

## JUVENILE JUSTICE OVERSIGHT COUNCIL

April 13, 2015

Capitol Annex, Room 154

**Members Present:** Senator Whitney Westerfield; Secretary J. Michael Brown, Justice & Public Safety Cabinet (JPSC); Commissioner Mary Begley, Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services (CHFS); Commissioner Teresa James, Department for Community Based Services, CHFS; Commissioner Bob Hayter, Department for Juvenile Justice (DJJ), JPSC; David Wickersham, designee for Commissioner Terry Holliday, Department of Education; Laurie Dudgeon, Director, Administrative Office of the Courts (AOC); Ed Monahan, Department of Public Advocacy (DPA); Paula Stafford, Rowan County Schools; Honorable Lisa Jones, Chief District Judge; Lieutenant Shara Parks, Louisville Metro Police Department; Steven Gold, Henderson County Attorney; and Dr. John Sivley, Clinical Director, LifeSkills, Inc.

**Members Absent:** Representative John Tilley

**Staff Present:** Yvonne Board and Marlene Mundine

### **I. Welcome/Call to Order and Approval of Minutes**

The meeting was called to order by Senator Westerfield. A motion was made and seconded to approve the previous meeting minutes as submitted.

### **II. Presentation by Deputy Chief Justice Mary C. Noble**

Senator Westerfield introduced Deputy Chief Justice Noble who updated council members regarding preparation for implementation of revisions to the juvenile justice code that will bring consistency in how cases are handled. She noted that the process started with an interagency council which discussed roles of agencies and whether the different systems used by those agencies were able to communicate. She noted the roles of the agencies were defined by statute; therefore, the statute was used to develop rules of practice and procedure. She noted that status was not taken out of court entirely but will be handled by court designated workers thru a pre-court procedure. She stated they will do evaluations and make recommendations using the FAIR teams and diversion programs in hopes of being successful with a status child before a court case is filed. She noted the Advisory Committee on Statewide Juvenile Rules of Court was formed and within that are four subcommittees. (Presentation materials available upon request.)

### **III. Updates**

#### **A. Department of Juvenile Justice**

Commissioner Hayter gave an update on the progress at the Department of Juvenile Justice. He noted they have worked on revisions of policies, revisions to the risk and criminogenic needs

assessment, residential training and additional training that must be completed in the next ninety days. He noted they have completed the second pilot of the risk and criminogenic needs assessment and will do one more pilot to proof the tool. He noted they have conducted residential training of staff on family engagement, graduated sanctions, treatment planning and new level system and treatment tracks. He stated they have conducted three trainings and have two left to complete that will be done by the end of month.

**B. Department of Education**

Mr. Wickersham stated that the Department of Education participated with the Juvenile Justice Advisory Board in all day meetings in March in which the chief focus was the implementation of SB200. He noted the Advisory Council may reach out to this council in an effort to share issues of concern and common interests. He noted he had a meeting with AOC to exchange data and discuss plans for sharing a mutual message going forward for the benefit of the people at the court level as well as those at the district level in the schools. He noted they will be participating on the Standing Committee on Juvenile Rules. He stated that they have approximately thirty-three responses to a survey they are conducting and will report on those findings at the next meeting. He noted they also have a schedule of trainings to be conducted thru the month of June.

**C. Administrative Office of the Courts**

Ms. Dudgeon reported that AOC now has FAIR teams established in forty-one judicial districts with twenty-two remaining. She stated they will have teams established in all judicial districts by July 1<sup>st</sup>. She stated the Court Designated Worker Program received 4,863 status referrals in 2014. She noted of those, 3,168 were trancies, approximately 1,100 were out of control from the school systems, 574 were runaways and 19 complaints were minors purchasing tobacco. She stated that in the forty-one districts with FAIR teams, 912 status cases went directly to court. She commented that they believe they will have more cases going thru diversion thru CDW's at the local level than ever before which will potentially reduce the number of cases that are going to the FAIR teams on a statewide basis.

**D. Department of Behavioral Health, Developmental and Intellectual Disabilities, CHFS**

Commissioner Begley stated her department has worked with the Department of Juvenile Justice on training and will be doing more of that. She stated they are also moving forward in implementing statewide school-based behavioral health including mental health and substance use screening in an effort to reach children earlier and do more prevention work. She noted that a map of locations for RIAC's and LIAC's was included in the information distributed. She stated they are in the process of attempting to define how the RIAC's will look moving forward as they want more of a policy and governance level for those versus practice on the ground. She

also noted they may be able to find funding to assist in travel for a parent or a youth membership to attend the FAIR teams.

Dr. Sively inquired about moving of funding from the RIAC's to address basic needs of families in the communities. Commissioner Begley responded that the funding will be given to the community mental health centers to meet those needs. She also stated that if there are services that were formerly provided by RIAC's that are not being met thru the targeted case management or thru the community mental health centers to let them know.

#### **E. Department for Community Based Services, CHFS**

Commissioner James reported that DCBS has been working closely with the agencies here in continued collaboration with the schools. She gave an update that they will have an employee in place on May 1<sup>st</sup> to address getting Medicaid in place for children. She noted they have been working with the courts on expansion of the FAIR teams sites and have been working with AOC to establish policies and procedures across the agency. She stated they are also in continued discussions with schools in getting data to look at trending opportunities to determine how to best intervene with children.

#### **IV. Policy Discussion: Age of Criminal Responsibility, Competency & Open Hearings**

Senator Westerfield noted that Mr. Monahan sent a report to the council regarding competency. Mr. Monahan noted the document was authored by Kimberly Larson and Thomas Grisso and its focus is on whether or not there should be a competency standard in juvenile proceedings that is particular to juveniles due to the developmental issues. Mr. Monahan recommended asking Mr. Grisso to attend a meeting to discuss this information with the council. Senator Westerfield asked Mr. Monahan to work on arranging that. Mr. Monahan also suggested having a subcommittee to review the information to determine if the council should consider making a recommendation to the general assembly regarding this issue. Mr. Gold agreed that the competency issue needs to be addressed. Ms. Dudgeon was in agreement on forming a subgroup. Senator Westerfield stated that he would work with Representative Tilley to create a subcommittee to study competency and also a subcommittee to discuss age of criminal responsibility. He asked council members to email him of their interest in participating on one subcommittee or the other.

Senator Westerfield asked how the council would prefer to proceed on addressing open hearings. Secretary Brown suggested setting aside a meeting of the Interim Judiciary Committee and involve this council along with relevant others. Senator Westerfield stated that he would discuss doing so with Representative Tilley.

#### **V. Adjourn**

The next meeting will be held on Tuesday, May 12<sup>th</sup>. With no further business to discuss, the meeting was adjourned.