



Administrative Policies and Procedures: 13.6

Subject:	Response System for Violations and Positive Behavior
Authority:	TCA 37-5-105 (3); 37-5-106; 37-1-122; 37-1-119; 37-1-137 (d), TCA 37-1-139 (b, c, & d); 37-1-159
Standards:	COA: PA-JJCM 6
Application:	DCS Juvenile Probation Officer (JPO) or Juvenile Service Workers (JSW) supervising youth on Probation or Aftercare.
Policy Statement:	
Responses to youth behavior, positive or negative, follows a system of proportionate and timely continuum emphasizing support including when a youth’s behaviors result in violations of probation/aftercare supervision in order to build positive behaviors while targeting risk and needs of the youth.	
Purpose:	
To provide guidelines to work with youth on Probation and Aftercare to support positive behavior and consider options for violations of rules and court orders.	
Procedures:	
A. Behavior Response System	<div>1. DCS supports a culture that acknowledges positive and negative behavior by using a behavior response system.</div> <div>2. Behavior response systems:<ul style="list-style-type: none">◆ Use positive incentives and reinforcements to encourage and support positive behavior, positive changes and compliance with court ordered conditions of supervision;◆ Use a continuum of graduated sanctions and interventions to hold youth accountable.◆ Target individual youth’s risk and needs to determine which incentives will be effective; and◆ Promote principles of personal responsibility and accountability for law violations.</div>
B. Criteria for consideration of minor violations	<div>1. It is important to distinguish typical teenage rebellion that most youth experience from minor violations. Typically, the frequency of behavior is occasional, infrequent, and unrelated to the reason the youth is on probation or aftercare.</div>

	<p>2. Teenage rebellion can be defiant but may not rise to the level that presents serious risk to the safety of the community; however, repeated behaviors could be considered a minor violation.</p> <p>3. Minor violations include <u>but are not limited to the following</u>:</p> <ul style="list-style-type: none"> ◆ Curfew violations; ◆ Truancy; ◆ Failure to follow school rules; ◆ Failure to keep an appointment with Juvenile Probation Officer (JPO) or Juvenile Service Worker (JSW); ◆ Running away from home; ◆ Substance Abuse; ◆ Failure to notify JPO or JSW before changing residence; ◆ Minor traffic violations; ◆ School suspension; ◆ Failure to comply with special conditions of supervision; and ◆ Underage smoking or vaping. <p>4. Frequent minor violations are discussed with the Child and Family Team (CFT) to consider options for resolution.</p>
<p>C. Options for resolution of minor violations</p>	<p>When minor violations are confirmed, the JPO or JSW confers with the Team Leader (TL) regarding alternatives, including, <u>but not limited to</u>:</p> <ul style="list-style-type: none"> ◆ A Child and Family Team Meeting (CFTM); ◆ Coaching and intervention by the JPO or JSW; ◆ Imposition of additional special conditions of supervision; ◆ Increasing the intensity of supervision if indicated by risk assessments; ◆ Involvement in a self-help organization; ◆ Community service; ◆ Services for mental health counseling, if applicable; ◆ Writing narratives or letters connected to the violation/offense; ◆ Gun safety classes; ◆ Services for parent/caretaker(s) to support them in parenting; or ◆ Residential treatment.

D. Reviewing Violations	<ol style="list-style-type: none"> 1. Alleged major or minor violations are based upon written rules and conditions of supervision. A CFTM is convened to review the alleged violation, identify any needs or services and develop a plan for the team to implement or present to the court. 2. As applicable, the JPO or JSW: <ul style="list-style-type: none"> ◆ Verifies all alleged minor or major violations by gathering petitions, police reports and a verbal report from the family; ◆ Develops and utilizes alternative treatment resolutions; and ◆ Makes treatment recommendations for youth.
E. Criteria for consideration of major violations	<p>Major violations may include, <u>but are not limited to, the following</u>:</p> <ul style="list-style-type: none"> ◆ Crimes against person(s); ◆ Crimes against property with a value of \$500 or more; ◆ Arson; ◆ Carrying a dangerous weapon; ◆ Absconding from supervision and whereabouts are unknown. ◆ Repetitive minor violations, if approved by the CFT; and ◆ School suspension for over five (5) days or expulsion.
F. Preparation of the major violation report	<ol style="list-style-type: none"> 1. After investigating the alleged major violation, the JPO or JSW prepares a violation report on the appropriate screens in TFACTS and reviewed with the Team Leader (TL). A petition will not be filed without the TL's approval. 2. If the JPO or JSW is requesting a violation petition, a copy of the violation report is submitted to the Court. 3. The optional form, CS-1105, <i>Petition for Violation of Probation/Aftercare</i>, may be used when filing a violation petition.
G. Options for resolutions of major violations	<ol style="list-style-type: none"> 1. When an alleged major violation occurs, a CFTM is held with the youth and parent/caretaker to explore alternatives to custody that focus on the individual treatment needs of the youth. The team considers the severity of the violation and evaluates the risk to the community in determining if alternatives to custody are appropriate. When community safety can be maintained, alternative recommendations are identified for the court and may include <u>but are not limited to</u>: <ul style="list-style-type: none"> ◆ Victim/offender mediation; ◆ Restitution; ◆ Public service; ◆ Referral to an intensive probation or aftercare program if available; ◆ Electronic Monitoring; or

	<p>◆ Non-custodial residential placement.</p> <ol style="list-style-type: none"> 2. After the CFTM is held and the appropriate recommendations have been identified by the team and approved by the TL the JPO or JSW prepares a Violation Report on the appropriate screens in TFACTS including all pertinent information. 3. When submitting violation petitions and reports, the JPO or JSW follows the Court's established procedures. Regional legal representatives are notified of petitions and pending hearings so they may attend when possible. 4. When the Court substantiates a violation, the JPO or JSW requests the proposed recommendations be taken into consideration and advocates for a course of action that promotes community safety while allowing the youth to remain in the home. 5. If remaining in the home compromises community safety and every effort to maintain the youth in the home has been exhausted, the JPO OR JSW may make a recommendation for termination of the youth's home placement. The parent/guardians are kept informed of the reasons for the recommendation. 6. A youth may only be removed from the home and returned to the physical custody of the department during aftercare for the following reasons: <ol style="list-style-type: none"> a) The youth is adjudicated delinquent for a new offense eligible for commitment to DCS custody; or b) Clear and convincing evidence exists that the child is in imminent risk of danger to the child's health or safety and needs specific treatment or services only available if placed in DCS custody.
H. Documentation	All instances of positive and negative behavior are reviewed during the next CFTM and is documented in TFACTS case recordings within three (3) business days.

Forms:	<u>CS-1105 Petition for Violation of Probation/Aftercare</u>
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Collateral documents:	<i>None</i>
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Glossary:	
Term	Definition
Aftercare	The period of supervision of a delinquent youth beginning at release from the custody of the Department of Children's Services and continuing until the youth is removed from legal supervision.