

**CHAPTER 63D-10
INTERVENTION**

Coded Text

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63D-10.001 Purpose and Scope.

~~This rule establishes the standards and procedures for the provision of intervention and case management services for youth who have been court-ordered to be supervised by the department, placed in the care and custody of the department, or have agreed to participate in a diversion program in lieu of formal court handling.~~

Rulemaking Authority 985.14, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46, 985.601(3)(a) FS.

History—New 9-20-10, Amended 3-16-14, Repealed.

63D-10.001 Purpose and Scope.

Rulemaking Authority 985.14, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46, 985.601(3)(a) FS.

History—New 9-20-10, Amended 3-16-14, Repealed.

63D-10.002 Diversion Services.

~~(1) Diversion services are non-judicial alternatives used to keep youth who have committed a delinquent act from being processed through the traditional juvenile justice system. These services are intended to intervene at an early stage of delinquency, prevent subsequent offenses during and after participation in the programs, and provide an array of services to juveniles referred to the Department of Juvenile Justice. Referrals are determined based upon the youth's current offense, delinquency history, and Positive Achievement Change Tool (PACT) results. The PACT is the primary assessment instrument used to determine the youth's risk to re-offend, and to identify criminogenic needs, which are those critical factors identified during the assessment process that have been statistically proven to predict future criminal behaviors that require intervention.~~

~~(2) Typical interventions of diversion programs include community service hours, restitution, random~~

urinalysis, curfew, anger management, educational training, and vocational services. Diversion programs may also include individual, group, or family counseling provided by licensed mental health providers, and substance abuse education and treatment provided by licensed substance abuse providers. Diversion programs may also include mentoring, providing instruction or imparting guidance outside the formal treatment intervention. Diversion services are categorized into four major groups: civil citation, department provided diversion, contracted diversion, and other community based diversion programs.

(a) Civil citation programs provide law enforcement with an alternative to taking youth into custody, while ensuring swift and appropriate consequences for youth who commit non-serious delinquent acts. First time misdemeanor offenses are eligible for civil citation, with the exception of firearm, sexual offense, or gang related charges.

1. A record check of the Juvenile Justice Information System (JJIS) is completed to determine program eligibility.

2. Upon receipt of the citation, the department or provider shall enter the required information into Prevention Web. The issuance of a civil citation is not considered a referral to the department. Data entered in the Prevention Web shall not be shared with outside agencies.

3. Upon successful completion of the civil citation program, the youth will not have an arrest record.

4. Youth who do not complete the civil citation program are referred to DJJ and the state attorney for formal processing.

(b) Department provided diversion programs are sanctions and services assigned and monitored by a Juvenile Probation Officer. Services are put in place to assist youth and families in addressing the issues that led to the youth's referral to the department while holding the youth accountable for their actions. Sanctions vary widely and are able to be tailored to individual youth needs. Participation in department provided diversion may be agreed upon by the state attorney's office or ordered by a judge.

(c) Contracted diversion programs are structured diversion services provided to youth through a contract with a provider. These programs also vary, but all will address youth needs without formal court processing.

(d) Other community based diversion programs are available across the state and are provided by community stakeholders or the court system. These include but are not limited to community arbitration, teen court, drug court diversion, and Neighborhood Accountability Boards.

Rulemaking Authority 985.14, 985.435, 985.64 FS. Law Implemented 985.12, 985.145, 985.155, 985.16, 985.601(3)(a) FS. History—New 9-20-10, Amended 3-16-14, Repealed.

63D-10.002 Diversion Services.

Rulemaking Authority 985.14, 985.435, 985.64 FS. Law Implemented 985.12, 985.145, 985.155, 985.16, 985.601(3)(a) FS. History—New 9-20-10, Amended 3-16-14, Repealed.

63D-10.003 Community Supervision Services.

(1) These rules address the supervision of youth in the community, to include youth on probation, conditional release (CR), and post-commitment probation (PCP). The JPO shall be involved in a pro-social manner with youth, families, victims, and the community and shall be available in a variety of locations and varied hours. The Youth-Empowered Success (YES) Plan is the document developed between the youth, family, and JPO to plan for the successful completion of court-ordered sanctions and address criminogenic needs.

(2) The JPO shall make an initial face-to-face contact with youth on community supervision.

(a) Initial contact will be made within the following timeframes:

1. For youth placed on probation at disposition, contact shall be made within three (3) working days of disposition.

2. For youth placed on CR or PCP following release from a residential program, contact shall be made within three (3) working days of the release date.

(b) The purpose of initial contact is to conduct a preliminary review of the court order and provide contact information to the youth and family.

(3) The JPO shall complete a risk and needs assessment using the PACT for all youth being supervised by the department on probation, CR, and PCP. The JPO shall update the previous assessment if one was done during the intake process. Otherwise, the JPO shall complete a new risk and needs assessment. All youth shall have a PACT completed prior to the development of the initial YES Plan.

(4) The initial YES Plan shall be developed within 30 calendar days of disposition, in the case of probation, or release, in the case of CR or PCP, and must be signed by all parties, including the youth, family, JPO, and Juvenile Probation Officer Supervisor (JPOS). An electronic signature for the JPOS is acceptable.

(a) The youth and family input regarding needs and goals shall be the driving force in the development of the

case plan including action steps and target dates. The JPO shall document the development process in the case notes.

(b) Court-ordered sanctions that are relevant to the youth's needs shall be documented in JJIS in the Youth Requirements module. Each Youth Requirement shall contain at least one specific action step for the youth, family, and JPO that clearly defines who is responsible, what action should be taken, and how often the action should be taken, if applicable. If sanctions need to be completed during supervision, but are not going to start immediately, action steps are not required and the requirement status shall be marked as pending. The requirement start date shall be estimated and the youth requirement shall be reassessed at each 90 day period. Once the sanction begins the action steps must be completed. The JPO is responsible for monitoring court ordered restitution payments, but are prohibited from accepting or receiving payments in any form.

(c) For youth who are moderate-high or high risk to re-offend, at least one of the top three criminogenic needs shall be addressed by creating a Change Goal in JJIS. The Change Goal is a performance goal for the youth on his or her YES Plan that specifically documents the selected criminogenic need to be addressed. Each Changer Goal shall contain at least one specific action step for the youth, family, and JPO that clearly defines who is responsible, what action should be taken, and how often the action should be taken.

(d) For youth who are identified as high risk to re-offend, the YES Plan shall include an evidence-based intervention as defined in Rule 63E-7.002, F.A.C., that targets one of the top three criminogenic needs, unless the JPO documents in writing barriers to participation, such as the lack of available services, lack of youth readiness to voluntarily participate, transportation difficulties, or lack of parental approval for participation.

(e) The youth and family shall be informed of the importance of complying and successfully completing the case plan.

(f) The youth and family shall be provided with a copy of the approved YES Plan within ten (10) calendar days of approval.

(g) Family requirements contained in paragraphs (a) through (f), are waived whenever a youth is 18 years of age or older, living independently, or otherwise disengaged from his/her family as documented in the case notes.

(5) The JPO shall refer the youth and parent(s)/guardian(s) to the appropriate service(s) and provide support and follow-up as identified below to ensure the completion of sanctions and goals in the YES Plan.

(a) The JPO shall either provide the youth and family with referral information or make a direct referral to the service provider within 10 calendar days of the approval of the YES Plan.

(b) The JPO shall assist the youth and family with making transportation arrangements for court and required services. If no other options are available the JPO shall provide transportation.

(c) The JPO shall make contact with the service provider within 30 calendar days of the approval of the YES Plan to ensure that the youth and family have participated in the admission process and are receiving services.

(d) The JPO shall ensure that progress reports, written or verbal, are received from the provider on a regular basis. The JPO shall follow-up with the youth and family on any treatment challenges communicated by the service provider.

(e) The JPO shall document referrals for services, follow-up with the service provider, youth, and family, and any other related contacts in the case notes.

(6) While the youth is under the supervision of the department on probation, CR, or PCP, the JPO shall make contacts in accordance with his or her professional discretion to ensure the youth's compliance with the court order and the completion of YES Plan sanctions and goals. These contacts may be made at circuit identified Youth Reporting Centers located in each community, at the family's home, school, or community event, or in the rare occasion at the probation office. The JPO shall document all case activities, including:

(a) Face-to-face interaction with the youth and family;

(b) Telephone contact with the youth, family, and providers; and,

(c) Review written or verbal reports from collateral sources, such as educational institutions, employers, counselors, electronic databases, etc.

(7) The assessment of youth is not a one-time event, but an ongoing process. Therefore, the JPO shall update the youth's risk and needs assessment to ensure that PACT results are reflective of the youth's current status. Re-assessments shall be done anytime there is a new law violation, after each new disposition, and as pre and post testing for certain delinquency interventions. At a minimum, assessments shall not be more than six months old for any youth on supervision, unless a special condition applies. Final assessments are required for all youth within the last 30 days of supervision

(8) The JPOS shall conduct a case review of each case at least once every 90 calendar days while the youth is under supervision.

(a) The JPO shall update Youth Requirements and Change Goals in JJIS prior to the supervisory case review, to include closing completed or terminated sanctions and goals, updating action steps for pending sanctions and goals

to reflect the youth's progress, or adding sanctions or goals to address additional needs identified during the course of supervision. YES Plans shall be updated every 90 days prior to the supervisory review. This includes developing a new YES Plan in JJIS. Printing and signing the form is not required. The generation of the plan every 90 days leaves a record of the youth's progress that is easy to follow. Hand written modifications are allowed between formal updates. Once a Change Goal is successfully completed another shall be negotiated for all youth continuing on supervision. If a youth has complied with supervision and termination is being sought or all needs have been successfully addressed, a Change Goal is no longer required.

(b) The JPOS shall ensure that the youth is receiving appropriate supervision and interventions.

(9) For youth who continue to have issues complying with community supervision, more intensive services shall be sought to address the youth's needs in the community. Community based mental health and substance abuse services may be effectively utilized for youth as an alternative to residential commitment.

(10) For youth in adult jail for an extended period of time YES Plans and on-going risk assessments are not required.

(11) If a youth is placed in adult jail, the assigned JPO shall within two (2) working days of having knowledge that the youth is in jail:

(a) Make contact with jail administration to request notification when or if the youth is released or bonded out of jail.

(b) Make a face-to-face contact with the youth to explain that he/she will continue to be under DJJ supervision until jurisdiction expires or otherwise ordered by the Court, and shall instruct the youth that, immediately upon release from jail, he/she must contact the assigned JPO to schedule a face-to-face appointment.

(c) Make contact with the youth's family to explain that the youth will continue to be under DJJ supervision until jurisdiction expires or otherwise ordered by the Court, and that the youth shall immediately upon release from jail, contact the assigned JPO to schedule a face-to-face appointment.

(12) Youth supervised by a provider who are in adult jail longer than ten (10) calendar days must be terminated/discharged from the provider program. The youth may be referred back to the provider program upon his/her release from adult jail.

(13) While the youth is in adult jail, a JPO will make a minimum of one face-to-face contact with the youth each month for the sole purpose of verifying that he/she is still in jail.

~~(14) Within three (3) working days of the youth's release from jail, the JPO will conduct a face-to-face meeting with youth and family to complete a new PACT and to renegotiate action steps contained in the YES Plan, if applicable. The JPO shall remind the youth and family that the same court-ordered sanctions and interventions are in effect as before he/she entered jail.~~

~~(15) Youths may be on dual status with the adult authorities, either the Department of Corrections or local county probation office. In such situations, the JPO shall establish open lines of communication and routinely contact his/her counterpart and share and request any information related to the youth's progress or violations of supervision.~~

Rulemaking Authority 985.14, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History—New 9-20-10, Amended 3-16-14, Repealed _____.

63D-10.003 Community Supervision Services.

Rulemaking Authority 985.14, 985.435, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History—New 9-20-10, Amended 3-16-14, Repealed _____.

63D-10.0035 Transfers of Supervision.

~~(1) Upon learning of the relocation request, the sending JPO shall provide the youth and family with contact information for the DJJ office in their new location including the address and telephone number.~~

~~(2) Within one (1) working day upon learning of a relocation request, the sending JPO shall provide notification to the receiving circuit with a copy to the Chief Probation Officer or designee. This transmission shall include current demographic information. Within one (1) working day of the notification, the Chief Probation Officer or designee shall notify the appropriate unit for assignment of the case. The JPO Supervisor shall review all JJIS information and from this information establish a temporary file. The JPO shall make face-to-face contact with the family within two (2) working days of receipt of the temporary file and shall notify the sending JPO that initial contact has been made with the youth and family.~~

~~(3) The sending JPO and JPOS shall ensure the previous risk assessments and case reviews are up to date and accurate prior to transfer. The receiving county assumes all responsibility for risk assessments, YES Plan, and case reviews. The sending JPO shall forward the complete file within 30 days of knowledge of the youth's relocation. The complete file shall consist of all non-JJIS information.~~

~~(4) If the youth relocates within the circuit (intra-circuit), the JPO shall prepare a memorandum from the sending unit supervisor to the receiving unit supervisor, along with a Supervision Transfer Summary. If the youth relocates to another circuit (inter-circuit), the JPO shall prepare a memorandum from the sending unit supervisor to the receiving Chief Probation Officer or designee, along with a Supervision Transfer Summary.~~

~~(5) If the receiving unit is in another circuit court's jurisdiction, the JPO shall prepare a letter for the sending unit supervisor's signature to the court requesting that the court transfer jurisdiction to the circuit in which the youth will be residing, if the move is to be permanent.~~

~~(6) When a youth on supervision for a violent offense (felony or misdemeanor), relocates from one county to another, the sending JPO shall provide written notification to the sheriffs of both counties (sending and receiving).~~

~~(7) For youth temporarily placed in a substance abuse, mental health, or other community-based residential treatment program, supervision shall be maintained. The assigned JPO shall continue to supervise the youth in accordance with the YES Plan. Contacts with the youth may be telephonic or web-based if outside the 50-mile radius. Contacts with youth, regardless of the method used, must be meaningful and must capture the youth's progress in the program. While the youth is receiving treatment at the residential facility, the JPO shall assist the family and program staff as necessary to ensure communication is conducive to the youth's successful completion of the program.~~

~~(8) When a JPO leaves a unit or leaves the agency all the cases previously assigned to the former JPO shall be transferred to a new JPO within three (3) business days. The new JPO shall contact the youth and family within two (2) business days to advise them of the change in assignment.~~

~~(9) The department shall minimize the number of times a youth is reassigned to another JPO.~~

Rulemaking Authority 985.435, 985.46, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History—New 3-16-14, Repealed _____.

63D-10.0035 Transfers of Supervision.

Rulemaking Authority 985.435, 985.46, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History—New 3-16-14, Repealed _____.

63D-10.004 Violations of Supervision.

(1) These rules are applicable to youth on probation and PCP. Non-compliance with the court order for youth on CR shall be addressed through the transfer process defined by Rule 63D-12.0006, F.A.C. Possible violations of supervision include the following:

- (a) New law violations;
- (b) Technical violations; and,
- (c) Absconding.

(2) The JPO shall investigate all known or reported violations of supervision. Such investigations shall include interviewing the supervised youth, family, school officials, and other relevant collateral sources. In the case of absconding, a diligent search must be completed.

(3) In the case of a new law violation, the JPO shall file an Affidavit/Petition for Violation of Probation for any violation that results in the filing of a delinquency petition. All applicable technical violations shall be included in the affidavit. The JPO is not precluded from filing an affidavit based on the new law violation prior to the state attorney's decision to file a petition.

(4) Technical violations involve noncompliance with court-ordered sanctions, such as not reporting to the JPO as directed, failing to complete community service, failing to follow through with a referral, truancy, or failing to make restitution payments. Technical violations shall be addressed through the effective response system, as defined in subsection 63D-8.001(17), F.A.C., which shall describe in detail how the JPO should respond when youth under supervision are noncompliant with court-ordered sanctions, considering that responses should be based on the seriousness of the violation and the threat to public safety, the assessed criminogenic needs and risks of the youth, and how effective the sanction will be in promoting pro-social behavior. This process ensures that all appropriate responses to noncompliance with court-ordered sanctions are considered before a formal violation is filed with the court. In addition, this system provides the JPO with a menu of options to encourage completion of sanctions including reinforcers to recognize positive behavior. However, the JPO shall comply with orders of the court that require the reporting of any technical violations.

(a) If the JPO and JPOS decide that a formal court hearing is not needed to address the violation, the JPO shall address the non-compliant behavior with an intervention, such as initiating a behavior contract, conducting a formal staffing with parents, referring the youth for services to address new needs, or increasing frequency of contacts.

~~Under no circumstances can a JPO informally modify conditions related to contact with a victim.~~

~~(b) If the JPO and JPOS decide that court action is warranted, an Affidavit/Petition for Violation of Probation shall be filed with the state attorney alleging that the youth is in violation of supervision. The affidavit shall be filed within seven calendar days of the JPO becoming aware of the technical violation. Any violation that was previously addressed through effective response shall be included in the affidavit.~~

~~(c) Once a formal violation is filed and/or a youth is taken into custody, a youth on supervision may be placed on home detention. Supervision youth placed on home detention status must be seen by a JPO within 24 hours of being placed on home detention by the Court. This initial face-to-face contact with the youth and family may be made at the conclusion of the 24-hour detention hearing. After the initial contact, a minimum of one (1) weekly face-to-face contact with the youth is required throughout the 21-day home detention period. At least one of these contacts shall occur on a weekend. Weekends shall be defined as the time period beginning at 7:00 pm on Friday and ending at 11:59 pm on Sunday. In the event a youth remains on home detention beyond 21 days, face-to-face contact shall occur monthly at a minimum.~~

~~(5) To address instances of absconding, it is important for the JPO to understand absence or not appearing for appointments is not absconding, but may constitute a technical violation of supervision. In order for the youth to meet the criteria for absconding, the JPO shall have cause to believe that the youth is deliberately avoiding supervision, or has removed himself or herself from the home or community. A youth reported by family to have run away is considered an absconder.~~

~~(a) At the point the JPO considers the youth to have absconded, the JPO shall document all efforts to locate the youth. The JPO has no more than 72 hours to complete the diligent search.~~

~~(b) Within one working day of determining that the youth has absconded, the JPO shall complete and file with the court an Affidavit for An Order to Take Into Custody, and an Affidavit/Petition for Violation of Probation. The referral indicating the violation of probation shall be entered in JJIS at the time the paperwork is submitted to the court. The placement and alert of abscond status shall be entered in JJIS upon receipt of the signed Order to Take Into Custody from the court.~~

Rulemaking Authority 985.14, 985.64 FS. Law Implemented 985.14, 985.435, 985.439, 985.601 FS. History—New 9-20-10, Amended 3-16-14, Repealed _____.

63D-10.004 Violations of Supervision.

Rulemaking Authority 985.14, 985.64 FS. Law Implemented 985.14, 985.435, 985.439, 985.601 FS. History—New 9-20-10, Amended 3-16-14, Repealed _____.

63D-10.005 Residential Case Management and Transitional Planning.

(1) Following a disposition to residential commitment, the JPO shall complete and submit the Commitment/Transfer Packet Checklist in JJIS no less than five (5) calendar days from disposition, or 20 calendar days from direct commitment.

(2) Youth pending residential commitment shall be contacted by their JPO based on the youth's risk to re-offend. Low and Moderate risk youth shall have one (1) weekly face-to-face contact with the JPO. The family shall also be contacted weekly by the JPO. Moderate-High and High risk youth shall have two (2) weekly face-to-face contacts with the JPO. The JPO shall conduct one contact with the family weekly. Whenever possible, services and evidenced-based interventions shall be continued while the youth is pending placement.

(3) While the youth is receiving treatment at the residential facility, the JPO shall assist the family and program staff as necessary to ensure communication is conducive to the youth's successful completion of the program. Contacts with youth, regardless of the method used, must be meaningful and must capture the youth's progress in the program. Telephonic or web-based participation is acceptable outside a 50-mile radius. The JPO must follow the case management requirements and contacts in Rule 63T-1.003, F.A.C.

(4) Planning for the youth's transition to the community shall begin at the commitment conference, when the appropriate post-residential services are identified. Planning for the youth's successful transition involves the ongoing efforts of the youth, family, treatment team, and JPO. Requirements for transition activities are identified in Rule 63T-1.003, F.A.C.

(5) School placement for youth returning to their home school district must be arranged through the home district's school transition liaison.

(6) If a youth is scheduled to return to an area different from the area of original jurisdiction, the department shall arrange courtesy supervision within 10 calendar days of learning of the relocation request. Courtesy supervision is supervision performed by department staff outside the county of jurisdiction due to the youth's relocation. If the youth is remaining in the State of Florida, both the sending and receiving JPO shall participate in

the transition and exit conferences.

(7) In notifying the JPO of the youth's planned release date, the commitment program shall forward to the JPO the Pre-Release Notification and Acknowledgment (PRN) form 45 days prior to the youth's planned release date, and 90 days prior to release for sex offenders who do not meet statutory criteria for involuntary civil commitment of sexually violent predators to the Department of Children and Families (DCF) as set forth in Chapter 394, F.S.

(8) If the department concurs with the proposed release date, the JPO shall notify the committing judge of the program's intent to release and a plan for aftercare supervision using the Request for Release Letter. The letter, along with a copy of the program's release Performance Summary, shall be delivered to the judge within three working days of receipt of the PRN. The Performance Summary is a written document used by staff of residential facilities to inform the youth, committing court, JPO, family, and other pertinent parties of the youth's performance in the program, including status of and progress toward performance plan goals, academic status, behavior and adjustment to the program, significant incidents (positive and negative), and justification for a request for release or discharge. Copies of the letter shall be provided to the family, commitment program, and JPO.

(9) The court has 10 working days, from receipt, to reject or approve the release. The adult court has 14 working days, from receipt, to reject or approve the release. If the court does not respond within the days specified, the request of the department shall be deemed granted. If the court does not accept the recommended release date, the youth shall be held in the program until a release date is accepted by the court. The JPO shall return the completed PRN to the commitment program within five working days of receipt of the form.

(10) In accordance with Chapter 394, F.S., the JPO shall notify the DCF Sexually Violent Predator Program Multidisciplinary Team of the anticipated release of any youth who has been convicted of a sexually violent offense using the approved form. A copy of the written notice shall also be forwarded to the state attorney in the circuit where the youth was adjudicated. Notification to the multidisciplinary team and the state attorney shall take place 180 calendar days prior to the anticipated release from a commitment program of persons age 18 and older who have been convicted of any of the sexually violent offenses defined in statute. The transition process for sex offenders who meet the statutory criteria for involuntary civil commitment shall commence 210 calendar days prior to the youth's anticipated release from the commitment program if the program is a maximum or high-risk program or otherwise one with a length of stay of more than 180 calendar days.

(11) The residential commitment program shall not release any youth subject to the provisions of Chapter 394,

F.S., until the DCF multidisciplinary team has determined eligibility and the state attorney's office has decided whether or not to file a petition. If it is determined that the youth will not be involuntarily committed to DCF, then the JPO shall notify the program using the Notification of the Decision to Not Involuntarily Commit to DCF form, which is the documentation required in order to release a Sexually Violent Predator (SVP) eligible youth from residential commitment.

(12) Cases under the jurisdiction of a juvenile court shall be approved for direct discharge by said court prior to the department completing any direct discharge action. If a youth has reached the maximum age of jurisdiction or completed the maximum term of confinement that an adult would serve for the same offense while in the residential program, the department shall recommend direct discharge.

(a) If a youth commits a violation of law for which he or she is sentenced with adult sanctions, the department shall pursue direct discharge. To request termination of supervision for a youth sentenced as an adult, the JPO shall follow the same procedures used for terminating a case from juvenile court.

(b) When notifying the court of the youth's discharge date, the JPO shall provide the court with a notification letter that advises the court of the department's intent to directly discharge the youth and the reason for the direct discharge. The JPO shall also provide the court with a copy of the discharge Performance Summary and the adult court order, if the youth was sentenced in the adult system.

(13) While a youth is on post-residential supervision, he or she will typically reside with parent(s)/guardian(s). However, some youth may be referred to an independent living program.

(a) Independent living is a category that focuses on providing an array of specialized services, and for some youth, is an opportunity for a placement outside the family home. The program is intended for youth whose home environment is a barrier to a crime-free return to the community, youth who are homeless, and youth who cannot return to the family home.

(b) Youth with sexual offenses, developmental disabilities, and youth with histories of arson, cruelty to animals, or first-degree felonies shall be permitted to participate in an independent living program on a case-by-case basis, and documentation of the youth's appropriateness shall be maintained in the case file. The critical measure of appropriateness must be calculated based upon an assessment of the youth's suitability to live on his or her own with minimal adult supervision and with a greatly reduced risk to public safety.

(c) When a youth is prescribed psychotropic medications, a medication evaluation shall be completed prior to

~~consideration of residential independent living placement.~~

~~(d) Youths whose adjudication of dependency precedes the adjudication of delinquency should be referred back to DCF for an assessment of eligibility for the independent living program operated for dependent children aging out of foster care.~~

Rulemaking Authority 985.435, 985.46, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History—New 9-20-10, Amended 3-16-14, Repealed.

63D-10.005 Residential Case Management and Transitional Planning.

Rulemaking Authority 985.435, 985.46, 985.64 FS. Law Implemented 985.14, 985.435, 985.46 FS. History—New 9-20-10, Amended 3-16-14, Repealed.

63D-10.006 Termination of Supervision.

~~(1) Completion of the court-ordered sanctions shall be the primary determinant when requesting termination of supervision. The JPO shall recommend termination when:~~

~~(a) A youth has successfully completed his or her YES Plan;~~

~~(b) A youth has complied with all court-ordered sanctions;~~

~~(c) The department has lost jurisdiction because the youth has reached the maximum age provided in statute, or~~

~~(d) The department has lost jurisdiction based upon the maximum period of supervision applicable to the charge.~~

~~(2) Prior to requesting termination, the JPO shall check with local law enforcement to determine if there are outstanding warrants or charges for the youth that have not been filed. At a minimum, this includes the sheriff and police department of the youth's county and city of residence. The JPO shall also check the Florida Crime Information Center/National Crime Information Center (FCIC/NCIC) system to determine if there are outstanding warrants. If outstanding warrants or charges are identified, staff shall inquire as to how the requesting entity wants to dispose of the warrant and/or charges.~~

~~(3) If the youth is on probation or PCP, the Progress Report form will be used to request termination, and shall include the status of all court-ordered sanctions completed by the youth. If applicable, the request shall address the youth's demonstrated changes in criminogenic needs and/or protective factors. If the youth is on CR, the JPO will follow the procedure described in Rule 63D-10.005, F.A.C., wherein the JPO will complete all documents required~~

of residential commitment facilities. Each youth shall have a final risk assessment entered in JJIS to serve as a marker of the youth's status at the end of supervision. This assessment shall be completed within the last 30 days of supervision. Once termination has been requested, new YES Plans are no longer required, as long as no new incidents occur.

(4) The JPO shall notify the court 15 working days prior to the loss of jurisdiction of a case by submitting a Progress Report. Upon loss of jurisdiction, the JPO shall close the case.

(5) Within five working days of receipt of the court's termination order or the date of loss of jurisdiction, the JPO shall update JJIS.

(6) The JPO shall notify the youth and family in writing that the youth is no longer under supervision.

(7) Termination shall be sought for youth who are in substantial compliance with restitution and/or court fees. Substantial compliance means that the youth has exhibited, through routine payments, the intention to follow through with his or her obligation. The JPO shall verify the amount of restitution paid with the clerk of court.

(a) The JPO shall recommend that the court retain jurisdiction for restitution and/or court fees if full payment has not yet been made.

(b) The JPO shall notify the youth and family that, by retaining jurisdiction, the court may find the youth in contempt for failure to make timely payments. The JPO shall also advise the youth and family that the court may request that they enter into a voluntary promissory note for payment. At no time should the JPO become involved in the negotiation or development of the promissory note.

Rulemaking Authority 985.14, 985.64 FS. Law Implemented 985.14, 985.435, 985.601 FS. History—New 9-20-10, Amended 3-16-14, Repealed.

63D-10.006 Termination of Supervision.

Rulemaking Authority 985.14, 985.64 FS. Law Implemented 985.14, 985.435, 985.601 FS. History—New 9-20-10, Amended 3-16-14, Repealed.