Conducting Diligent Searches](#). Diligent search efforts are documented in the Electronic Records System.

D. Case Closure

In making the decision to recommend a youth for case closure, the following criteria is used:

- ◆ Youth has been under supervision for at least two (2) months and
- ◆ Youth has met requirements established by the court, DCS, or the sending state, and
- ◆ Youth has successfully achieved all responsibilities and outcomes on the Family Permanency Plan.

Youth shall be discharged prior to reaching six months on probation unless an extension has been court ordered. If a youth is approaching the six-month mark since they were placed on probation, a CFTM should be conducted to determine if they are ready for release. Another court review is necessary if the youth remains on probation at the 12-month mark to discuss closure or an extension of probation.

Forms: None

Collateral Documents:

[*Protocol for Juvenile Justice Family Permanency Plan*](#)

[*31.9. Conducting Diligent Searches*](#)

[*Protocol for Juvenile Justice Non-Custodial Supervision Program*](#)