

# FLORIDA DEPARTMENT OF JUVENILE JUSTICE

## Proposed Rule Hearing

February 20, 2020  
(if requested)

### CHAPTER 63D-13 PROBATION & COMMUNITY CORRECTIONS

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#### **63D-13.001 Definitions.**

For this rule chapter, the following terms are defined as follows:

(1) Abscond – Abscond means to hide, conceal, or absent oneself from the jurisdiction of the court or supervision of the department to avoid prosecution or supervision.

(2) Authority for Evaluation and Treatment (AET) – Form HS 002, that when signed by a parent or legal guardian, gives the department the authority to assume responsibility for the provision of routine mental and physical healthcare to a youth within its physical custody.

(3) Case Notebook Module – A module with the Juvenile Justice Information System (JJIS) that serves as the sole source for documenting all case management and supervision activities in all state-operated and provider community supervision programs.

(4) Central Communication Center (CCC) - The unit located in department headquarters that is charged with receiving reports regarding incidents and events involving youths in department custody or under supervision, and state and contracted employees from all department and provider facilities, programs funded in whole or in part, offices or sites operated by the department, a provider or grantee.

(5) Chief Probation Officer (CPO) – The department employee who is responsible for managing community-based program operations and staff within each of Florida's twenty judicial circuits.

(6) Civil Citation – A program designed to give law enforcement an alternative to custody that provides swift and appropriate consequences to youth for certain minor misdemeanor delinquent acts. The goals of Civil Citation are to divert the youth at the time of arrest, make the youth accountable for delinquent behavior, involve the parents

in sanctioning the youth, and prevent the youth's further involvement in the juvenile justice system. Law enforcement officers are allowed the discretion of issuing a citation rather than a formal complaint.

(7) Commitment Conference – A multidisciplinary staffing conducted to discuss the department's recommendation to the court for youth who may be appropriate for residential commitment. Participants may include the youth, parent(s)/guardian(s), Juvenile Probation Officer (JPO), Juvenile Probation Officer Supervisor (JPOS), Commitment Manager, school officials, service providers, Guardian ad Litem (GAL) and other parties involved in the youth's case. Required attendees are limited to department staff. All others are invited to participate and may do so in person, by telephone or by timely written submission.

(8) Community Assessment Tool (CAT) – An instrument used by the JPO to determine the youth's risk to re-offend and identify criminogenic needs that require intervention. The CAT is administered in two parts:

(a) A pre-screen is completed for all youth who are referred to the department;

(b) A full assessment is completed for youth who have been placed under department supervision by the court and who have been identified as moderate-high or high-risk to reoffend on the pre-screen.

(9) Complainant – Any person or agency having knowledge of the facts related to the allegations of the delinquency of a youth and who makes a formal complaint or delinquency referral based upon these facts.

(10) Complaint – A written report alleging facts sufficient to establish the delinquency of a youth and the jurisdiction of the court.

(11) Comprehensive Assessment - The gathering of information used to assess for biological, psychological and social factors as they relate to the youth's need for rehabilitative and treatment services, including substance abuse treatment services, literacy services, medical services, family services, and other specialized services, as appropriate.

(12) Comprehensive Evaluation – A more detailed gathering of information that builds upon the previously completed comprehensive assessment, addressing physical health, mental health, substance abuse, academic, educational, or vocational problems of a youth for whom a residential commitment disposition is anticipated, which is summarized in the youth's predisposition report.

(13) Conditional Release (CR) – Under the legal status of conditional release, the youth remains on commitment status and is subject to transfer back to a residential commitment program if noncompliant.

(14) Criminogenic Needs – Refers to the factors or characteristics found in empirical research studies to be predictors of delinquency and recidivism.

(15) Detention Screening Instrument (DSI) – The risk assessment instrument authorized by section 985.245, F.S., that is used to determine the detention care placement for youth.

(16) Diligent Search – Is a thorough search made by the Juvenile Probation Officer (JPO) or Case Manager to check with the youth's parents, employer, school, family members, and others likely to have knowledge of his or her whereabouts, to document evidence supporting that the youth is hiding to avoid supervision.

(17) Direct Discharge – The release of a youth from a residential commitment facility without any court ordered requirements for community supervision by the department.

(18) Disposition Matrix – A structured decision-making tool, that provides research-based guidelines to Juvenile Probation Officers for making recommendations to the court for law violations.

(19) Diversion Services – Non-judicial alternatives used to keep youth who have committed a delinquent act from being handled 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.

(20) Effective Response System – A written plan developed in each circuit, in consultation with judges, state attorneys and public defenders, which describes in detail a methodology for responding when youth under supervision violate a condition of their probation or conditional release. These plans are based upon the principle that sanctions should reflect the seriousness of the violation, the assessed criminogenic needs and risks of the youth, and how effective the sanction or incentive will be in moving the youth to compliant behavior.

(21) Face Sheet - Youth specific demographic and referral history information that is generated by the department's Juvenile Justice Information System (JJIS).

(22) Family – The people responsible for caring for a youth. Family may include biological parents, step parents, adoptive parents, guardians, foster parents, and sometimes other extended family members.

(23) Interstate Compact on Juveniles (ICJ) Circuit Liaison – A department employee responsible for providing technical assistance to circuit administration for incoming and outgoing transfers of inter- and intra-state compact juveniles, for the purpose of providing supervision as well as assisting the department ICJ headquarters office with extradition cases.

(24) Intervention – An action taken or facilitated by the JPO to promote the reduction of a criminogenic need, and may include direct contact with youth, collateral contacts, referrals for services, monitoring progress, and following up with youth and family.

(25) Juvenile Assessment Center (JAC) – Community operated facilities that provide collocated central intake and screening services for youth referred to the department.

(26) Juvenile Justice Information System (JJIS) – The department’s electronic information system, which is used to gather and store information on youth having contact with the department.

(27) Juvenile Probation Officer (JPO) – An employee of the department responsible for the intake of youth upon arrest and the supervision of youth on court ordered supervision in the community. The JPO serves as the primary case manager for managing, coordinating and monitoring the services provided and sanctions required for each youth. In this rule chapter, whenever a reference is made to the objectives and duties of a JPO, it shall also apply to case management staff of a provider agency contracted to perform these duties and objectives.

(28) Juvenile Probation Officer Supervisor (JPOS) – An employee of the department or a contracted provider who provides first line oversight and management of the JPOs in the unit. The JPOS is responsible for overall direction and guidance of the services provided by the JPO including, but not limited to reviewing the progress of cases, documenting compliance with law and court orders, and approving YES Plans and revisions to YES Plans.

(29) Minimum-Risk Non-Residential - Programs or program models at this commitment level work with youth who remain in the community and participate at least five (5) days per week in a day treatment program. Youth assessed and classified for programs at this commitment level represent a minimum risk to themselves and public safety and do not require placement and services in residential settings. Youth in this level have full access to, and reside in, the community. Youth who have been found to have committed delinquent acts that involve firearms, that are sexual offenses, or that would be life felonies or first-degree felonies if committed by an adult may not be committed to a program at this level

(30) Massachusetts Youth Screening Instrument – 2 (MAYSI-2) – A 52-item true-false screening instrument designed to identify signs of mental disturbance or emotional distress authorized by DJJ for use at intake into the juvenile justice system and upon admission to a day treatment or residential commitment program.

(31) Multidisciplinary Assessment – An information gathering exercise designed to ensure that youth being considered for commitment are placed in a delinquency program that provides an appropriate level of supervision and treatment services.

(32) Post Commitment Probation (PCP) – Assessment and intervention services provided to youth who are released from residential commitment programs. Under the legal status of post-commitment probation, the youth is legally transferred from commitment status to probation status and is subject to court-ordered sanctions.

(33) Pre/Post-Disposition Report (PDR) - A multidisciplinary assessment that provides demographic and social history information and reports the youth’s priority needs, makes recommendations, and provides a plan for treatment.

(34) Prevention Web – The department’s electronic information system, which is used to gather and store information on youth having contact with the department’s prevention or civil citation programs.

(35) Prison Rape Elimination Act (PREA) – The federal statute intended to eradicate sexual assault in correctional facilities, which is implemented by national standards at 28 C.F.R. Part 115.

(36) Probation – Assessment and intervention services provided to youth who are court-ordered to community supervision after the court has determined that the youth committed a delinquent act.

(37) Probation Medical and Mental Health Clearance Form – The form used to screen for mental health, substance abuse and medical problems when law enforcement delivers a youth to the department upon apprehension. The purpose of the form is to comply with statutory requirements for diverting youth to the proper community resource if they require urgent treatment or intervention upon arrest.

(38) Progress Report Form – A report that advises the court of the status of a youth including legal information, summary of progress, and recommendation(s).

(39) Prolific Juvenile Offender (PJO) – A child who is charged with a delinquent act that would be a felony if committed by an adult, and who meets the criteria in section 985.255, F.S., for increased supervision.

(40) Request for Release Letter – A letter to accompany the PRN used to advise the court of the department’s agreement with the release request from the program. This form is also known as the Judge’s Release Notification.

(41) Respite – Services and placements for youth that need a place to stay away from their home for a short period of time.

(42) State Attorney Recommendation (SAR) - A report detailing the department’s recommendation and justification as to how the state attorney should proceed with the case. The two primary options in making the recommendation to the state attorney are non-judicial handling or judicial handling.

(43) Suicide Risk Screening Instrument (SRSI) – The form MHSA 002 which documents the standardized questions asked by trained designated staff at intake into the juvenile justice system and upon admission to a detention center to identify suicide risk factors and the need for referral for assessment of suicide risk.

(44) Supervision Transfer Summary – A form that provides the receiving circuit of a youth’s case critical information about the youth, including the youth’s address, living situation, legal status, and a summary of the case(s).

(45) Violation of Supervision – A noncompliant act committed by a youth that violates the conditions of the probation or post commitment probation court order.

(46) Vulnerability to Victimization and Sexually Aggressive Behavior (VSAB) Screening – A screening process to assess a youth’s vulnerability to victimization and sexually aggressive behavior prior to room assignment.

(47) Youth Empowered Success (YES) Plan – The document developed by the youth, parent(s)/guardians(s), and JPO to plan for the completion of court-ordered sanctions and address criminogenic needs.

(48) Youth Reporting Center – Locations within the community that allow JPOs to be available to youth and families close to their homes during extended hours.

Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.03, 985.135, 985.14, 985.145, 985.245, 985.435, 985.46, 985.60, 1 FS. History–New \_\_\_\_\_.

### **63D-13.002 Assessment of Youth.**

The assessment of youth is a critical component of the case management system. The information gathered in this process is obtained through a detention screening, intake screening, initial mental health and substance abuse needs screening, comprehensive assessment, and comprehensive evaluation of the youth. Assessment information forms the foundation for recommendations to the court regarding a youth’s treatment plan and allows the department to provide the most appropriate services in the least intrusive manner.

(1) While the needs, strengths and history of the individual youth will determine the how, what, when and where of assessment, the process typically tracks the following sequence:

(a) Detention screening is completed following the arrest and delivery of the youth to the department. The critical component of detention screening is the Detention Screening Instrument (DSI). The DSI is used to determine if a youth should be placed in detention care prior to a detention hearing.

(b) When a youth is delivered to the department for detention screening, the screener shall also conduct an initial mental health and substance abuse screening. This screening is initiated through a process which includes administration of the Massachusetts Youth Screening Instrument – 2 (MAYSI-2), and administration of the Suicide Risk Screening Instrument (SRSI), a form that documents the standardized questions asked by trained, designated staff upon a youth’s intake into the juvenile justice system, and upon admission to a detention center, to identify suicide risk factors and the need for referral for assessment of suicide risk as well as a review of any other documentation of suicide risk factors that are available at the time of screening.

(c) The results of the initial mental health and substance abuse screening may require a referral for a more detailed assessment called a comprehensive assessment. This assessment is the gathering of information used to assess for biological, psychological and social factors as they relate to the youth’s need for rehabilitative and treatment services, including substance abuse treatment services, literacy services, medical services, family services, and other specialized services, as appropriate.

(d) After determining whether the youth being delivered to the department meets detention criteria, and after the initial mental health and substance abuse screening is completed, the intake process is initiated. The intake process is an analysis of the facts that resulted in the youth being delivered to the department. A summary of those facts will be included in the State Attorney Recommendation (SAR) and the Pre/Post-Disposition Report (PDR). The former is the tool used to inform the state attorney what the department’s suggestion is as to how to proceed with the case. The latter is a resource used by the court to determine a disposition for the youth’s case once he or she enters a plea or is found guilty of an offense.

(e) For youth whom a residential commitment disposition is anticipated, a detailed assessment called a comprehensive evaluation will be required. The comprehensive evaluation includes the gathering of information which addresses physical health, mental health, substance abuse, academic, educational, or vocational problems of a youth for whom a residential commitment disposition is anticipated, which is summarized in the youth’s PDR.

(2) While other specialized instruments may be used to assess the unique treatment needs of a youth, the evaluative processes described above comprise the core functions for supporting informed decision-making about the youth within the department's probation program.

Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.14, 985.145, FS. History–New

### **63D-13.0021 Detention Screening.**

(1) The Detention Screening Instrument (DSI) directs the decision-making process as to whether detention care is warranted and whether the youth should be placed into secure detention, or into supervised release detention prior to a detention hearing. The Detention Screening Instrument (DJJ/PROFRM 2 08/2019) is incorporated into the rule and is available electronically at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11531>.

(a) The DSI shall consist of the following five (5) sections:

1. Section I: Identification Information. Identification information will include youth demographics, information regarding the contact with the parent or guardian, the arresting officer's agency, name, and badge number, information about the youth's DCF history, and a list of all the presenting offenses.

2. Section II: Risk Assessment. The JPO/Screeners shall choose one applicable factor and assess the respective point value for each category. If multiple categories are applicable, the JPO/Screeners shall choose the factor with the highest point value association.

3. Section III: Statutory/Policy Overrides. The JPO/Screeners shall consider all statutory/policy overrides to determine if they are applicable to the youth. The JPO/Screeners shall mark all applicable overrides for each screening. Statutory/policy overrides may result in a placement modification but cannot be used to modify the results of Section II.

4. Section IV: State Attorney Review/Decision. State Attorney Review/Decision is used when the JPO/Screeners obtain objective information that suggests a youth's intake placement should be modified. The JPO/Screeners shall contact the state attorney to obtain agreement for the modified placement, as described in Section IV of the DRAI. The youth should only be moved one category in either direction. The JPO/Screeners shall document the name of the state attorney and reasons for the placement modification in the narrative portion of Section V.

5. Section V: The Narrative. The narrative shall include all pertinent information related to the items in Sections II through IV of the DSI. The narrative shall not include any information related to mental health or medical concerns that would result in a violation of the Health Insurance Portability and Accountability Act (HIPAA).

(b) A completed DSI is required for all youth when presented to the department for detention screening.

(2) In making the decision to detain or release a youth, the JPO/Screeners shall take several key factors into consideration:

(a) The detention placement decision shall be based upon an independent assessment of risk determined by the DRAI.

(b) The JPO/Screeners shall attempt to contact the arresting law enforcement officer, the parent(s)/guardian(s), and the victim to obtain their assessment of the youth and pending charge(s).

(c) The JPO/Screeners shall check the Juvenile Justice Information System (JJIS), Department of Children and Families (DCF) client information system, and Florida Criminal Investigation Center/National Criminal Investigation Center (FCIC/NCIC) system to obtain a prior history on the youth, if available. If one or more systems is not available at the time of screening, then the JPO/Screeners shall document all subsequent efforts to obtain background information from these systems.

(3) Screening packets for detained youth.

(a) A screening packet shall be completed and uploaded into the document library of JJIS and copies sent to the Clerk of Court, State Attorney's Office, Public Defender/Defense Attorney, Detention Center, if applicable, and the JPO.

(b) Documents to include in the screening packet, include copies of the following:

1. Arrest affidavit/court order;
2. DRAI;
3. Face Sheet;
4. Supervised Release Agreement, if applicable;
5. State Attorney Recommendation (SAR); and

6. Financial Statement for Determination of Cost of Care Recovery.

(c) Screening packets for Detention and the JPO only, shall also include copies of:

1. The PREA VSAB;

2. Authority for Evaluation and Treatment (AET); and

3. The Massachusetts Youth Screening Instrument – Version 2 (MAYSI-2).

(4) Youth wanted in another jurisdiction and presented for detention screening.

(a) The JPO/Screeener shall access the “contact persons” portion of the JJIS Face Sheet to identify the issuing county JPO and JPOS. The JPO/Screeener shall contact the issuing JPO by telephone, to inform them that the youth has been detained (identify county) and shall identify the specific detention center where the youth will be going. The JPO/Screeener shall also send a follow-up email to the issuing county JPO and JPOS, to include the youth’s name, DJJID, the county where the youth is detained, and the name of the detention center where the youth will be held.

(b) The receiving JPO or JPOS shall notify the clerk of court of the issuing county that the youth has been taken into custody and is being held in secure detention.

(5) The Vienna Convention on Consular Relations requires the United States through the arresting or detaining agency to notify every foreign national of their right to have their consulate contacted when they are arrested or detained, and certain countries have mandatory notification requirements regardless of the foreign national’s desire for notification.

(a) The following procedure must be followed on every youth being screened for detention:

1. The JPO/Screeener must ask the youth the following question: Are you a U.S. citizen? If the youth answers “no”, then the following question must also be asked: Where were you born?

2. The JPO/Screeener must then check to see if the foreign country is on the mandatory notification list found at the U.S. Department of State’s website. If the country is a mandatory notification country the following statement shall be read to the youth: “Because of your nationality, we are required to notify your country’s consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country’s consular officials as soon as possible.”

3. The JPO/Screeener shall telephone or fax the notification of detention to that consular office.

4. The JPO/Screeener shall document the notification process on the State Attorney Recommendation (SAR).

5. If the country is not on the mandatory notification list, the screeener will inquire as to whether the youth wishes his or her consular office to be notified. If the youth desires his/her consular officials to be notified, then the JPO/Screeener shall repeat the steps outlined above.

(b) If contacted by a federal entity about the immigration or citizenship status of a youth, the JPO/Screeener shall notify the Chief Probation Officer (CPO) or designee immediately, who will then notify the local Assistant General Counsel regarding the immigration enquiry.

Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.245, FS. History–New \_\_\_\_\_.

**63D-13.0022 Intake Screening.**

(1) The purpose of the intake process is to assess the youth’s needs and risk to determine the most appropriate recommendations for services by considering the interests of the youth, victim, and community.

(2) The JPO shall review the written complaint, or arrest affidavit, as the first step in case processing.

(3) Once the complaint is reviewed, the JPO shall attempt to gather information from the complainant and victim (if applicable). These contacts shall be conducted as soon as possible, but no later than seven (7) working days upon receipt of the complaint. During these contacts, the JPO shall obtain information that may not be contained in the complaint and request the complainant’s and victim’s opinion regarding case handling and disposition. The JPO shall use JJIS to enter or update information related to the new complaint(s), victim information, and youth demographics.

(4) An initial intake conference with the youth and parent(s)/guardian(s) shall be held in all cases unless the youth and parent(s)/ guardian(s) refuse or are unable to participate.

(a) The intake conference may be completed at a juvenile assessment center (JAC), at a detention center, the JPO office, or other community-based location. The initial intake conference is voluntary until the youth enters a plea (guilty or no contest) or the youth is found guilty.

(b) During the intake conference, the JPO interviews the youth and parent(s)/guardian(s) to gather information, explain the youth's status in the juvenile justice system, and conduct various risk and needs assessments.

1. The JPO shall use the Community Assessment Tool (CAT) to conduct a risk and needs assessment on all youth charged with a criminal or delinquent offense. The Community Assessment Tool (DJJ/CATFRM 21 08/2019) is incorporated and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11532>.

2. The JPO completing the CAT shall use his or her own observations and those of collateral sources such as parents, other department staff, law enforcement, and other informed persons who have knowledge of the youth's behavior and background. If personal observations or collateral contacts reveal the need for further assessment regardless of the results of the CAT, a referral for further assessment shall be made.

3. For those referrals not processed at a JAC or detention screening unit, the JPO shall also administer the Suicide Risk Screening Instrument (SRSI), and MAYSI-2 to identify potential mental health and substance abuse needs of the youth.

(c) The JPO shall obtain written consent for substance abuse treatment from the youth and parent at the intake conference for all youth with substance abuse needs.

(5) As part of the intake process, the JPO shall collect information to be used in determining a youth's gang involvement or affiliation.

(a) Once law enforcement has verified gang membership, the JPO shall document an alert in JJIS. Gang alert types include:

1. Other Suspected Gang Affiliation. A referral has been submitted to local law enforcement with information that indicates youth's potential gang involvement or activities based on staff observations, youth statements, statements by other youth or sources, and supplemental information such as pictures, drawings, or other documents.

2. Documented Gang Associate. Written documentation has been received from law enforcement certifying youth as a gang associate per section 874.03, F.S.

(b) Any visible gang related tattoos shall be photographed and uploaded to JJIS.

(c) All gang-related information shall be shared with local law enforcement agencies, the assigned JPO, and the educational provider.

(6) As with the complainant and victim information, the information gathered during the initial intake conference is a part of the youth's assessment of risk and needs and is used in developing the State Attorney Recommendation (SAR) and Pre-Disposition Report (PDR), if ordered.

(a) The SAR is a report detailing the department's recommendation and justification as to how the state attorney should proceed with the case. The three primary options in making the recommendation to the state attorney are non-judicial handling, judicial handling, or handling as an adult.

(b) The SAR shall address the following: attitude of youth, cooperation of parent(s)/guardian(s), ability of parent(s)/guardian(s) to control youth, attitudes of complainant and victim, information related to youth's involvement or association with a criminal street gang, and any available information on mental and substance abuse needs. The State Attorney Recommendation (DJJ/CATFRM 3 08/2019) is incorporated and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11533>.

(c) The JPO shall submit recommendations to the state attorney within statutory mandated timeframes:

1. Twenty-four (24) hours after a youth is placed in secure detention.

2. Twenty (20) calendar days after the date a youth is taken into custody by law enforcement but not securely detained.

3. Twenty (20) calendar days from the date the department receives the complaint, if the youth is not taken into custody by law enforcement.

4. The JPO is not required to submit an SAR, if the requirement is waived according to an Interagency Agreement with the local State Attorney's Office (SAO), or the SAO makes a filing decision prior to the twenty 20-day deadline, for non-detained youth.

(7) As part of intake, the JPO shall complete the Pre-Disposition Report (PDR), if ordered. The PDR is the result of a multidisciplinary assessment of previously gathered information that details the youth's priority needs, risks, and treatment recommendations. The Pre-Post Disposition Report (DJJ/CATFRM 2 08/2019) is incorporated and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11534>.

(a) The PDR shall include an intervention plan that recommends the most appropriate placement to meet the youth's needs at the minimum restrictiveness level that reasonably ensures public safety and the youth's accountability.

(b) The JPO and JPOS shall utilize the department's Disposition Recommendation Matrix as a decision-making guide when considering recommendations to include in the PDR for law violations. The Disposition

Recommendation Matrix (DJJ/PROFRM 11 08/2019) is incorporated and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11535>.

(c) The PDR shall include language recommending the utilization of effective responses when dealing with technical violations of supervision.

(d) If the PDR includes a recommendation for residential commitment, the recommendation must be the result of a pre-staffing between the JPO and JPOS, and a commitment conference with the commitment manager.

(e) The JPO shall submit the PDR upon completion of the report or no later than the statutorily mandated timeframes within forty-eight (48) hours prior to the disposition hearing.

(f) The JPO shall complete a Post-Disposition Report (PDR), which, like the pre-disposition report, indicates what the youth's risk and priority needs are, but only completed if residential commitment has been ordered by the court without a predisposition report ever having been ordered. To ensure appropriate placement and services, the Post-Disposition Report shall be completed within fourteen (14) business days following the disposition.

(8) The department is required to complete an Adult Sentencing Summary for youth being tried as an adult. The Adult Sentencing Summary provides detailed information relevant to the youth's status and history with the department, programs and services provided or arranged by the department, family situation, any known special mental health or substance needs, and a recommendation as to whether the youth should be sentenced to the adult or juvenile justice system. The Adult Sentencing Summary (DJJ/PROFRM 29 08/2019) is incorporated and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11536>.

(9) Staff will document all actions, efforts, occurrences, and communications related to the management of all youth referred to the department.

(a) The JJIS Case Notebook Module is the sole source of documentation for all case management and supervision activities in all state-operated and provider community supervision programs. Each case note entered into the Case Notebook Module shall be entered within seventy-two (72) hours of the event that is being documented. After seventy-two (72) hours, the case note is considered a "late entry" and must be labeled as such in the *General Narrative* section.

(b) At least one case note must be entered every ninety (90) days for all open cases, regardless of legal status.

(c) At least one case note shall address each open Youth Requirement and Change Goal every ninety (90) days for all youth on active supervision.

*Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.14, 985.145, FS. History–New*

### **63D-13.0023 Initial Mental Health and Substance Abuse Screening.**

(1) All youth referred to the department shall receive an initial mental health and substance abuse screening as required by chapter 985.

(2) The initial mental health and substance abuse screening is accomplished through administration of the Massachusetts Youth Screening Instrument – 2 (MAYSI-2).

(a) If the need for further assessment is indicated by the MAYSI-2, the youth shall be referred for comprehensive assessment.

(b) If the youth is to be released, the parent(s)/guardian(s) shall be informed of the results of the MAYSI-2 and shall be given information as to the location of the comprehensive assessment provider, the appointment time, if arranged by the JPO, and the importance of delivering the youth for the follow-up appointment.

(c) For detained youth, the MAYSI-2 results shall be forwarded to the detention center where the youth is detained.

(d) When the MAYSI-2 results or other information obtained indicates possible suicide risk, the youth shall be referred for an assessment of suicide risk to be conducted within twenty-four (24) hours or immediately if the youth is in crisis. An Assessment of Suicide Risk shall be documented on the Assessment of Suicide Risk Form (MHSA 004) which is incorporated by reference in Rule 63N-1.0093.

*Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.14, 985.145, FS. History–New*

### **63D-13.0024 Comprehensive Assessment.**

(1) The comprehensive assessment process must include either the administration of the Substance Abuse and Mental Health Assessment (SAMH-2), or administration of an equivalent instrument approved by the department.

(a) The comprehensive assessment shall be administered and provided to the department within fourteen (14) calendar days.

(b) If not received within fourteen (14) calendar days, the JPO shall follow up with the provider to determine the status of the assessment and when it will be completed.

(c) After the comprehensive assessment is completed, the provider shall provide a written report of the results and outline recommendations for the disposition of the case.

(2) Recommendations can include treatment in a substance abuse or mental health setting, further in-depth evaluation to determine appropriate treatment response, or termination of substance abuse/mental health involvement. The JPO shall make referrals for services and facilitate the delivery of those services to the child, including any mental health services, educational services, family counseling services, family assistance services, and substance abuse services.

(3) If a Pre-Disposition report (PDR) is required, the JPO shall incorporate the recommendations from the comprehensive assessment and attach the comprehensive summary to the PDR. If the comprehensive assessment is not received on time to be included in the PDR, the JPO shall document all efforts made to obtain the assessment.

(4) The JPO shall forward the assessment to the detention center for youth held in secure detention.

(5) All individuals involved in the comprehensive assessment process shall comply with the confidentiality requirements outlined in section 985.04, F.S.

*Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.14, 985.145, FS. History–New \_\_\_\_\_.*

### **63D-13.0025 Comprehensive Evaluation**

(1) The comprehensive evaluation builds on the information gathered in previous assessments, screenings, and interviews with the youth and parent(s)/guardian(s) to provide a summary of the youth's life that focuses on the following areas: vocational, academic, medical, mental health and substance abuse.

(a) The comprehensive evaluation is utilized by the department to identify the appropriate intervention, usually delivered in a residential setting, based on the unique needs of the individual youth.

(b) The JPO shall forward the referral packet to the designated provider that is responsible for completing the comprehensive evaluation. The referral packet shall include the following items:

1. Facesheet;
2. School information such as grades, behavior records, attendance, and IQ scores;
3. Arrest affidavit, violation of supervision, or transfer request;
4. Victim statement(s) (if available);
5. CAT results;
6. MAYSI-2 results;
7. Any prior assessments available;
8. Any prior medical information available;
9. Available job history and vocational training history;
10. Latest PDR (if available); and
11. A signed Authority for Evaluation and Treatment (AET).

(c) The designated provider shall complete the comprehensive evaluation within twelve (12) calendar days of receiving the referral. After the comprehensive evaluation is completed, the provider shall provide a written report of the results and outline recommendations for the disposition of the case.

(d) If a Pre-Disposition Report (PDR) is required, the JPO shall incorporate the recommendations of the comprehensive evaluation and attach the comprehensive evaluation summary to the PDR. The JPO shall not attempt to summarize or interpret the comprehensive evaluation summary or any subsequent evaluation in the PDR.

(e) All individuals involved in the comprehensive evaluation process shall comply with the confidentiality requirements of section 985.04, F.S.

(2) The JPO shall review the youth's case with the JPOS to determine whether to pursue a commitment recommendation for the youth. If the result of this review is a recommendation for commitment, then the JPO shall work with a department commitment manager to conduct a multidisciplinary assessment as defined in section 63D-13.001, F.A. C. This information gathering exercise shall assist the department in determining the youth's priority risks and needs, and a plan for treatment that recommends the most appropriate placement setting to meet the youth's needs with the minimum program security needed that reasonably ensures public safety.

(3) If residential commitment is being considered or has been ordered by the court, a comprehensive evaluation shall be scheduled. The comprehensive evaluation shall be provided to the commitment manager prior to the commitment conference. If the evaluation is not completed by the date of the scheduled commitment conference, the JPO shall make every effort to obtain a draft for the conference.

(4) A comprehensive evaluation is also required when youth on conditional release are pending transfer back to residential commitment. If the comprehensive evaluation completed prior to commitment is over twelve (12) months old, a new evaluation shall be completed to facilitate the transfer process.

*Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.14, 985.145, FS. History–New \_\_\_\_\_.*

### **63D-13.003 Diversion.**

(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, and prevent subsequent offenses during and after participation in the programs. Referrals are determined based upon the youth's current offense, delinquency history, and CAT results.

(2) Typical interventions of diversion programs include community service hours, restitution, random urinalysis, curfew, anger management, educational training, vocational services, and counseling services. Diversion programs may also include mentoring, providing instruction or imparting guidance outside the formal treatment intervention.

(3) Available diversion services are provided in the following forms, though not all are available in every locality:

(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 offenses. A record check of the JJIS is completed to determine program eligibility. Upon receipt of the citation, the department or provider shall enter the required information into the Prevention Web.

(b) Department provided diversion programs involve sanctions and services monitored by a JPO. Participation may be authorized by the state attorney's office or by the court order.

(c) Contracted diversion programs are structured diversion services provided to youth through a contract with a provider.

(d) Other community-based diversion programs are provided by community stakeholders or the court system and come in such forms as community arbitration, teen court, drug court diversion, and neighborhood accountability boards.

(4) Youth who accept a diversion option, but who do not complete the program shall be referred to the state attorney to determine if the youth will be recommended for formal processing or allowed to continue in the program.

*Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.601, 985.145, FS. History–New \_\_\_\_\_.*

### **63D-13.004 Community Supervision**

(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 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. The Youth Empowered Success Plan (DJJ/CATFRM 1 08/2019) is incorporated, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11537>.

(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) business days of disposition.

2. For youth placed on CR or PCP following release from a residential program, contact shall be made within three (3) business 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 CAT for all youth being supervised by the department on probation, CR, and PCP.

(a) All youth shall have a CAT completed prior to the development of the initial YES Plan.

(b) If a youth is identified as a moderate-high or high risk to re-offend by the CAT, the JPO shall complete a CAT Full Assessment prior to the development of the initial YES Plan.

(4) The initial YES Plan shall be developed within thirty (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 JPOS. An electronic signature for the JPO and JPOS is acceptable.

(a) Once the youth, parent, JPO and JPOS have signed and dated the initial YES Plan, the JPOS will have thirty 30 calendar days to enter an initial supervisory review note into the JJIS Case Notebook Module. The date of the initial supervisory review note shall serve as the starting point for determining when all subsequent ninety (90)-day supervisory reviews shall be due.

(b) Court-ordered sanctions 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. Action steps shall clearly indicate who is responsible, what action shall be taken, and how often the action should be taken. If sanctions need to be completed during supervision, but are not going to start immediately, the requirement status shall be marked as pending. The requirement start date shall be estimated and the youth requirement shall be reassessed at each ninety (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 and 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.

(d) For youth who are identified as high risk to re-offend, the YES Plan shall include a delinquency intervention that is recognized by the department as an evidence-based practice, a promising practice, or a practice with demonstrated effectiveness, 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 YES Plan and shall be provided with a copy of the approved YES Plan within ten (10) calendar days of approval.

(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 make a direct referral to the service provider within ten (10) calendar days of the approval of the YES Plan.

(b) The JPO shall contact the service provider within thirty (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.

(c) 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.

(6) While the youth is under the supervision of the department the JPO shall make contacts with the youth and family to ensure the youth's compliance with the court order and the completion of YES Plan sanctions and goals. These contacts shall be made at youth reporting centers, the youth's home, school, the probation office, or other community-based location.

(a) During the initial one-hundred and eighty (180) days of the youth's supervision, which includes youth who are committed minimum-risk, the JPO shall utilize the most current CAT risk to re-offend level to determine the minimum number of face to face contacts.

1. Low and moderate risk to re-offend youth require, at a minimum, one face-to-face contact per month.

2. Moderate-high and high risk to re-offend youth require, at a minimum two face-to-face contacts per month. For moderate-high and high risk youth that are participating in a law enforcement officer (LEO) service such as curfew monitoring, weekend community service projects, mentoring, a monthly collateral contact with a LEO shall be counted as one personal face-to-face contact with the youth.

(b) If after one-hundred and eighty (180) days, the youth has successfully completed all sanctions and services, and has no pending new law or technical violations of supervision, the JPO shall submit a termination request to the court, and reduce the frequency of contacts as follows:

1. Low and moderate risk to re-offend youth require, at a minimum, one contact per month (face-to-face or by telephone).

2. Moderate-high-and high risk to re-offend youth require, at a minimum one face-to-face contact per month.

3. The JPO is permitted to step a youth down if restitution/court fees are the only sanction remaining so long as the youth has made a good faith effort to make regular payments.

4. If the youth incurs a new-law or technical violation of supervision during this time, the contact schedule shall revert to that which is outlined in the initial one-hundred and eighty (180) days.

5. Regardless of the CAT risk to re-offend level, the JPO shall make, at a minimum, one contact with the youth's parent(s)/guardian(s), monthly. This requirement can be satisfied through face-to-face contact, telephone, email, or other electronic methods that can be adequately documented.

(7) Prolific Juvenile Offender (PJO) youth shall be contacted as follows, until the youth no longer meets the PJO eligibility criteria:

1. Three contacts weekly face-to-face with the youth (LEO contacts with the youth do not count).

2. One (1) face-to-face contact with the parent biweekly and one (1) weekly evening telephone call with the parent to verify curfew.

3. During the initial twenty-one (21) days of PJO supervision, at least one face to face contact with the youth should occur on a Saturday or Sunday.

4. PJO youth shall participate in a law enforcement curfew program, if available.

(8) 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 CAT results are reflective of the youth's status, including changes in behavior and progress with YES Plan sanctions and goals.

(a) Re-assessments shall be done anytime there is a new law violation, after each new disposition, and as pre and post testing for all delinquency interventions, such as Redirections and day treatment.

(b) Youth who score low or moderate risk to reoffend upon program completion do not require a full CAT reassessment.

(c) At a minimum, assessments shall not be more than six months old for any youth on supervision.

(d) Final assessments are required for all youth within the last thirty (30) days of supervision.

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

(a) The JPO shall update Youth Requirements and CAT 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 supervision.

(b) The JPO shall update the youth's risk and needs assessment pursuant to subsection (8) prior to the supervisory case review.

(c) The JPO shall update the YES Plan every ninety (90) days prior to the supervisory review. This includes developing a new YES Plan in JJIS. Printing and signing the form is not required. Hand written modifications are allowed between formal 90-day supervisory review updates.

(d) Within fourteen (14) calendar days of the supervisory case review, the JPO shall notify the youth and parents(s)/guardian(s) of the status of the YES Plan, including any changes made during the supervisory case review. This notification may occur verbally or in writing and shall be documented in the JJIS case notebook module.

(10) If a youth is placed in adult jail, the JPO shall continue case management responsibilities.

(a) The YES Plan shall become inactive and a "cannot complete" entered in the CAT. The YES Plan and CAT processes shall resume upon the youth's release.

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

1. Contact jail administration to request notification when or if the youth is released or bonded out of jail.

2. 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.

3. Contact 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.

4. While the youth is in adult jail, a JPO shall make a minimum of one (1) face-to-face contact with the youth each month.

(c) 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 to the provider program upon his/her release from adult jail.

(d) Within three (3) business days of the youth's release from jail, the JPO shall conduct a face-to-face meeting with youth and family to complete a new CAT 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.

(e) Youth 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 985.64, 985.601, FS. Law Implemented 985.43514, 985.601, FS. History–New*

### **63D-13.0041 Transfers of Supervision**

(1) The JPO is authorized, with supervisory approval, to transfer active supervision of a case to another unit or circuit for courtesy supervision upon the relocation of a youth. The youth may relocate with the family or relocate to an alternative living placement, excluding residential commitment. JPOs shall utilize email when notifying other counties or circuits of the relocation of a youth.

(2) The JPO shall provide written notification to the sheriff of both the sending and receiving counties of residence upon learning of the move or relocation of a youth who has an adjudication or adjudication withheld for a felony.

(a) When a youth relocates to Florida from another state, and supervision of the case has been approved through Interstate Compact, and the youth has been adjudicated or had adjudication withheld for a violent felony offense, the receiving JPO shall provide written notification to the local sheriff's office.

(b) The JPO shall attach an updated face sheet to the sheriff's notification.

(3) If the youth relocates within the circuit (intra-circuit), the JPOS shall prepare an email notification to the receiving unit JPOS, along with a Supervision Transfer Summary. The Supervision Transfer Summary is used to provide the receiving circuit of a youth's case the youth's address, living situation, legal status, a summary of the case(s), and the supervision adjustment. The Supervision Transfer Summary (DJJ/PROFRM 16 08/2019) is incorporated and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11538>.

(3) If the youth relocates to another circuit (inter-circuit), the JPOS shall prepare an email notification to the sending ICJ Circuit Liaison who shall in turn notify by email the receiving ICJ Circuit Liaison, with a copy to the CPO, of the family's intent to relocate. The notification shall also include current demographic information for youth and family, as well as a Supervision Transfer Summary.

(4) If the receiving unit is in another circuit court's jurisdiction, the JPO shall request the court transfer jurisdiction to the circuit in which the youth will be residing. The court may grant or reject the request.

(5) The receiving JPO shall make face-to-face contact with the family within two (2) business days of receiving the transfer request and shall notify the sending JPO that initial contact has been made with the youth and family. The receiving JPO and JPOS shall assume all responsibility for risk assessments, YES Plan, and case reviews.

(6) For youth temporarily placed in a substance abuse, mental health, or other community-based residential treatment program, supervision shall be maintained, and not transferred. The assigned JPO shall continue to supervise the youth in accordance with the department approved contact schedule. Contacts with the youth may be telephonic, 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.

(7) The JPOS of the sending unit is responsible for ensuring that all procedures outlined above have been followed for the appropriate and efficient transfer of cases.

*Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.435, 985.46, FS. History–New*

### **63D-13.0042 Violations of Supervision**

(1) These rules apply to youth on probation and PCP. 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. The Affidavit/Petition for Violation of Probation (DJJ/PROFRM 10 08/2019) is incorporated and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11539>.

(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.

(a) If the JPO and JPOS determine that a formal court hearing is not needed to address the violation, and the court has previously approved the use of effective responses to address technical violations, the JPO shall address the non-compliant behavior with a previously court-approved effective response(s). The sanction(s)/intervention(s) selected to address the noncompliant behavior shall be implemented as soon as the JPO confirms the youth violated the terms and conditions of supervision.

(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 (7) calendar days of the JPO becoming aware of the technical violation(s). Any violation previously addressed through an effective response shall be included in the affidavit.

(5) For the youth to meet the criteria for absconding, the JPO must 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 member, law enforcement agency, or foster care agency 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 seventy-two (72) hours to complete the diligent search.

(b) Within one (1) business 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.

(c) The JPO shall notify law enforcement of the absconded youth once an Affidavit for An Order to Take into Custody, and an Affidavit/Petition for Violation of Probation have been filed.

1. The referral indicating the violation of probation shall be entered in JJIS at the time the paperwork is submitted to the court.

2. 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.

(6) Non-compliance with the court order for youth on CR shall be addressed through the administrative transfer process.

(a) The transfer process shall be initiated by the CR service provider or the JPO providing supervision and intervention services.

(b) The service provider/ JPO initiating the transfer shall forward copies of the transfer request paperwork to the youth, the youth's parent(s)/guardian(s), the commitment manager, the assigned JPO, the youth's attorney of record and, if applicable, the Department of Children and Families, the Guardian Ad Litem (GAL) and the youth's attorney ad litem.

(c) The transfer request paperwork shall include a copy of the following:

1. Commitment order;

2. Signed YES Plan;

3. Reasons for the request; and

4. Recommendation as to the restrictiveness level necessary to ensure protection of the public and to meet the treatment needs of the youth.

(d) The transfer request paperwork must be submitted to the commitment manager three (3) business days prior to the transfer staffing.

(e) The commitment manager shall chair a staffing with the program staff, the youth, the youth's parent(s)/guardian(s), the JPO, and other interested parties who have information regarding the transfer request.

(f) Following the review, the commitment manager shall approve or deny the transfer. The commitment manager may approve a transfer to a program at the same or different restrictiveness level.

(7) If the department recommends a youth be transferred from minimum risk or conditional release to a non-secure, high-risk or maximum risk residential commitment program, the residential commitment manager will request a pick-up order from the youth's assigned JPO. The JPO will attach the pick-up order to the Request for

Transfer document. The JPO will send the documentation to the youth's committing court. If the court doesn't provide approval but takes no action in the ten (10) day period, there may be a need for the JPO to follow up with the court on the status of the pick-up order.

(8) Within seventy-two (72) hours of the commitment manager's decision to deny the transfer, the commitment manager shall send a letter to the youth, the parent(s)/guardian(s), the conditional release program that requested the transfer and the JPO.

(9) Disputes between department staff and/or the program over the decision to transfer or the placement of the youth considered for transfer shall be resolved at the lowest level possible, following the department's chain of command.

Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.435, 985.439, FS. History–New

### **63D-13.0043 Termination of Supervision**

(1) Completion of the court-ordered sanctions shall be the primary determinant when requesting termination of supervision. Voluntary goals shall not impede the release of a youth from supervision. The JPO shall recommend termination when the youth has complied with all court-ordered sanctions.

(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 or 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 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. The Progress Report Form (DJJ/PROFRM 12 08/2019) is incorporated, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-11540>. If applicable, the request shall address the youth's demonstrated changes in criminogenic needs and protective factors.

(4) If the youth is on CR, the JPO will follow the procedure described in Chapter 63T, F.A.C., wherein the JPO will complete all documents required of residential commitment facilities.

(5) Each youth shall have a final risk and needs 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 thirty (30) days of supervision.

(6) The JPO shall notify the court fifteen (15) business 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.

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

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

(9) Termination shall be sought for youth who are in substantial compliance with restitution and 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 court fees if full payment has not yet been made.

(b) The JPO shall notify the youth and parent(s)/guardian(s) that, by retaining jurisdiction, the court may find the youth in contempt for failure to make timely payments.

Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.14, 985.435, FS. History–New

### **63D-13.005 Juvenile Assessment Centers**

(1) Juvenile Assessment Centers (JAC) can be found throughout much of the state and are used as sites for housing central intake units for screening youth as they enter the juvenile justice system. Each JAC is diverse and composed of the resources of the community, which it serves. Most JACs are open twenty-four (24) hours a day to provide detention screening for arrested youths. No matter how configured or designed, JACs expedite the booking and evaluation process of youth who are arrested and facilitate the more efficient use of law enforcement officials, court personnel, and juvenile justice personnel. Many JACs conduct intake, detention screening, substance abuse

screening, physical and mental health screening, diagnostic testing, and other related services deemed appropriate to the needs of the community.

(2) By statute, JACs must enter into interagency agreements with various agencies and organizations to maximize the effectiveness of service provision. The local JAC advisory committee, which shall be comprised of individuals who represent the agencies participating in the JAC, shall develop an interagency agreement that includes provisions regarding the development of protocols and procedures for conflict resolution, resource identification, roles, responsibilities, and communication between the agencies, and the daily operation of the JAC. In JACs where the department is not directly responsible for the functions defined herein, the interagency agreement must satisfy all requirements of this rule prior to department approval.

(3) Because local law enforcement agencies and local departments of corrections are often involved in staffing a JAC, the department shall rely on law enforcement standards where applicable.

Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.03, 985.135, 985.601, FS. History–  
New \_\_\_\_\_.

### **63D-13.0051 Admission of Youth.**

(1) Prior to being accepted in the JAC for detention screening, each youth shall have an initial medical and mental health clearance using the Probation Medical and Mental Health Clearance Form. The JPO/Screeners or other authorized staff shall evaluate the condition of each youth prior to being accepted into the JAC for detention screening. The Probation Medical and Mental Health Clearance Form (HS 051) is incorporated by reference in rule 63M-2.0041.

(a) If the clearance process reveals one or more medical or mental health concerns, the law enforcement officer shall be informed immediately so that they can transport the child to the appropriate facility to be seen by a qualified health care professional.

(b) If the law enforcement officer disagrees with the resulting need for medical clearance or refuses to transport the youth to the appropriate facility, the JPO/Screeners or other authorized staff shall provide the law enforcement officer with copies of sections 985.115(2)(c)-(e), F.S., and the local interagency agreement. Both should be posted in a prominent place.

(c) If the disagreement has still not been resolved, the JPO/Screeners shall contact the JPOS/Screeners Supervisor, who shall contact the law enforcement officer's supervisor. The department and law enforcement agency should subsequently resolve any issues of dispute following the appropriate chain of command.

(d) The Probation Medical and Mental Health Clearance Form shall be made a part of the packet of documents transferred to the detention center if the youth is eligible for, and is transported to, secure detention. A copy of the form shall be placed in the youth's case file.

(2) During the initial JAC intake each youth shall be screened for suicide risk. The JPO/Screeners shall administer the Suicide Risk Screening Inventory (SRSI) (MHSA 0024), that is incorporated by reference in Rule 63N-1.0051, F.A.C. The form shall be sent with the youth if he or she is admitted to secure detention. If the youth is released to the custody of the parent or legal guardian, then the parent or legal guardian must be provided the form entitled Suicide Risk Screening Parent/Guardian Notification (MHSA 003), that is incorporated by reference in Rule 63N-1.0092, F.A.C.

(3) There are circumstances where a youth who has already been admitted to the JAC becomes severely ill or injured while awaiting detention screening, transfer to detention, or release to the parent(s)/guardian(s). If it is obvious that the condition of the youth is severe or appears to be life threatening, the first person who becomes aware of the emergency shall call 911 immediately to request emergency medical services (EMS).

(a) If EMS determines that the youth requires prompt medical attention, the youth shall be immediately transported to the hospital via ambulance, regardless of his or her screening status.

(b) The JAC interagency agreement shall identify which staff shall accompany the youth, in the case of a youth not eligible for secure detention and remain at the hospital until the parent(s)/guardian(s) arrives.

(c) If the detention screening was completed and the youth was determined to be eligible for secure detention, then a security plan while in the hospital shall be implemented in accordance with the JAC interagency agreement.

(d) If the youth requires hospitalization and has not been screened for detention, the JPO/Screeners shall collect sufficient information telephonically and by other sources to complete the DRAI to make a preliminary determination as to the youth's qualification for secure detention, supervised released, or release with no detention status.

(e) If the youth requires hospitalization, has been screened for detention, and is to be released, then the JPO/Screeners or other authorized staff shall facilitate the release of the youth to the parent(s)/guardian(s), who shall then assume custody of the youth.

(f) If the youth requires hospitalization, has been screened for detention, and is awaiting transportation to the detention center, the JPO/Screeners or other authorized staff shall contact the detention center superintendent or designee to inform them as to which hospital the youth has been transported. As part of this process, the detention center shall deploy detention center staff to the hospital as soon as possible, but no later than three hours after receiving notice of the medical emergency.

(4) Mental health or substance abuse emergencies may occur in the JAC after the custody of the youth has been accepted from law enforcement. Procedures shall be in place at the JAC to ensure that staff immediately contact emergency medical services (911) for youth who are believed to be an imminent danger to themselves or others because of mental illness or substance abuse impairment.

(a) Procedures shall be in place for contacting the designated law enforcement agency and arranging for transportation of a youth believed to be mentally ill from the facility to a mental health receiving facility when the youth appears to meet the criteria for involuntary examination set forth in section 394.463, F.S.

(b) Procedures shall be in place for transporting a youth who is believed to be substance abuse impaired, for emergency admission to a hospital, licensed detoxification facility, or addictions receiving facility. If involuntary substance abuse admission is initiated under section 397.675, F.S., a law enforcement officer may implement protective custody measures as described in section 397.677, F.S., and take the youth to a hospital or licensed detoxification or addictions receiving facility.

*Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.135, FS. History–New \_\_\_\_\_.*

### **63D-13.0052 Screening for Medical Conditions and Handling.**

(1) If the youth reports that he or she is taking insulin, the JPO/Screeners or other authorized staff shall advise the law enforcement officer to take the youth to a licensed health care professional for an assessment to ensure that the youth's blood sugar levels are at satisfactory levels for admission into the JAC. The youth shall not be accepted for screening until documentation is provided by a licensed health care professional that the youth has an acceptable blood sugar level. Upon return to the JAC the youth shall be kept on constant sight and sound observation and shall be prioritized for completion of the screening process.

(2) Youth who report taking any one of the following medications shall be accepted for detention screening at the JAC: seizure medication, asthma medication, heart medication, psychotropic medication, blood pressure medication, or non-insulin diabetes medication. These youths shall be prioritized for completion of the screening process.

(3) If any youth taking the medication identified in subsection (1) or (2) above is screened as eligible for secure detention, detention staff shall be notified immediately that a youth awaiting placement is using one of the critical medications. The JPO/Screeners or other authorized staff shall advise the parent(s)/guardian(s) to deliver the youth's medication as soon as possible.

(4) If the youth is on medication, in need of the next dose, and is not eligible for secure detention, the parent(s)/guardian(s) shall be notified to bring the medication when they come to the JAC to pick up the youth. In the event that the JPO/Screeners or other authorized staff cannot reach the parent(s)/guardian(s), or if they refuse to respond, the JPO/Screeners or other authorized staff shall make arrangements to transport the youth home, or to a responsible adult, and the JPO/Screeners or other authorized staff shall verbally advise the parent or the responsible adult of the youth's need for medication.

(5) In the event that the youth needs to be placed in a shelter, the JPO or other authorized staff shall verbally advise the shelter supervisor prior to admission of the youth's imminent need for medication.

*Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.115, 985.135, FS. History–New \_\_\_\_\_.*

### **63D-13.0053 Holding Cells.**

All JACs that use holding cells for youth shall include in their process for utilization of these holding cells the following conditions:

- (1) Males and females shall never be placed together in the same holding cell;
- (2) Staff shall visually observe youth in holding cells every 10 minutes;
- (3) A review of the youth's behavior shall be held every 30 minutes for assessing and documenting any signs or indications that the youth poses a risk to self or others;
- (4) The observations and reviews shall be documented in writing; and
- (5) If a holding cell is used by more than one youth at a time, a safety decision shall be made as to the potential risk of one youth to the other. Risk factors to consider are contagious disease, a marked difference in size, strength or age, predatory history, and emotional stability.
- (6) Youth requiring Suicide Precautions shall not be placed in a holding cell.

Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.135, FS. History–New \_\_\_\_\_.

### **63D-13.0054 Release of Youth.**

(1) A goal of the department is that youth shall not be held in a JAC for longer than six (6) hours from the time he or she is turned over to the JPO from law enforcement or other authorities. If a youth is held over the six (6) hour period for any reason, the reason for the delay and the actions taken to comply with this six (6) hour goal shall be documented. Management shall use this documentation to identify any systemic problems with meeting the six-hour timeframe.

(2) If it is determined that the youth is in need of non-emergency medical attention, the following shall take place based on the youth's screening status:

(a) Upon arrival to pick up the youth from the JAC, the parent(s)/guardian(s) shall be notified verbally and in writing by the JPO that the youth appears to be ill or has complained of illness or injury, and that further medical assessment is needed after release. The parent(s)/guardian(s) shall provide written acknowledgement indicating their understanding of the situation.

(b) For youth being released to secure detention, the detention center superintendent or designee shall be notified immediately by phone of the youth's illness or injury. This person shall be provided all available information regarding the youth's specific symptoms or complaints to facilitate an appropriate and timely medical assessment.

(3) If a youth admitted to a JAC is identified through screening or other sources as a potential suicide threat, but the youth does not meet the criteria for immediate transportation to a facility for evaluation, the following is required:

(a) If the youth is to be released to the parent(s)/guardian(s), the parent(s)/guardian(s) shall be informed that suicide risk factors were disclosed during preliminary screening, and that a full assessment of suicide risk should be conducted by a qualified mental health professional. The parent(s)/guardian(s) shall be provided with the Suicide Risk Screening Parent/Guardian Notification form (MHSA 003). A copy of the form shall be permanently filed in the youth's case file.

(b) If the youth is being detained in secure detention, a suicide risk alert shall be immediately entered into JJIS and the youth placed on constant observation until an assessment of suicide risk is conducted. The JPO will write "suicide risk" on the top page of the detention packet and verbally notify the detention center superintendent or designee prior to the youth's transfer from the JAC and notify the transportation staff upon their arrival.

Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.115, 985.135, FS. History–New \_\_\_\_\_.

### **63D-13.006 Non-Residential Facilities**

Nonresidential programs serve youth in the community who reside at home while receiving structured supervision and intervention services. The department provides nonresidential programs for youth on probation, conditional release (CR), and post-commitment probation (PCP), as well as those committed to a minimum-risk non-residential facility.

**63D-13.0061 Safety and Administration**

(1) Safety and welfare standards of facilities shall incorporate the following:

(a) All indoor areas and attached buildings shall be clean, neat, and well maintained. No graffiti shall be allowed to remain on walls, doors, or windows.

(b) Weekly sanitation and safety inspections of all internal and external areas and equipment shall be conducted to ensure that the facility is clean and in good repair. Inspections shall be documented in writing.

(c) To help ensure that the facility is clean and in good repair a maintenance and housekeeping plan shall be developed and employed.

(d) For facilities that operate during evening hours, the facility perimeter and grounds shall be lit.

(e) Separate bathroom facilities shall be provided for males and females. For every 30 males, and for every 30 females, there shall be at least one operable toilet and washbasin with hot and cold running water and antibacterial soap.

(f) Space shall be available for private counseling, group meetings, and classrooms.

(2) Facilities shall have a comprehensive safety regimen that includes fire prevention.

(a) Smoking shall not be permitted in the facility. Any designated smoking areas shall be outside of the facility and clearly marked.

(b) A fire alarm and automatic detection system is required. All facility staff and youth shall be trained in the operation of the alarm system.

(c) Fire protection equipment shall be available at strategic locations throughout the facility and shall be checked quarterly. All facility staff and youth shall be trained in the proper operation and use of available equipment.

(d) Fire drill procedures shall include the following:

1. Unannounced fire drills conducted at least monthly.

2. Drills shall be conducted under varied conditions and across all shifts.

3. All fire drills shall be documented in the Fire Safety Log.

4. A Fire Safety Log shall be kept in the facility and shall contain a record of annual fire safety inspections, a summary of all deficiencies found by fire officials, a record of corrections, and the results of periodic fire safety inspections and equipment checks.

(3) An evacuation plan shall specify routes of evacuation and provisions for medical care or hospital transportation for youth and facility staff.

(a) The evacuation plan shall provide that the facility director or designee in charge shall make the decision to evacuate the facility, and the notice to evacuate shall be clearly communicated.

(b) Facility staff in each area shall help control the exit of youth and visitors in an orderly manner.

(c) Facility staff shall be alerted to the location of available alarm boxes and outside telephones.

(d) A written emergency disaster plan shall be reviewed annually, updated as needed, and detail the procedures for fire, severe weather, hurricane and tornado warnings, flooding, youth riots, hostage taking, chemical spills and bomb threats.

(e) A current listing of telephone numbers for local emergency departments shall be posted next to every facility telephone.

(4) Facilities that allow youth to participate in water related recreational activities shall have a water safety plan. The facility shall provide one certified lifeguard for every eight (8) participating youth. Youth shall take a swim test prior to any swimming activities.

(5) The facility shall provide for the prompt notification of a youth's parent or guardian in cases of serious illness, injury, or death.

(6) Facilities providing meals shall comply with the following requirements:

(a) The food service and dining area shall be clean and well maintained.

(b) The facility must provide youth special diets when prescribed for health reasons or to accommodate religious beliefs.

(c) There shall be a single menu for facility staff and youth.

(d) The facility must not withhold food as a disciplinary measure.

(7) Facilities shall provide daily transportation to and from the facility or shall arrange for such transportation.

- (a) All facility vehicles that transport youth shall be kept in safe and sound condition.
- (b) Facility staff transporting youth shall have current, valid driver's licenses.
- (c) Facility vehicles shall have current insurance and automobile registration.
- (d) A youth committed or otherwise assigned to a non-residential facility cannot be denied services or penalized because of the lack of transportation.
- (e) All vehicles shall be locked when not in use.
- (f) Youth and staff shall wear seat belts while the vehicle is in operation.
- (8) Facilities shall meet the following standards of administration and operation:
  - (a) The facility director is responsible for maintaining information on the facility and reporting to the department.
  - (b) Monthly reports shall be submitted to the department detailing incidents, and population data.
  - (c) Youth listed on the facility roster shall match the census report in the JJIS.
  - (d) Statistical information shall be maintained, including monthly data on admissions, releases, transfers, absconds, abuse reports, medical and mental health emergencies, incidents, personnel actions, volunteer hours and average length of stay.
  - (e) The facility shall comply with the department's CCC incident reporting requirements.
  - (f) A daily facility log shall be maintained for facility staff to record significant facility activities, events, and incidents. Special attention shall be given to entries impacting the safety and security of the facility, which shall be highlighted to ensure attention.
    - 1. The facility director shall review the log on a bi-weekly basis, acting where appropriate. Any action taken shall be documented in the log.
    - 2. Log entries shall be brief, and legibly written in ink. Recording errors shall be struck through with a single line, with void written by the error and the correction initialed by facility staff.
    - 3. Each log entry shall provide the following information:
      - a. Date and time of incident;
      - b. Name of the youth and facility staff involved;
      - c. Brief statement of pertinent information; and
      - d. Name of the person making the entry with the date, time of entry and signature.
    - (g) Facility staff shall comply with the training requirements as outlined in Chapter 63H-1, F.A.C. (Protective Action Response), and Chapter 63H-2, F.A.C.

Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.03, 985.601, FS. History—New \_\_\_\_\_.

### **63D-13.0062 Service Delivery**

- (1) Facility orientation shall be conducted within twenty-four (24) hours of a youth's admission. The youth's parent(s)/ guardian(s) shall be encouraged to attend. Orientation information shall be understandable to the youth.
  - (a) An orientation handbook or brochure shall be provided containing the following:
    - 1. Program goals and available services;
    - 2. Review of the case planning process;
    - 3. Telephone guidelines;
    - 4. Search policy;
    - 5. Youth rights and grievances;
    - 6. Florida Abuse Hotline telephone number;
    - 7. Disability Rights Florida telephone number; and
    - 8. Facility rules governing youth conduct and consequences for major rule violations.
  - (b) In addition to the handbook or brochure, the orientation shall also include the following:
    - 1. Introduction to facility staff and a tour of the facility grounds;
    - 2. A review of expectations, rules and the behavior management system;
    - 3. A review of the daily activity schedule governing day-to-day operations;
    - 4. A review of emergency medical and mental health services, emergency safety, and the evacuation procedures for the facility;
    - 5. A list of contraband items and materials, and the consequences for introducing contraband into the facility;
    - 6. A review of the performance planning process;
    - 7. The average anticipated length of stay to successfully complete the program; and

8. The facility dress code, which shall prohibit pictures, logos, emblems and writing that depict illegal activity, violence, profanity, gang logos, or nudity.

(2) Within seven (7) calendar days of a youth's admission, facility staff shall complete a risk and needs assessment using the CAT.

(3) Within fourteen (14) calendar days of the youth's admission to the facility, facility staff shall develop the Youth Empowered Success (YES) Plan and have it signed by all parties in accordance with 63D-13.004, F.A.C. Monitoring, modification, and supervisory review of the YES Plan shall also be completed in accordance with 63D-13.004, F.A.C unless otherwise stipulated in the contract.

(4) Facilities shall have a document containing a mission statement that includes the department's mission to reduce juvenile crime, description of program design, educational goals, and objectives.

(5) Daily activity schedules shall be developed and substantially followed. This shall include structured outdoor/indoor recreational and leisure activities that teach values and encourage sportsmanship.

(6) All instances of time-out, in-facility suspension, and privilege suspension shall be logged, dated, and signed by facility staff implementing the discipline. Supervisory facility staff shall review the log daily.

(a) The facility shall have a behavior management system that provides a system of privileges and consequences to encourage youth to fulfill programmatic expectations.

(b) Consequences for violating facility rules shall be fair and have a direct correlation to the inappropriate behavior. The use of facility restriction shall not exceed seven (7) consecutive days.

1. Disciplinary procedures shall be carried out promptly.

2. No youth or group of youth shall be allowed to control, have authority over, or otherwise discipline any other youth. Discipline or authority shall never be delegated to youth.

3. Rules shall be conspicuously posted.

4. All discipline problems shall be clearly documented in the JJIS case notebook module.

5. "Time out" should only be used to interrupt a specific behavior of an individual or to allow the youth to regain composure by temporarily removing the individual to a separate area or room for a cooling-off period. Youth in time-out shall not be secluded from supervision and must therefore be visually observed by a facility staff member always.

6. The use of time-out shall not exceed one (1) hour.

a. Locked time-out rooms are prohibited.

b. Youth in time-out shall not be denied regular meals, healthcare, accommodation of religious needs, or facility staff assistance.

7. Privilege suspension may include denial of participation in recreational activities and other activities outside the facility. Privilege suspension shall not include loss of regular meals, healthcare services, contact with parent(s)/guardian(s), or legal assistance. Prior to privilege suspension, facility staff shall explain to the youth the reason for the restriction and shall give the youth an opportunity to explain the behavior leading to the suspension.

(7) Mental health and substance abuse treatment services shall be provided in accordance with Chapter 63N-1, F.A.C., and in accordance with the following provisions:

(a) The non-residential program shall ensure that youth in the program have access to, at a minimum, the following mental health and substance abuse services based upon the identified treatment needs of the youth:

1. Mental health and substance abuse screening;

2. Comprehensive mental health and substance abuse evaluation;

3. Individualized mental health and substance abuse treatment planning and discharge planning;

4. Individual, group and family therapy;

5. Behavioral therapy;

6. Psychosocial skills training;

7. Psychiatric services;

8. Suicide prevention services;

9. Mental health crisis intervention;

10. Emergency mental health and substance abuse services; and

11. Developmental disability services for youth with a developmental disability.

(b) Screening. Mental health and substance abuse screening that addresses risk factors for suicide, mental disorder and substance abuse shall be conducted upon a youth's admission to a non-residential facility.

(c) Comprehensive Evaluation. Youth who demonstrate behaviors or symptoms indicative of mental disorder or substance abuse during the screening process or after admission to the program shall be referred for a comprehensive mental health or substance abuse evaluation or update to be conducted by a qualified person in accordance with Chapter 63E-7, F.A.C.

(d) Suicide Prevention Services. Youth who demonstrate suicide risk factors shall be referred for assessment of suicide risk or emergency mental health services if the youth is in crisis. Assessment of Suicide Risk Form (MHSA 004) must be utilized when the assessment of suicide risk is conducted in a DJJ facility or program. If the youth is released to the custody of the parent or legal guardian, the parent/legal guardian must be provided the form entitled Suicide Risk Screening Parent/Guardian Notification (MHSA 003).

(e) When a youth exhibits behavior that constitutes an imminent danger to self or others because of mental illness, the youth shall be referred for emergency mental health services in accordance with the provisions of section 394.463, F.S.

(f) Treatment Plan Development and Implementation. When a comprehensive mental health or substance abuse evaluation indicates the youth needs mental health or substance abuse treatment, an individualized mental health or substance abuse treatment plan shall be developed, and timely treatment shall be provided based upon the youth's treatment plan. Pending development of an individualized mental health or substance abuse treatment plan, an initial plan is acceptable.

1. The individualized mental health treatment plan shall include the signatures of the youth, the mental health clinical staff person that prepared the plan, and any intervention and treatment team members who participated in its development. A licensed mental health professional shall review, sign and date the treatment plan within ten (10) days of completion.

2. The individualized substance abuse treatment plan shall include the signatures of the youth, the substance abuse clinical staff person that prepared the plan, and any intervention and treatment team members who participated in its development. The plan shall be completed by a qualified professional who is licensed under Chapter 458, 459, 490 or 491, F.S., or a substance abuse clinical staff person who is an employee of a service provider licensed under Chapter 397, F.S., or an employee in a facility so licensed. If a non-licensed substance abuse clinical staff person completes the treatment plan, it shall be reviewed as provided in Chapter 65D-30, F.A.C.

(g) Mental Health and Substance Abuse Treatment. The program shall ensure the delivery of individual, group and family therapy, behavioral therapy, or psychosocial skills training in accordance with a youth's treatment plan. Mental health treatment shall be provided by a licensed mental health professional who is licensed under Chapter 458, 459, 490, or 491, F.S., or a non-licensed mental health clinical staff person working under the direct supervision of a licensed mental health professional. Substance abuse treatment shall be delivered by a qualified professional who is licensed under Chapter 458, 459, 490 or 491, F.S., a substance abuse clinical staff person who is an employee of a service provider licensed under Chapter 397, F.S.

Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.03, 985.601, FS. History—New \_\_\_\_\_.

### **63D-13.0063 Minimum-Risk Commitment**

(1) Facility staff shall review the Electronic Commitment Packet. Except for the commitment order, missing documents are not grounds to reject a youth's admission.

(a) If a youth arrives at a facility without a copy of the commitment order, or other missing documents, facility staff shall immediately contact the JPO or JPOS and request the order be emailed or faxed immediately so that the youth can be admitted.

(b) If admitting facility staff discovers conflicts in the commitment order, the assigned JPO or JPOS shall be contacted and informed of the conflict.

(2) Within twenty-four (24) hours of a youth's admission to a facility, facility staff shall provide written notification to the youth's parent(s)/guardian(s).

(a) The notification shall include a brief overview of the program.

(b) The facility must allow a parent or guardian the opportunity to object to a youth's participation in recreational activities due to a physical or medical problem.

(3) Within thirty (30) days of admission of a committed youth, the facility director or designee shall provide written documentation to the court, including a copy of the initial YES Plan. The notification shall indicate that the facility will provide quarterly progress reports, unless otherwise ordered by the court or stipulated in the contract. A copy of the notification and the YES Plan shall be sent to the JPO, parent(s)/guardian(s), state attorney, and youth's attorney.

Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.03, 985.601, FS. History—New \_\_\_\_\_.

**63D-13.0064 Progress Reports**

(1) Facility staff shall complete a progress report every ninety (90) days unless otherwise stipulated in the contract. The progress report is prepared after a review of the YES Plan and documents the youth's progress in the program.

(a) If the youth is on probation, CR, or PCP, the original report shall be sent to the JPO.

(b) If the youth is under minimum-risk commitment, the original report shall be sent to the court, with copies to the JPO, state attorney, youth's attorney, and the youth's parent(s)/guardian(s). Facility staff shall include a cover letter providing a brief description of the youth's overall performance, as well as any extraordinary information about the youth.

(2) Youth shall be given an opportunity to read the progress report and add comments.

(3) The progress report shall be signed and dated by the youth and the facility staff member who prepared it.

(4) The facility director or designee shall review, sign, and date the progress report prior to distribution.

Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.03, 985.455, 985.601, FS. History–  
New \_\_\_\_\_.

**63D-13.0065 Release**

(1) For youth on probation, CR or PCP, the facility and JPO shall work together to facilitate the release of the youth upon completion of the program. The JPO may submit a termination request to the court or transfer the youth to community supervision.

(2) For youth under minimum-risk commitment, the facility shall complete a pre-release notification and acknowledgement form and follow the procedure outlined in Chapter 63T, F.A.C., to facilitate the release of the youth upon completion of the program.

Rulemaking Authority 985.64, 985.601, FS. Law Implemented 985.03, 985.455, 985.601, FS. History–  
New \_\_\_\_\_.