

ADVISORY BOARD RECOMMENDATIONS

December 2002



1.00 Attitudinal and Ideological

1.01 Public Awareness Campaign. We recommend that the governor and the legislature endorse the development and execution of a statewide public awareness campaign designed to increase public understanding of the issues affecting juvenile justice in Louisiana and the adopted recommendations of the Juvenile Justice Commission. The campaign would be organized by one or more private advocacy organizations and would be funded through private contributions. The campaign might consist of the following components:

- A marketing research component to:
 - Plan and establish a schedule for the campaign;
 - Design and conduct an opinion poll of Louisianians' attitudes toward relevant juvenile justice issues;
 - Set up a focus group to review the poll, plan, schedule, and products.

- An advertising component to:
 - Develop a theme, logo, and set of key messages for the campaign;
 - Design the art work for bumper strips, newsletter ads, media ads, specialty license plates, billboards, and other media;
 - Seek funding and sponsors for the development of the advertising;
 - Market membership in one or more of the advocacy groups.

- A public relations component to:
 - To continuously inform the media of events associated with the campaign;
 - Provide information on juvenile justice issues to the media;
 - Prepare and disseminate media releases on the campaign;
 - Prepare articles for association newsletters.

- A public awareness component to:
 - Sponsor in at least five regions of the state forums on juvenile justice for gubernatorial and legislative candidates;
 - Sponsor leadership roundtables with juvenile justice stakeholders (law enforcement leaders, district attorneys, judges, victim advocates, probation and correctional officers, indigent defenders and other juvenile justice attorneys, OCS, OPH, OMH, and OYD supervisors, court administrators, clerks of court, and others);

- Hold educational meetings in cities having a high percentage of youth in the juvenile justice system.

1.02 The Concept of an Ideal Juvenile Justice System. We recommend that all agencies involved in juvenile justice adopt and actualize the following concept of an ideal juvenile justice system:

The juvenile justice system must protect children and families when private and other public institutions are unable or fail to meet their obligations. The protection of society by correcting children who break the law, the preservation and reformation of families, and the protection of children from abuse and neglect are missions of the system. A juvenile justice system should treat and rehabilitate the dependent or delinquent youth, using an individualized and developmentally appropriate approach and tailor its response to the particular needs of the child and family with goals of:

- Responding to the needs of troubled youth and their families;
- Providing due process while recognizing the rights of the victim;
- Rehabilitating the juvenile offender;
- Protecting both the juvenile and the interests of public safety.

The juvenile justice system and its youth serving system partners will embrace the following core principles to accomplish the articulated goals:

- Strengthen the family;
- Support core social institutions (i.e., schools, religious institutions, and community organizations);
- Promote delinquency prevention;
- Intervene immediately and effectively when delinquent behavior occurs;
- Identify and control the small group of serious, violent, and chronic juvenile offenders.

The ideal juvenile justice system should, therefore, consist of:

- A continuum of well-planned, coordinated, comprehensive, developmentally appropriate, and accountable public and private services that includes a range of prevention, immediate and intermediate interventions, and graduated sanctions services provided to children and families who either are or are at risk of are or likely to be involved in the juvenile justice system because of such problems as:
 - The abuse, neglect, or abandonment of children;
 - The mental illness of children;
 - Substance abuse by children;
 - Aspects of the divorce and break-up of families;
 - Pre-delinquent, socially irresponsible, or delinquent behavior by youth; or
 - Spousal domestic abuse involving children.

1.03 Goals of Juvenile Justice. We recommend that all agencies involved in juvenile justice adopt and actualize the following juvenile justice goals:

- **Prevention:**
 - Prevent child abuse, neglect, and abandonment;
 - Prevent domestic abuse;
 - Prevent pre-delinquency and delinquency;
 - Prevent adult crimes against children and youth.

- **Protection:**
 - Protect children and their family members against child and domestic abuse;
 - Protect individuals and society against pre-delinquent and delinquent acts.

- **Rehabilitation:**
 - Rehabilitate children who have been abused, neglected, or abandoned;
 - Rehabilitate family members who have abused, neglected, or abandoned children or who have been abusive to other family members;
 - Rehabilitate children who have committed pre-delinquent or delinquent acts.

- **Restoration:**
 - Assist children who have been the victims of abuse, neglect, or abandonment by either reuniting them with their families, or by finding them other permanent, supportive homes as quickly and as effectively as possible;
 - Assist victims of domestic abuse in restoring normalcy in their lives;
 - Assist and compensate victims of pre-delinquent and delinquent acts for the harm done to their persons and/or property;
 - Restore rehabilitated pre-delinquent and delinquent youth as well-adjusted and productive members of society.

2.00 Research, Planning and Evaluation

2.01 Children's Cabinet Research Council. We recommend that the legislation creating the Children's Cabinet be amended to provide for the creation of a Children's Cabinet Research Council (CCRC) consisting of representatives from each of the state's research-oriented universities, colleges, and law schools specializing in youth development, child welfare, juvenile justice, or related research. The purpose of the Council might be to:

- Identify and communicate to university researchers the research needs of the Children's Cabinet and the Louisiana Juvenile Justice Planning and Coordination Board (see Recommendation 3.01);
- Promote at one or more of the state's universities the development of centers of excellence and specialization in child welfare and juvenile justice clinical, research, and educational services, and to seek federal funding for the establishment of a child welfare resource center, similar to the University of Southern Maine;
- Assist the Louisiana Juvenile Justice Planning and Coordination Board (Recommendation 3.01) in developing a system of accounts (i.e. statistics, indicators, and measures), common assessment models (including risk, safety, service needs, family, and strengths-based instruments that are practice-oriented and not just theoretical in design), and a system of monitoring and evaluation;
- Provide such advice as may be requested by the Children's Cabinet or the Louisiana Juvenile Justice Planning and Coordination Board (Recommendation 3.01);

When asked for research findings in a particular area or for a particular issue by the Children's Cabinet, the CCRD will conduct a comprehensive literature review. Based upon the review, the CCRD will, as appropriate, adopt existing research for the development of program standards and criteria, conduct original research, or do a combination of both. Examples of potential research include but are not limited to:

- Identification of effective programs for treating juvenile sexual offenders and victims;
- The relationship between developmental disabilities and juvenile delinquency;
- Protocols for the prevention of juvenile delinquency among children and youth with developmental disabilities and mental retardation;
- The efficacy of the use of vo-tech and entrepreneurial programs as part of the curriculum of alternative schools
- Identification of effective programs for addressing the special needs of female youth offenders;
- The development of model guidelines for after-care, mentoring, and transition programs;
- Recommendations for the development of juvenile evaluation instruments that would meet the needs of multiple agencies at the state and local level;

- Efficacy of children’s programs utilized by local government and the state;
- Efficacy of home visitation programs;
- Identification of best practices;
- The development of training programs and services for addressing the mental health needs of incarcerated juvenile offenders;
- The development of studies, training programs, and services for addressing the disproportionate representation of minorities in the system.

2.02 Use of 8(g) Funding. We recommend that the Board of Elementary and Secondary Education and the Board of Regents develop ways to promote the use of 8(g) funding for needed research and demonstration programs affecting school behavioral, child welfare and juvenile justice issues. We also encourage the Board of Regents to develop, as part of its plan for higher education, the establishment of one or more centers of excellence in child welfare and juvenile justice research and education. The goal of these centers would be to transform Louisiana 's total approach to child welfare and juvenile justice into a national model of excellence.

2.03 Integrated Juvenile Justice Information System. We recommend that funding be provided by the Louisiana Technology Innovation Fund to complete the development of the Integrated Juvenile Justice Information System begun by the Supreme Court. Upon completion, the system should provide three levels of integration:

- Integration of all juvenile court functions (forms generation, docketing, scheduling, calendaring, case tracking, subpoena and other notice tracking, tracking of bail and other forms of release, tracking of appellate cases, and reporting);
- Integration of case types through the assigning and use of unique identification numbers to each child and each child's family on a statewide basis; and
- Integration or data sharing on a voluntary basis with other juvenile justice and youth and family-serving agencies, including but limited to those providing child welfare, mental health, substance abuse, and educational services.

The system should be built in the public domain so that it may be used throughout the state by all agencies without licensing costs. The system should be web-based to allow the transfer of data among all users of the system in a user-friendly fashion, and to allow the transfer of data from existing systems. The system should be built as an intranet to provide for adequate privacy and confidentiality of data. The system should provide statistical reports to the people and the legislature via the Internet based on the system of

accounts to be developed by the Louisiana Juvenile Justice Planning and Coordination Council with the assistance of the Children's Cabinet Research Council. We further recommend that, upon completion of the basic system, the Legislature provide funds to three or four demonstration sites for system installation, tailoring the system to meet each district's particular needs, to eliminate bugs, and to provide user training. We recommend that the demonstration sites be selected on a competitive basis from applications indicating the:

- Willingness of at least three juvenile justice agencies in the district to share data;
- Willingness of the local district to provide local matching funds of at least 10%; and
- Willingness of the district to report specified data to the Supreme Court, the Legislature, and other required entities.

2.04 Legislation to Facilitate Data Sharing. We recommend that the Children's Code Committee of the Louisiana Law Institute draft legislation to allow, promote, and facilitate the manual and automated sharing of data among juvenile justice child welfare, mental health, and substance abuse agencies. The purposes of such data sharing legislation would be to improve the administration of justice and to act in the best interest of the child, while, at the same time, assuring privacy and confidentiality to the extent necessary. Particular attention to the existing statutes governing access to child abuse and neglect case information is warranted.

3.00 Restructuring and Finance

3.01 Louisiana Juvenile Justice Planning and Coordination Board. We recommend that a Louisiana Juvenile Justice Planning and Coordination Board be established under the Children's Cabinet to perform perhaps the following functions to:

- Develop a strategic planning process for juvenile justice that utilizes data collection and trend analysis, addresses resources and gaps in services, identifies research-based effective programs and practices, and incorporates impact evaluation methodology to measure outcomes; and to develop an annual implementation plan;
- Monitor and report to the Governor, the Children's Cabinet, the Joint Legislative Juvenile Justice Policy Priority Committee (see Recommendation 3.03), other appropriate legislative committees, and the general public on Louisiana's progress in implementing the strategic plan and the annual implementation plan;
- Ensure and supervise the preparation of a juvenile justice component of the Children's Budget; and to assist the Cabinet in presenting the Budget to the

appropriate legislative budget committees and to the Joint Legislative Juvenile Justice Policy Priority Committee (Recommendation 3.03);

- Create, with the advice and counsel of the Children's Cabinet Research Council (see Recommendation 2.01), a system of accounts (statistics, indicators, and measures) and a system for contracting, monitoring and evaluating the performance and outcomes of the juvenile justice system throughout state;
- Ensure the planning, development, and maintenance of a central repository of bibliographic, statistical, and directory information on juvenile justice in association with an appropriate state database and web-based function;
- Ensure that the actions of the LCLE/OJJDP Board are consistent with the policies of the Children's Cabinet and the Louisiana Juvenile Justice Planning and Coordination Board;
- Ensure that the design of Louisiana's continuum of services for children includes juvenile justice services;
- Assist the Regional Juvenile Justice Planning and Coordination Advisory Boards (see Recommendation 3.02) in the building of community, local, and regional planning and collaborative capacity, especially with respect to the comprehensive strategy, the principles of balanced and restorative justice, and a continuum of community-based, graduated sanctions and services;
- Establish, with the Children's Cabinet Research Council (Recommendation 2.01), a system for monitoring and evaluating all juvenile justice programs and services;
- Coordinate the development and acceptance of common assessment instruments (including risk, safety, service needs, family, and strengths-based instruments that are practice-oriented and not just theoretical in design) by all child welfare, juvenile justice, mental health, and substance abuse agencies;
- Assist the Children's Cabinet in the development of a centralized intake system that would allow all providers to access common intake forms and to assist their clients in completing and returning them via a web site to a central intake database and to a system of case managers;
- Review and comment on the recommendations for the continuum of community-based services and sanctions, the proposed legislation, actions and rules of the Regional Juvenile Justice Planning and Coordination Advisory Board before submitting these recommendations to the Children's Code Committee of the Louisiana Law Institute, the Joint Legislative Juvenile Justice Policy Priority Committee, relevant budget committees, the governor,

the Supreme Court, or other appropriate policy-making or policy review entity.

3.02 Regional Juvenile Justice Planning and Coordination Advisory Regions and Boards. We recommend the establishment by legislation of nine or ten juvenile justice planning and coordination regions, each having a Regional Juvenile Justice Planning and Coordination Advisory Board. Each board would be co-chaired by two judges appointed by the Supreme Court and would consist of the following members appointed by the legislature: two law enforcement leaders from the region; two district attorneys from the region, two OCS representatives from the region, two OMH representatives from the region; two indigent defenders assigned to juvenile cases in the region; two persons from state or local youth probation and corrections from the region; two child/adolescent mental health providers or substance abuse treatment providers from the region, two representatives from local school districts in the region; two parents or family advocate representatives from the region; and three representatives of the general public not associated with any public agency or service provider. Each board would be staffed by a court administrator or by some other voluntary staff. The members of the Board would receive no per diems for service or expenses. The purposes of the Regional Juvenile Justice Planning and Coordination Advisory Boards include:

- Develop a comprehensive strategy for the region based on the principles of balanced and restorative justice and a common set of operating policies or protocols;
- Develop a consensus among stakeholders in the juvenile justice system regarding the vision statement, the strategic plan, the regional comprehensive strategy, the common set of operating policies or protocols, service integration and other forms of collaboration;
- Develop capacity in the region for planning and coordinating juvenile justice at the community, local, and regional level, especially with respect to the comprehensive strategy, balanced and restorative justice, the common set of operating policies or protocols, service coordination and integration, and other forms of collaboration;
- Promote and facilitate the assessment of needs in the region, especially in terms of identifying and prioritizing gaps in the continuum of needed services for the region;
- Submit each year to the Louisiana Juvenile Justice Planning and Coordination Board its recommendations for needed community-based treatment services and sanctions, as well as its recommendations for other legislation, executive actions, or judicial rules relating to juvenile justice;
- Sponsor at least once a year a regional conference and set of workshops designed to build the region's capacity to better plan, communicate,

coordinate, collaborate, and implement effective programs, practices, and policies;

- Assist the Louisiana Juvenile Justice Planning and Coordination Board 's efforts to ensure that all new and existing programs are properly monitored and evaluated.

3.03 Joint Legislative Juvenile Justice Policy Priority Committee. We recommend that the leadership of the Senate and the House create, with the consent of the members, a Joint Legislative Juvenile Justice Policy Priority Committee, consisting of such chair and members as the leadership shall name. The purposes of the Committee are to:

- Review and comment on the progress reports submitted to it by the Children's Cabinet and the Louisiana Juvenile Justice Planning and Coordination Board;
- Review and comment on the annual Children's Budget submitted by the Children's Cabinet;
- Make recommendations for improving juvenile justice through proposed legislation, resolutions, or other expressions of legislative intent;
- Monitor and advocate on behalf of needed juvenile justice legislation and other actions.

3.04 Reform of the System of Child Welfare and Juvenile Justice Treatment Financing. We recommend that the legislature enact legislation requiring the Chair and Executive Director of the Children's Cabinet to develop and recommend a plan to the legislature for reforming the system of financing all child, youth and juvenile justice treatment services within the state by or before January 1, 2004. The plan should contain, at a minimum, the following features:

- Provide a more efficient and effective system of financing services for children who are either in state custody or are at risk of entering state custody, who are reunified with families upon release from custody, or who are identified as needing prevention and early intervention services;
- Provide for a system of centralized intake that would allow individuals, as well as public and private service providers, to access common intake forms via the internet and initiate eligibility, screening and case planning processes through a local provider network;
- Provide for a coordinated system of specially trained and certified case managers who shall, either as teams or as individuals in consultation with other case managers, accept or reject applications for assistance based on clearly defined eligibility standards. The case manager or case management

team may develop case management plans that will specify all of the services recommended for the child and/or family and how such services may be accessed. The acceptance notice and case management plan should be forwarded to the central intake system, which, in turn, will contact the child and family;

- Allow the applicant, upon approval and communication of the plan by the coordinated system of case managers, to use the plan as a voucher for accessing all of the services indicated in the plan in accordance with the plan's terms and conditions;
- Provide for the establishment of a system for financing those community-based services recommended by the Regional Juvenile Justice Planning and Coordination Advisory Boards and approved by the Louisiana Juvenile Justice Planning and Coordination Council or the Children's Cabinet, the Joint Legislative Juvenile Justice Policy Priority Committee, and the Legislature. The plan should provide for initial start-up funds for the community-based programs, for local matching requirements, for monitoring and evaluation, and for accessing funding to pay for the vouchers associated with each case management plan. The plan should also investigate the feasibility of providing community-based services through a regional mobile delivery system providing intake, health, assessment, early identification, informational, and other services;
- Provide for the pooling of all appropriated federal, other grant, and matching funds relating to treatment services affecting children, youth and their families in an account or accounts to be managed by the Division of Administration. Funding should be provided from the pool in terms of the appropriations provided by the Legislature for start-up costs and in terms of the vouchers received from service providers;
- Require contracts with service providers to include a monitoring and evaluation component based on outcomes and performance and based on the quality of the evaluation and not simply the "lowest bidder" rationale. The plan should require each service provider to file such monitoring and evaluation reports as delineated in the provider's contract and as may be required by the Louisiana Juvenile Justice Planning and Coordination Plan;
- Allow for the full reimbursement of the cost of authorized services delivered by private providers having agreements with the state. The plan should include an analysis of the rate setting systems that have been developed by consultants but not funded, and should make recommendations regarding such systems. The Plan should require that all reimbursements be documented by cost reports, agency records, and such other documents as may be necessary and useful in the management of reimbursements;

- Ensure that the system of financing benefits from the maximum draw of matching federal funds;
- Recommend the restructuring of the existing departments to address effectively the Plan's other requirements;
- Provide for ways to hold parents accountable for assisting their children in obtaining needed treatment.

3.05 Revisions to the Children's Budget. We recommend that the Children's Budget be revised in the following respects:

- The Children's Budget should be centralized and should be developed in such a way as to insure the provision of adequate funding for services to youth and families across a comprehensive continuum of care. The Budget should be organized functionally instead of by department.
- Ideally, the Budget should be funded from a dedicated, consistent financing stream.
- The Budget should include estimates of all costs associated with the direct delivery of child welfare services and juvenile justice services by executive branch agencies, including the costs of the Children's Cabinet, the costs of preparing the Children's Budget, a portion of the cost of the Mental Health Advocacy Service (MHAS), the cost of the juvenile and family services funded by the Louisiana Commission on Law Enforcement (LCLE), and other such services.
- The Budget should include in the next two years an estimate of the total costs of child welfare and juvenile services administered by the judicial branch, including the costs of all courts having juvenile jurisdiction, the costs of prosecuting juvenile cases, the costs of juvenile law enforcement by the sheriffs, the costs of representation in juvenile cases, the costs of juvenile forensic activity, the costs of juvenile local probation, the costs of juvenile local detention, the costs of FINS, the costs of juvenile drug courts, the costs of CASA programs, the costs of child support adjudication and enforcement, the costs of improving foster care adjudication, and the costs of domestic violence programs operated by the judicial branch. The estimate shall include total costs (state, local self-generated, and federal/other grant funding, regardless of the source of the expenditures
- The Budget should include an estimate of the total expenditures of local government, exclusive of federal and state funds provided to the local government from the state, on children's services, including the costs of recreation, the costs of elementary and secondary education, the costs of juvenile law enforcement by municipal police departments, the costs of

juvenile justice services, including local probation, local detentions, and treatment services directly administered by the local government.

- The Budget shall include goals and benchmarks for measuring year-to-year progress and for comparing Louisiana's progress in putting children first with the efforts of other states. The Children's Cabinet shall define a comprehensive continuum of services, including juvenile justice services, and shall estimate the total cost of funding the continuum. The state's progress in funding the continuum of services shall be measured by comparing the costs of the total need of the continuum versus the estimated costs expended by state and local government each year in support of the continuum.
- The Budget should allow for the provision of a rate setting system that is dictated by the individualized care plans developed for youth in custody.

3.06 Realignment of Inter-Governmental Functions. We recommend that the executive and legislative branches, guided by plans to be developed by the Children's Cabinet, realign on a scheduled long-term basis state and local governmental functions. In general, however, the state should attempt to use its resources to leverage local governmental and private funding of community-based services and sanctions. The state's basic role, under a realignment scenario, would be to govern, that is, to set the broad agenda, to motivate local interest, to develop local and private capacity, to finance local service-delivery, and to ensure fiscal and programmatic accountability. The local governmental role would be to mobilize all of the resources of its community -- local governmental resources, for-profit resources, and non-profit resources -- to address the needs of its children and families.

3.07 Major Financing Issues Affecting All Treatment Programs. We recommend that, for the next five years to ten years, funding priority be given to creating a comprehensive system of mental health facilities and services, residential and out-patient substance abuse treatment services, and family strengthening programs.

3.08 Major Financing Issues Affecting Foster Care. We recommend that the Children's Cabinet propose ways for the legislature to address in a planned manner the following financing issues affecting foster care:

- Inadequate payments to residential and private foster care providers;
- Below average foster care board payments;
- OCS staff cuts;
- Lack of psychiatric hospital beds for foster children;
- Lack of funding of aftercare and transitional services for foster care children.

3.09 Funding of Existing Services. We recommend that all existing services, except services that are being extended to additional jurisdictions, be funded at current levels until the effectiveness of the services are properly evaluated. Programs that are

not cost-effective should be altered or eliminated. Programs that are effective should be funded at higher levels if there is sufficient need for the programs.

3.10 Special License Plates to Promote Theme of Public Awareness Campaign. We recommend that the legislature enact legislation authorizing the secretary of Public Safety and Corrections to establish special prestige motor vehicle license plates for the purpose of promoting the theme and logo of the public awareness program recommended under Strategy 1.01 above. In addition to the words, the plates shall include a symbol to be determined by a committee consisting of representatives appointed by the Children's Trust Fund board. The fee for the special prestige license plate issued under this legislation shall be twenty-six dollars. The renewal fee shall be the same as the initial fee. The department shall collect the fee for the special license plates and shall forward twenty-five dollars per plate to the Juvenile Justice Sub-Fund of the Children's Trust Fund.

3.11 New Revenue Measures. We recommend that the Legislature authorize the assessment and collection of fees and surcharges. The proceeds of these funds shall be deposited in the Juvenile Justice Sub-Fund of the Children's Trust Fund.

3.12 Louisiana Endowment for Children. We recommend that a Louisiana Endowment for Children be created by the private sector as a non-profit, tax-exempt foundation with the goal of building over the next ten years an endowment of \$200,000,000. The endowment could be built from the following streams of funding:

- Family Foundations which are not part of any Community Foundations and whose funds are directed towards children;
- Corporations receiving large tax exemptions from the state would be asked to contribute once during each decade of the Endowment's life the equivalent of one year of its tax exemption;
- Entertainment events in the state would be asked to contribute a percentage of their net proceeds to the Endowment;
- Gambling enterprises would be asked to contribute a percentage of their net proceeds to the Endowment;
- The people of Louisiana would be asked to contribute \$5 on behalf of each of their children to the Endowment.

The interest on the yield of the funds should be distributed as follows:

- The yield on the family foundation funds of the Endowment should be restricted to those purposes specified by the family foundations within the framework provided by the Louisiana Juvenile Justice Planning and Advisory Board;
- The yield on the unrestricted fund of the Endowment should be dedicated to the following:

- The provision of matching funds to release state general funds for other juvenile justice uses as determined by the Board of the Endowment;
- The provision of funds to community-based programs as approved by the Children's Cabinet.

3.13 Dedication of LCLE Juvenile Funding. We recommend that the Louisiana Commission on Law Enforcement (LCLE) dedicate in the next five years any available juvenile justice funds not encumbered by prior commitments or prohibited by federal law or regulation exclusively to the following purposes:

- The funding of exemplary juvenile justice alternative sanctions (see Recommendation 4.04) operated by community-based organizations approved by the Children's Cabinet;
- The funding of exemplary mental illness and substance abuse treatment programs (see Recommendation 4.04) operated by community-based organizations approved by the Children's Cabinet

3.14 Correctional Funding Transition Plan. We recommend that the Louisiana Council of Juvenile and Family Court Judges, in association with the juvenile correctional authority, develop a specific correctional funding transition plan. The plan should indicate how in the next 1-3 years the Department can begin to reduce its reliance on incarceration and release funding from its budget to the pool maintained by the Division of Administration for community-based sanctions and treatment programs. The plan should address both fixed and variable costs and should indicate initially the amount of variable costs and eventually the amount of fixed costs saved by the diversion of offenders from juvenile incarceration by juvenile drug courts and other community-based sanctions and other proven effective or promising treatment alternatives.

3.15 Creation of a Single "Office of Children, Youth and Families". We recommend that the state consolidate its executive functions concerning children and youth in its custody -- functions currently shared by the Department of Social Services, the Department of Health and Hospitals, and the Office of Youth Development -- into one single agency serving children, youth, and families that would provide a complete continuum of services in order to allow for children to have access to services most appropriate to their needs and abilities. The new Office will oversee the development of a comprehensive, integrated system of care for all children and youth in care throughout the state. It will also ensure that youth are placed in the most appropriate, least restrictive setting that would allow them access to the resources necessary for them to address their problems. We recommend that a special committee of the legislature be appointed to develop a plan no later than January 1, 2004 for review and adoption by the new governor and legislature.

4.00 Prevention, Education, and Treatment Services

4.01 Continuum of Services. We recommend that the Children's Cabinet continue its efforts to define and establish a comprehensive continuum of services, including prevention and intervention services relating to child dependency, pre-delinquency, and delinquency, and a system of graduated sanctions that is designed for the treatment and rehabilitation of delinquent offenders and their parents/guardians. We recommend that the continuum of services combine accountability and sanctions with increasingly intensive treatment and rehabilitative services. This model will provide a comprehensive system of care for all children and youth in the state and can be utilized in practice by multiple youth and family-serving agencies.

4.02 Community-Based Services. We recommend that, to the extent possible, all services funded by the state for children, youth, and their families be community-based, that is, the services involve parents and the community in their design as well as their implementation. Community-based services reflect the culture of each unique area of the state. They utilize the voluntary resources of families and communities to maximize the effectiveness. Additionally, current research has demonstrated that effective community-based service options are more cost-effective in preventing and reducing delinquency and positively impacting recidivism rates for youth involved in the juvenile justice system.

4.03 Computerized Information and Resource System. We recommend that the Louisiana Technology Innovation Fund provide a grant for the development and maintenance of a web-based comprehensive information resource system, including a research-based and updateable taxonomy and service information in terms of type, area, availability, cost, and methods of access. Upon completion, the information system will be accessible via the web and will generate upon request written parish directories updated and disseminated at least on a quarterly basis.

4.04 Exemplary Programs. We recommend that, for the next five years, all new state funding for prevention and intervention programs and practices, and for community-based sanctions be targeted to proven effective or promising research-based clinical, treatment, and mentoring services or to nationally tested exemplary programs listed and approved by the Children's Cabinet. The exception to this recommendation would be funding from the federal government or a foundation that is specifically available for pilot or demonstration programs.

4.05 Non-Secure Residential Options. We recommend that the state and local governments, with input from the Regional Juvenile Justice Planning and Coordination Advisory Boards and the Louisiana Juvenile Justice Planning and Coordination Board, develop and implement a long-range plan to re-open or build, where needed, more short-term residential facilities, including crisis centers, group shelters and homes, transitional and independent living homes, and therapeutic facilities for dealing

with ungovernable youth, youth who are mentally ill, and youth in need of substance abuse treatment services.

4.06 AmeriCorps. We recommend that the Children's Cabinet establish an AmeriCorps program specifically designed to provide youth transitioning out of foster care with meaningful work experiences, a community service ethos, and opportunities for personal development, all of which would assist in their transition to independent living.

4.07 Substance Abuse Treatment Programs in Juvenile Residential Facilities. We recommend that juvenile residential facilities recruit, support, and facilitate the development of appropriate substance abuse prevention and treatment programs such as are advocated by OAD for those children and juveniles who have used or are at risk of using alcohol and drugs.

4.08 Services for Female Youth Offenders. We recommend that all juvenile justice agencies develop an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the type of such services available and the need for such services for females. We also recommend that all juvenile justice agencies produce a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency for this increasing population of offenders within the juvenile justice system.

4.09 Merger of Families in Need of Services Programs and Truancy Assistance Service Centers. We recommend that Louisiana Juvenile Justice Planning and Coordination Board conduct a study to determine whether the FINS and TASCs programs ought to be merged. The study should address specifically whether merger would result in better economies of scale, more flexibility in funding, less duplication, and more effective service delivery than the current divided programs.

4.10 Prevention and Early Intervention Services. We recommend that the child welfare and juvenile justice systems place the highest priority on funding and otherwise assisting prevention and early intervention services relating to child abuse and neglect, domestic abuse, pre-delinquency, and delinquency. In view of the overwhelming research that supports prevention and early intervention as cost-effective methods, we recommend that the state develop a long-term, comprehensive plan indicating the state's commitment to funding effective prevention, early identification, and early intervention services.

4.11 Mental Health Services at Schools. In further support of the recommendation contained in Recommendation 3.07, we recommend that the Board of Elementary and Secondary Education (BESE), the Department of Education, and the Department of Health and Hospitals develop and implement a plan for providing health resources, including mental health and substance abuse prevention and/or treatment resources, at each school building level. The plan should contain provisions, including but not limited to: locating state health units at schools, providing social workers,

psychologists or other mental professionals at certain schools, creating mental health teams, and providing mobile mental health services.

4.12 Safe School Planning. We recommend that the Board of Elementary and Secondary Education, the Department of Education, local school districts, and all local schools, as part of their safe school planning, develop and implement policies to prevent and effectively respond to student behavioral problems, especially student violence. The policies and procedures need to be developed collaboratively with juvenile justice agencies and communicated and coordinated with all stakeholders in the community. The plans should provide for school social workers, teachers and disciplinarians who are trained in the use of behavioral assessment instruments and implementing behavioral plans.

4.13 Alternative Schools. We recommend that the Board of Elementary and Secondary Education (BESE), the Department of Education, the State Medicaid Office and local school districts work collaboratively to review and establish standards in existing alternative schools to assure that the rights of students and families are protected in accordance with DOE and IDEA regulations and guidelines.

4.14 School Zero Tolerance and Other Discipline Policies. We recommend that the first sentence of R.S. 17 § 416.15 be amended as follows:

"Any City, parish, or other local public school board may adopt and implement zero tolerance policies for schools under its jurisdiction, provided such policies comply with the rules promulgated by the Department of Education."

We also recommend that the Louisiana Juvenile Justice Planning and Coordination Board work with the Department of Education, and a committee of representatives of local school districts to develop and promulgate rules for drafting and implementing zero tolerance policies and other discipline policies in the schools in accordance with IDEA and established principles of positive behavior support. The purpose of the rules should be to ensure that all zero tolerance policies and other relevant discipline policies meet due process standards, are in the best interest of children, and do not unnecessarily burden the lives of families and the juvenile justice system. We further recommend that the enumerated parties listed above utilize evidence-based best practices that embrace positive youth development interventions applied in the least restrictive environments in school settings.

4.15 Special Education and Juvenile Justice. We recommend that the Louisiana Juvenile Justice Planning and Coordination Board, the Board of Elementary and Secondary Education (BESE), the Statewide Parenting and Information Center (Families Helping Families), the Community Parent Resource Centers, and the Department of Education develop coordinated responses between special education and juvenile justice agencies in addressing the needs of this frequently shared population of youth. We recommend that the Regional Juvenile Justice Planning and Coordination Advisory Boards collaborate with local school districts to develop closer working

relationships between special education and juvenile justice personnel. We also recommend that every school appoint a voluntary special education advocate to ensure that all children eligible for special education can access these services easily and within a reasonable time. The school special advocates should be invited to attend and participate in the meetings and conferences of the Regional Juvenile Justice Planning and Coordination Advisory Boards and to report their concerns at such meetings.

4.16 Positive Behavioral Supports in Schools. We recommend that the Board of Elementary and Secondary Education (BESE), the Department of Education, and local school districts work collaboratively to address student misbehavior through the development and utilization of evidence-based best practices for positive behavioral supports in the least restrictive environments in school settings throughout the state.

4.17 Suspensions. We recommend that the Board of Elementary and Secondary Education (BESE), the Department of Education, and local school districts develop specific plans for reducing the number of out-of-school suspensions, in-school suspensions, and "induced drop-outs." The BESE should consider developing a system that would base the student attendance component of the minimum foundation formula on a quarterly count of average daily attendance. The Department of Education should investigate whether school systems should impose penalties on school-associated persons who encourage, either directly or indirectly, children to drop out of school. The entire system should also study and implement ways to assist teachers in better management of their classes.

4.18 ASFA Compliance. We recommend that the Office of Community Services, the Court Improvement Program of the Supreme Court, and the Office of Youth Development produce a report identifying a comprehensive list of the barriers to full ASFA compliance. The report of their findings and recommendations should be provided to the Children's Cabinet, the Joint Legislative Juvenile Justice Policy Priority Committee, and the Supreme Court.

4.19 Court Appointed Special Advocates (CASA). We recommend that the legislature, the Supreme Court, and all courts having significant child dependency caseloads continue to support CASA programs and volunteers throughout the state through funding, technical assistance, and general encouragement.

4.20 Consultation, Training, and Technical Assistance Fund. We recommend the legislature create a fund to provide consultation, training, and technical assistance that is appropriated annually in the amount of \$200,000 to support the development and implementation of national models of effective or promising programs, practices, policies, and procedures within the juvenile justice system. This fund will create statewide opportunities, within the regional planning function recommended in Section 3.02, to access expert assistance in the effective replication and implementation of best practices. The fund should also provide funding for a system of providing mini-grants in support of the following types of training:

- Capacity building training provided by the Regional Juvenile Justice Planning and Coordination Advisory Boards, especially through its annual regional conference and its workshops;
- Annual cross-training of indigent defenders, judges, and prosecutors in juvenile justice law and best practices;

Annual cross-training of law enforcement personnel, case workers, school personnel, court personnel, probation officers, correctional officers, mental health personnel, and other workers in juvenile justice law and best practices.

5.00 Law and the Administration of Justice

5.01 Juvenile Detention Standards and Licensing Procedures. We recommend enactment of legislation providing mandatory and meaningful standards and licensing procedures for local juvenile detention facilities. These standards of excellence should comport with nationally recognized and accepted standards for practice within the juvenile justice system and juvenile detention and correctional facilities. We recommend that the Departments of Health and Hospitals and Social Services, work with the Louisiana Juvenile Detention Association in developing and implementing the legislation.

5.02 LChC Article 897.1. We recommend that the Children's Code Committee of the Louisiana Law Institute either repeal the provisions of LChC 897.1 in its entirety or amend those provisions to allow for greater judicial discretion.

5.03 Waiver of Counsel. We recommend that the Children's Code Committee of the Louisiana Law Institute review the provisions of LChC 810 to amend the law to be consistent with the FINS waiver provisions under LChC 740B, thereby prohibiting the waiver of counsel in delinquency proceedings. At the same time, we recommend that the Judicial Council of the Supreme Court establish a task force to develop ways to ensure that all courts having juvenile jurisdiction have counsel available to represent children and youth in child dependency, FINS, and delinquency cases.

5.04 Alternative Dispute Resolution (ADR) Programs. We recommend that prosecutors, juvenile justice personnel, and courts develop and establish protocols for utilizing alternative dispute resolution programs (e.g. mediation, neighborhood or community courts, teen courts, and family group counseling) in specifically identified categories of juvenile cases.

5.05 Balanced and Restorative Justice. We recommend that juvenile justice agency personnel be trained in the precepts of restorative justice. We recommend exploration of the utility of implementing such programs as victim/offender conferencing, victim restitution programs, victim or community impact panels and programs, and family/community group conferencing.

5.06 Tax Credit for Pro Bono Representation in Child Protection and Juvenile Delinquency Cases. We recommend that the legislature enact legislation to provide a tax credit against the tax liability for each lawyer or law firm that provides pro bono legal representation or mediation services to children or their parents in Child in Need of Care (CINC) Cases and cases involving the termination of parental rights, or to children in juvenile delinquency cases, as approved by the court having jurisdiction in the matter. The tax credit shall be two hundred dollars per taxable year per case handled. The credit shall be available upon certification by the court of jurisdiction that the attorney or law firm has in fact represented or provided mediation services to a child or to a parent of a child in Child in Need of Care (CINC) Cases and cases involving the termination of parental rights, or to a child in juvenile delinquency cases. Attorneys who are compensated for cases under the provisions of R.S. 46:460.21 shall not be eligible for the tax credit on those same cases. The tax credit shall not replace the fees provided for in R.S. 46:460.21.

5.07 Study of the Specialization and Regionalization of Family and Juvenile Courts. In light of available research confirming the effectiveness of specialized courts, we recommend that the Judicial Council or another appropriate judicial agency designated by the Supreme Court, study and make recommendations relative to the further specialization of sections or divisions of general jurisdiction district courts to address more effectively family and juvenile cases, e.g., one-family/one-judge policies, dependency divisions or sections, juvenile mental health courts, juvenile drug treatment courts, and unified family courts. We also recommend that the Judicial Council or another appropriate judicial agency designated by the Supreme Court study and make recommendations on the feasibility of establishing a regional juvenile court system that would have the following characteristics:

- The system would have to be more effective and less expensive than the current system.
- There would have to be a way to pay for the new system without taking money away from existing programs to juveniles, especially treatment programs.
- The new system would not alter the districts from which district attorneys are elected, nor would it require district attorneys to prosecute in jurisdictions other than their own.

5.08 Family and Juvenile Court Rules Committee. We recommend that the Louisiana Juvenile Justice Planning and Coordination Board create an Ad Hoc Task Force consisting of members of the Board and the Regional boards to develop and present recommendations to the Family and Juvenile Court Rules Committee of the Judicial Council. We also recommend that the Family and Juvenile Court Rules Committee develop its rules and forms in a manner consistent with the vision and plan of reform advocated by this Commission.

5.09 New Judgeships. We recommend that the following procedures be developed and followed by the Judicial Council and the Legislature when creating new judgeships having complete or partial juvenile or domestic jurisdiction:

- Before assuming office and every year after assuming office, the judge-elect or judge shall be required to have eight hours of continuing legal education in his or her specialized, subject-matter jurisdiction.
- Before the new judgeship shall be granted, the relevant appointing authorities shall provide the Judicial Council with the names and current caseloads of the prosecutor(s) and public defender(s) to be assigned to the proposed new section of court. The appointing authorities shall also provide to the Judicial Council a written assurance that, if the new judgeship is created, the designated prosecutor(s) and public defender(s) shall receive each year a minimum of eight hours of continuing legal education in the specialized, subject-matter jurisdiction of the new judgeship.

5.10 Tandem Pay Supplements and Certification Training for District Attorneys and Public Defenders. We recommend the establishment of a program that would provide equal state warrants to supplement the salaries of assistant district attorneys and indigent defenders assigned to juvenile jurisdictions upon annual certification of a designated number of continuing legal education (CLE) hours in juvenile law, child welfare, education and special education law, the identification and use of treatment and rehabilitation services, and child and adolescent psychology.

5.11 Best Practice Standards for Juvenile Court. We recommend that representatives from the Louisiana Council of Juvenile and Family Court Judges, the Louisiana District Attorneys Association, the Louisiana Indigent Defense Assistance Board, the Louisiana State Bar Association, the Juvenile Justice Project of Louisiana, the Office of Youth Development, the Mental Health Advocacy Service, law enforcement, and victim advocates develop and promulgate a set of best practices guidelines to be implemented in courts with formal FINS and juvenile delinquency jurisdiction. Such guidelines should be similar in scope and intention to the Resource Guidelines developed by the National Council of Juvenile and Family Court Judges for child dependency cases.

5.12 Creation of a Statewide Office of Juvenile Advocacy and Representation. We recommend that the juvenile defense function currently implemented through district indigent defender boards be centralized into an independent statewide juvenile defender service having common guidelines, supervision, and common pay plan. We further recommend that this Office develop and implement a set of mandatory best practice standards for representing youth and that the Office provide continuing training, education, and support to ensure the utilization of these standards.

5.13 Family-Friendly Information Services. We recommend that information regarding the juvenile court process, foster care, adoption, termination of parental rights, voluntary surrender, voluntary custody, mental health commitment, probation services,

and children's rights be provided in user-friendly formats (easy-to-read materials, video, web sites, etc) to children, parents and other guardians, and other concerned adults.

5.14 Graduated or Progressive Sanctions. We recommend that courts, prosecutors, public defenders, and service providers collaborate on the development and application of a system of community-based, graduated sanctions in each juvenile jurisdiction. This system would combine treatment and rehabilitation with reasonable, fair, humane, and appropriate sanctions, and offer a full continuum of care consisting of diverse programs utilizing proven effective or promising strategies. The continuum would include: immediate sanctions within the community for first-time, non-violent offenders; intermediate sanctions within the community for more serious offenders; secure care programs for the most violent offenders; and aftercare programs that provide high levels of social control and treatment services. Juvenile offenders should move along this continuum through a well-structured system of phases that addresses both their needs and the safety of the community. We also recommend that each Regional Juvenile Justice Planning and Development Board encourage the development and application of such a graduated sanctions system through training and capacity-building conferences and workshops.

5.15 Diversionary Processes. We recommend the expanded use of informal processes (e.g. use of ADR techniques, use of informal adjustment agreements, prosecutor diversion programs, informal FINS, law enforcement counsel, warn, and release programs, and other such programs) in all types of cases within juvenile jurisdiction, especially in child dependency, pre-delinquency, and minor delinquency cases. Such processes have a research base that demonstrates effectiveness in promoting settlements, reducing the caseloads that burden judges, prosecutors, and defenders, and reducing costs.

5.16 Expanded Use of Hearing Officers. We recommend the expanded use of hearing officers in juvenile courts. Hearing officers currently handle child support cases and serve as traffic referees. However, hearing officers might also be helpful in presiding at all case management hearings and pre-adjudicative hearings not involving detention or custody determinations.

5.17 Court Delays and Case Management. We recommend that courts develop techniques and strategies for reducing delays in juvenile proceedings and for managing cases more efficiently and effectively. We recommend that the Supreme Court develop a best practices guide for reducing delays in all juvenile proceedings.

5.18 Mandatory Judicial Training. We recommend that all judges having juvenile jurisdiction be required by the Supreme Court to have eight hours of continuing legal education each year in juvenile law or in his or her specialized, subject-matter jurisdiction within juvenile law.

5.19 Standardization of State Service Provision Regions. We recommend that all service provision regions of the state affecting child welfare, mental health, and juvenile justice (OCS, OYD, LCLE, and OMH) be standardized.

5.20 Pro Bono Attorney Recruitment Program. We recommend that the Supreme Court, in association with the Louisiana State Bar Association and other bar associations throughout the state, develop a short video and other materials illustrating the benefits and availability of training as part of a an overall program of recruiting pro bono attorneys to represent children and other parties in juvenile cases.

Questions or comments on these Draft Recommendations may be sent to the Juvenile Justice Commission through their website at:

<http://jjc.legis.state.la.us/index.htm>

or mailed to:

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