

Juvenile Holdover Programs, Monitoring Standards

Youth Justice Council
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Juvenile Justice Unit
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Preface

This manual was originally developed in 1991 as a model and a resource for any Montana community planning on developing a Holdover Program. It has been updated to include:

- ❖ A glossary of terms.
- ❖ An overview of the Juvenile Justice Delinquency Prevention Act of 2002 and subsequent amendments.
- ❖ An overview of the Montana Youth Court Act.
- ❖ Charts containing the most restrictive laws (either federal or state) for easy determination of the most appropriate legal placement for youth in Holdover Programs.
- ❖ A list of possible facilities that could be used for Holdover Programs.
- ❖ Elements of a holdover program including admission policy, intake procedures and assessment, services and care, discharge procedures, client records, staff qualifications and staff training.
- ❖ Sample forms and assessments.
- ❖ Self-certification check list for a community Holdover Program.

Glossary

Accuse. To bring charges against a person of breaking the law.

Adjudicate. To judge or decide by law; give judgment. A judge's decision, a court's finding.

Adult. An individual who is 18 years of age or older.

Adult jail. A locked facility administered by the State, county, or local law enforcement and correctional agencies to detain adults charged with violating criminal law, pending trial, or to hold convicted adult criminal offenders sentenced for less than one year.

Adult lockup. Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature that does not hold persons after they have been formally charged.

Allege. To assert or declare without proof.

Civil-type offender. A juvenile offender who has been charged with or adjudicated for an offense that is civil in nature. Examples include non-criminal traffic violations and non-criminal fish and game violations.

Collocated facility. A juvenile facility that is located in the same building as an adult jail or lockup or is part of a related complex of buildings located on the same grounds as an adult jail or lockup. A complex of buildings is considered "related" when it shares physical features such as walls and fences or services beyond mechanical services (heating, air conditioning, water, and sewer).

Correctional facility. A public or private, physically secure, residential facility under contract with the Montana Department of Corrections and operated solely for the purpose of housing adjudicated delinquent youth. There are currently two correctional facilities in Montana, the Pine Hills youth correctional facility in Miles City and the Riverside youth correctional facility in Boulder.

Criminally-convicted youth. A youth convicted in a district court pursuant to 41-5-206 MCA.

Criminal-type offender. A juvenile offender who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 41.304(g)). A juvenile held for criminal contempt remains a status offender unless: 1) the offense committed by the offender resulting in the criminal contempt charge would have been a crime, other than contempt, if committed by an adult. MCA 41-5-1431(3) specifically disallows any disposition for violation of probation that was not available in the original case.

Delayed egress device. A device that precludes the use of exits for a predetermined period of

time.

Delinquent youth. A youth who is adjudicated under formal proceedings under the Montana Youth Court Act as a youth who has: a) committed an offense that, if committed by an adult, would constitute a criminal offense; or b) been placed on probation as a delinquent youth and who has violated any condition of probation.

Detention. Holding or temporary placement of a youth in the youth's home under home arrest or in a facility other than the youth's own home for: a) the purpose of ensuring the continued custody of the youth at any time after the youth is taken into custody and before final disposition of the youth's case; b) contempt of court or violation of a valid court order; or c) violation of a youth parole agreement.

Detention facility. A physically restricting facility designed to prevent a youth from departing at will. The term includes a youth detention facility, short-term detention center, and regional detention facility.

Egress. A way out; exit.

Family. The parents, guardians, legal custodians, and siblings or other youth with whom a youth ordinarily lives.

Federal ward. Alien juveniles in federal custody. They cannot be placed in secure detention facilities or secure correctional facilities nor can they be held beyond 24 hours without a written contract or agreement with the appropriate Federal agency.

Habitual truancy. Recorded absences of 10 days or more of unexcused absences in a semester or absences without prior written approval of a parent or a guardian.

Holdover. A room, office, building, or other place approved by the Montana Board of Crime Control for the temporary detention and supervision of youth in a physically unrestricting setting for a period not to exceed 24 hours while the youth is awaiting a probable cause hearing, release, or transfer to an appropriate detention or shelter care facility. The term does not include a jail.

Jail. A facility used for the confinement of adults accused or convicted of criminal offenses. The term includes a lockup or other facility used primarily for the temporary confinement of adults after arrest but does not include a collocated juvenile detention facility that complies with 28 CFR, part 31.

Juvenile who has been adjudicated as having committed an offense. A juvenile with respect to whom the juvenile court has determined that such juvenile is a juvenile offender, that is, a criminal-type offender or a status offender.

Non-offender. A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes, for reasons other than legally prohibited conduct of the juvenile.

Regional detention facility. A youth detention facility established and maintained by two or more counties.

Running away from home. A youth who has been reported to have run away from home without the consent of a parent or guardian or a custodian having legal custody of the youth.

Secure custody. Can occur within a jail or lockup facility when a juvenile is physically detained or confined in a locked room, set of rooms, or a cell that is designated, set aside, or used for the specific purpose of securely detaining persons who are in law enforcement custody. Secure detention or confinement may result either from being placed in such a room or enclosure and/or from being physically secured to a cuffing rail or other stationary object.

Secure detention facility. A public or private facility that a) is used for the temporary placement of youth or individuals accused or convicted of criminal offenses or as a sanction for contempt of court, violation of a parole agreement, or violation of a valid court order; and b) is designed to physically restrict the movements and activities of youth or other individuals held in lawful custody of the facility.

Secure facility. A detention or correctional residential facility that includes construction features designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures. It does **not** include facilities where physical restriction of movement or activity is provided solely through facility staff.

Serious juvenile offender. A youth who has committed an offense that would be considered a felony offense if committed by an adult and that is an offense against a person, an offense against property, or an offense involving dangerous drugs.

Shelter care. The temporary substitute care of youth in physically unrestricting facilities.

Shelter care facility. A facility used for the shelter care of youth. The term is limited to a) a licensed youth care facility; or b) a youth's own home when the youth is under home arrest, with or without a monitoring device.

Sight contact. Clear visual contact between incarcerated adults and juveniles within close proximity to each other.

Sound contact. Direct oral communication between incarcerated adults and juvenile offenders.

Staff secure facility. A residential facility which:

- does **not** include construction features designed to physically restrict the movements and activities of juveniles who are in custody therein
- may establish reasonable rules restricting entrance to and egress from the facility
- may restrict or control the movements and activities of individual juvenile residents through the use of intensive staff supervision.

Status offender. A juvenile offender who has been charged with or adjudicated for conduct which would **not**, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304(h)). A juvenile held for criminal contempt remains a status offender unless: 1) the offense committed by the offender resulting in the criminal contempt charge would have been a crime other than contempt if committed by an adult; or 2) the court order violated by the youth was issued by a process that meets the federal definition of a valid court order (VCO). As status offenders, juveniles who violate a VCO cannot be held in an adult jail or lockup for any length of time (pages 19-23, OJJDP Guidance Manual). The following are examples of status offenses:

- Truancy
- Violations of curfew
- Unruly behavior
- Runaway
- Underage possession and/or consumption of tobacco products
- Underage possession and/or consumption of alcohol.

Youth. An individual who is less than 18 years of age without regard to sex or emancipation.

Youth assessment center. A staff-secured location that is licensed by the Montana Department of Public Health and Human Services to hold a youth for up to 10 days for the purpose of providing an immediate and comprehensive community-based youth assessment to assist the youth and the youth's family in addressing the youth's behavior.

Youth court. The court established to hear all proceedings in which a youth is alleged to be a delinquent youth or a youth in need of intervention and includes the youth court judge, probation officers, and assessment officers.

Youth detention facility. A secure detention facility licensed by the Department of Corrections for the temporary substitute care of youth that is operated, administered and staffed separately and independently of a jail **or** is a collocated secure detention facility that complies with 28 CFR, part 31. In either case, the facility must be used exclusively for the lawful detention of alleged or adjudicated delinquent youth or as a sanction for contempt of court, violation of a parole agreement, or violation of a valid court order.

Youth in need of care: A youth who is dependent, neglected, and/or abused.

Youth in need of intervention. A youth who is adjudicated as a youth and who commits an offense prohibited by law that if committed by an adult would not constitute a criminal offense,

including but not limited to a youth who:

- violates any Montana municipal or state law regarding alcoholic beverages
- continues to exhibit behavior, including running away from home or habitual truancy, beyond the control of the youth's parents, foster parents, physical custodian, or guardian despite the attempt of the youth's parents, foster parents, physical custodian, or guardian to exert all reasonable efforts to mediate, resolve, or control the youth's behavior
- has committed any of the acts of a delinquent youth but whom the youth court, in its discretion, chooses to regard as youth in need of intervention.

What is a Juvenile Holdover Program?

The majority of Juvenile Holdover Programs operating across the United States are designed to be used as short-term holding programs for low risk or non-violent juvenile offenders or children in need of care. Nationwide, juvenile behaviors most likely to lead to placement in a juvenile holdover program are: curfew violations, loitering violations, running away from home, liquor law violations, underage drinking, and impaired driving.

If certain criteria are met, Juvenile Holdover Programs can be located in a variety of facilities including separate **non-secure** areas of juvenile detention centers, administrative areas of the local police station or sheriff's office, church basements, and rooms or lobby areas of social service agencies and nonprofit organizations. A Juvenile Holdover Program may be a separate entity, or it may be part of another agency's program such as an intake and assessment center or a juvenile probation office.

The Holdover Program provides short-term supervision (24 hours or less) for youth awaiting a court appearance, waiting to be reunited with family, or waiting until placement can be made in an appropriate juvenile facility. Youth who could be served by the holdover program include:

- ⇒ Alleged juvenile status offenders, non-offenders, or civil-type offenders
- ⇒ Alleged juvenile status offenders accused of violating a Valid Court Order
- ⇒ Adjudicated juvenile status offenders
- ⇒ Juvenile status offenders adjudicated for violating a Valid Court Order
- ⇒ Alleged juvenile delinquents
- ⇒ Adjudicated juvenile delinquents

Key elements

Integrated. The juvenile holdover program is part of a continuum of detention services available to the community and provides the *least* restrictive setting to a juvenile in keeping with federal and state law. Holdover programs are coordinated by the Juvenile Probation Office.

Short-term. The program provides placement of juveniles for 24 hours or less.

Available. The program provides services 24 hours a day, seven days a week, upon relatively short notice.

Accessible. The physical site must be easily accessible for those bringing youth into custody and for staff/volunteers providing supervision. A juvenile holdover program should be located in a safe area that is not isolated and back-up services that may be needed such as medical care should be nearby.

Provides minimum services for an overnight stay. The program must be able to provide meals, bedding, and restroom facilities for youth. Careful attention must be paid to appropriate privacy and gender-specific needs.

Provides trained staff. Supervision to program youth must be provided by staff and/or volunteers who have been trained through a comprehensive curriculum. Such training includes:

- ❖ ***Responsiveness to youth's immediate needs.*** The first program priority is to make the juvenile feel safe and then assure that his/her basic needs are met (e.g. food, water, personal hygiene, sleep). Staff must be skilled in addressing the youth's anxieties and apprehensions.
- ❖ ***Screening and assessment.*** The ability to: 1) determine the general needs and risks presented by a youth admitted to the program; and 2) respond to those needs that require immediate attention such as a suicide risk, medical concerns, and child abuse or neglect.
- ❖ ***Crisis intervention.*** The ability to intervene when behavioral and/or emotional problems present an immediate threat to the youth or others.
- ❖ ***Referral.*** Knowledge about available community resources and procedures to refer youth and their families when needed.
- ❖ ***Coordination of post release services.*** Ability to provide appropriate information to: 1) youth and their families regarding the next step; and 2) the entity to which the youth has been referred (such as the county attorney, child protective services, youth court, or youth probation officer).

Legal Issues

This chapter will review those legal issues that have an impact on the development, administration, and operation of a juvenile holdover program. Included in this review are issues related to jurisdiction, custody, bail, rights of youth, authority to hold youth, liability, and duty to report child abuse and neglect.

Youth court jurisdiction

The Youth Court has exclusive original jurisdiction of all proceedings under the Montana Youth Court Act in which a youth is alleged to be a delinquent youth or a youth in need of intervention or concerning any person under 21 years of age charged with having violated any law of the state or any ordinance of a city or town other than a traffic or fish and game law prior to having become 18 years of age.

Exception: Cases filed in district court under 41-5-206. (Refer to “Age and offense limitations established by Montana law,” pages 5 and 6 of this manual.)

Exception: Justices, municipal, and city courts have concurrent jurisdiction with the youth court over all alcoholic beverage, tobacco products, and gambling violations alleged to have been committed by a youth.

The county where a youth is a resident or is alleged to have violated the law has initial jurisdiction over any youth alleged to be a delinquent youth or youth in need of intervention. Except as provided in 41-5-206, the youth court shall assume the initial handling of the case.

Taking into custody

Custody. (1) A guarding or keeping safe; care; protection; guardianship. (2) detention. Under 41-5-321 of the Montana Youth Court Act:

- (1) A youth may be taken into custody under the following circumstances:
 - (a) by a law enforcement officer pursuant to a lawful order or process of any court;
 - (b) by a law enforcement officer pursuant to a lawful arrest for violation of the law;
 - (c) by a juvenile home arrest officer or an officer listed in subsections (1)(a) and (1)(b) if a youth placed under a home arrest program has violated a condition of the placement and the home arrest officer or law enforcement officer has direct knowledge of the violation or a juvenile probation officer has provided the juvenile home arrest officer notice of a violation.
- (2) The taking of a youth into custody is not an arrest except for the purpose of determining the validity of the taking under the constitution of Montana or the United States.

Rights of youth taken into custody

Under section 41-5-331 of the Montana Youth Court Act:

- (1) When a youth is taken into custody for questioning upon a matter that could result in a petition alleging that the youth is either a delinquent youth or a youth in need of intervention, the following requirements must be met:
 - (a) The youth must be advised of the youth's right against self-incrimination and the youth's right to counsel.
 - (b) The investigating officer, probation officer, or person assigned to give notice shall immediately notify the parents, guardian, or legal custodian of the youth that the youth has been taken into custody, the reasons for taking the youth into custody, and where the youth is being held. If the parents, guardian, or legal custodian cannot be found through diligent efforts, a close relative or friend chosen by the youth must be notified.
- (2) A youth may waive the rights listed in subsection (1) under the following situations:
 - (a) when the youth is 16 years of age or older, the youth may make an effective waiver;
 - (b) when the youth is under 16 years of age and the youth and the youth's parent or guardian agree, they may make an effective waiver; or
 - (c) when the youth is under 16 years of age and the youth and the youth's parent or guardian do not agree, the youth may make an effective waiver only with advice of counsel.

Investigation, fingerprints, and photographs

A youth may be fingerprinted or photographed for criminal identification purposes:

- (a) if arrested for conduct alleged to be unlawful that would be a felony if committed by an adult;
 - (b) pursuant to a search warrant, supported by probable cause, issued by a judge, justice of the peace, or magistrate; or
 - (c) upon the order of the youth court judge, after a petition alleging delinquency has been filed.
- (See Section 41-5-1206 of the Montana Youth Court Act.)

Release from custody

Under section 41-5-322 of the Montana Youth Court Act:

- (1) Whenever a peace officer believes, on reasonable grounds, that a youth can be released to a responsible person, the peace officer may release the youth to that person upon receiving a written promise from the person to bring the youth before the probation officer at a time and place specified in the written promise, or a peace officer may release the youth under any other reasonable circumstances.
- (2) Whenever the peace officer believes, on reasonable grounds, that the youth must be detained, the peace officer shall notify the probation officer immediately and shall, as soon as practicable, provide the probation officer with a written report of the peace officer's reasons for holding the youth in detention. If it is necessary to hold the youth pending appearance before the youth court, then the youth must be held in a place of detention, as provided in 41-5-348, that is approved by the youth court.

- (3) If the peace officer believes that the youth must be sheltered, the peace officer shall notify the probation officer immediately and shall provide a written report of the peace officer's reasons for placing the youth in shelter care. If the youth is then held, the youth must be placed in a shelter care facility approved by the youth court.

Bail

A youth placed in detention or shelter care may be released on bail. The court shall use the provisions of Title 46, chapter 9, as guidance. In determining the amount of bail, the court shall consider the financial ability of the youth and the parents or legal custodian of the youth. (Section 41-5-323, Montana Youth Court Act.)

Probable cause hearing

Section 41-5-331 of the Montana Youth Court Act requires a hearing to determine whether there is probable cause to believe the youth taken into custody is a delinquent youth or a youth in need of intervention. The hearing *must be held within 24 hours, excluding weekends and legal holidays*.

A hearing is *not* required if: (1) the youth is released prior to the time of the required hearing; or (2) the youth was placed in detention for an alleged parole violation.

Referral of youth in need of care

If the youth is determined to be a youth in need of care, the matter must be immediately referred to the county child protective services. (See Section 41-5-1201, Montana Youth Court Act.)

All staff members of the Juvenile Holdover Program are required to report any actual, suspected, or reported physical or sexual abuse of a youth in the program.

Procedure

1. The staff member completes an Incident Report within 24 hours of the recognition of abuse.
2. The Incident Report is to be submitted to the Chief Juvenile Probation Officer or designee.
3. In the case of alleged abuse by a staff member or someone involved with the youth during placement,
 - a) the Chief Juvenile Probation Officer is to be notified immediately.
 - b) The individual alleged to have committed the abuse is to have no contact with the youth alleging the abuse until the completion of the investigation.
 - c) Dependant upon the results of the investigation, the individual may be subject to supervisory intervention or disciplinary actions.
4. The Chief Juvenile Probation Officer will notify the child protective services of the allegation and cooperate with them in the investigation.
5. The caseworker and legal guardian(s) of the youth will be notified of the alleged abuse.

Liability

Certain liability issues must be addressed prior to establishing a Juvenile Holdover Program. Such issues include:

1. The legal authority of the program to hold the youth.
2. The legal status of the entity that operates the program as well as the entity that owns the program's facility.
3. Intake and screening processes that assure appropriate placement of a youth in the holdover program.
4. Insurance coverage.
5. Screening and selection of holdover program staff and volunteers.
6. Training for program staff and volunteers to assure understanding and performing the duties and responsibilities of their positions.
7. Handling complaints of staff misconduct involving youth.

Searches

It is important to locate and remove any items that present a danger to the youth or to others (such as weapons or items that can be used as weapons) as well as any illegal item within the youth's possession (such as drugs, alcohol and tobacco).

The legal permissibility of searching the youth depends upon: 1) the danger posed by the youth; 2) the probable cause; and 3) whether the person is in custody. If the youth is considered to be in custody a search may be conducted for custodial purposes. The search should not be more invasive of the person than is needed to assure the safety and health of the youth and others. Testing for drugs and other substances is a search. Testing for illness or disease may also be considered a search.

Compliance

Juvenile Holdover Programs must comply with the federal Juvenile Justice and Delinquency Prevention Act of 2002 as amended and the Montana Youth Court Act.

Overview of the Juvenile Justice Delinquency Prevention Act and The Montana Youth Court Act

Juvenile Justice and Delinquency Prevention (JJDP) Act

The Juvenile Justice and Delinquency (JJDP) Act of 2002 and subsequent amendments were the result of research documenting that detention facilities were being used extensively to confine juvenile status offenders or non-offenders. The adverse impacts of detaining juveniles in adult jails and lockups included: a high suicide rate; physical, mental, and sexual assault; inadequate care and programming; negative labeling; and inappropriate exposure to serious offenders and mental patients. Amendments to the Act established four core protections with which Montana must comply to receive grants under the JJDP Act.

The four core protections are:

- deinstitutionalization of status offenders (DSO)
- removal of juveniles from adult jails and lockups (jail removal)
- separation of juveniles from adult offenders (separation)
- reduction of disproportionate minority confinement (DMC) where it exists.

Montana Youth Court Act

The Montana Youth Court Act must be interpreted and construed to effectuate the following express legislative purposes:

1. to preserve the unity and welfare of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of a youth coming within the provisions of the Montana Youth Court Act;
2. to prevent and reduce youth delinquency through a system that does not seek retribution but that provides:
 - a) immediate, consistent, enforceable, and avoidable consequences of youth's actions;
 - b) a program of supervision, care, rehabilitation, detention, competency development, and community protection for youth before they become adult offenders; and
 - c) in appropriate cases, restitution as ordered by the youth court;
3. to achieve the purposes of subsections (1) and (2) in a family environment whenever possible, separating the youth from the parents only when necessary for the welfare of the youth or for the safety and protection of the community;
4. to provide judicial procedures in which the parties are ensured a fair, accurate hearing and recognition and enforcement of their constitutional and statutory rights.

The following explanations of the four core protections as well as the accompanying charts represent a synthesis of the Juvenile Justice and Delinquency Prevention Act and the Montana Youth Court Act. The more restrictive of the two is cited to assure compliance with both federal and state laws.

Deinstitutionalization of status offenders (DSO)

Rule: *No status offender or non-offender may be held in secure detention or confinement.*

Federal law allows exceptions to the DSO requirement for: 1) accused status offenders or non-offenders; and 2) status offenders accused of violating a Valid Court Order. **Montana law allows for neither of these exceptions.**

Separation of juveniles from adult offenders

Rule: *Juveniles alleged to be or found to be delinquent, as well as status offenders and non-offenders, shall not be detained or confined in any institution in which they have contact with adult persons incarcerated because they have been convicted of a crime or awaiting trial on criminal charges.*

The intent of a separated juvenile justice system is to rehabilitate and treat juvenile offenders. Research has found that placing youth in institutions where they are mixed with adult inmates is emotionally and physically traumatic, resulting in further victimization. Moreover, commingling juvenile offenders with adults provides an education in crime.

The separation mandate of the Juvenile Justice and Delinquency Prevention Act, Section 223 (a) (13), provides that youth shall not be detained or confined in a secure institution in which they have contact with incarcerated adults, including inmate trustees. This requires complete separation so that there is no sight or sound contact with adult offenders in the facility. Separation must be provided in all secure areas of the facility including sally ports, entry/booking areas, hallways, sleeping, dining, recreation, educational, vocational, and health care areas.

Sight contact is defined as clear visual contact between incarcerated adults and juveniles within close proximity to each other.

Sound contact is defined as direct oral communication between incarcerated adults and juvenile offenders.

Removal of juveniles from adult jails and lockups

Rule: *Juveniles who may be subject to the original jurisdiction of the juvenile court based on age and offense limitations established by State law cannot be held in jails and law enforcement lockups in which adults may be detained or confined.*

Research shows that young people held in adult facilities are sexually assaulted five times more often than youth in juvenile facilities, assaulted by staff twice as often, assaulted with a weapon 50 percent more often and commit suicide eight times more often than those in juvenile detention facilities. For these reasons, Congress amended the original JJDP Act to include the jail and lockup removal requirement.

Exception: Age and offense limitations established by Montana law.

Montana law (41-5-206 MCA) allows for certain youth to be detained in a jail or other adult detention facility pending final disposition of the youth's case **only** when a hearing has been held and the youth's case has been transferred to adult district court because of one or more of the following criminal offenses:

1. The youth charged was *12 years of age or older* at the time of the conduct alleged to be unlawful and the unlawful act would, if it had been committed by an adult, constitute:
 - sexual intercourse without consent
 - deliberate homicide
 - mitigated deliberate homicide
 - assault on a peace officer or judicial officer
 - the attempt of or accountability for either deliberate or mitigated deliberate homicide.
2. The youth charged was *16 years of age or older* at the time of the conduct alleged to be unlawful and the unlawful act is one or more of the following:
 - negligent homicide
 - arson
 - aggravated assault
 - assault with a weapon
 - robbery
 - burglary or aggravated burglary
 - aggravated kidnapping
 - possession of explosives
 - criminal distribution of dangerous drugs
 - criminal possession of dangerous drugs
 - criminal possession with intent to distribute
 - criminal production or manufacture of dangerous drugs
 - use of threat or violence to coerce criminal street gang escape
 - attempt of or accountability for any of the acts listed in #1.

The youth must be kept in an area that provides physical separation from adults accused or convicted of criminal offenses.

Exception: Six-hour hold for accused delinquent offenders.

Accused delinquent offenders (youth who have allegedly committed an offense that if committed by an adult would constitute a criminal offense) may be detained for *up to 6 hours* in an adult jail or lockup facility for the limited purposes of identification, processing, or transfer of the youth to an appropriate detention facility or shelter care facility. Any holding of juveniles should be limited to the absolute minimum time necessary to complete these purposes, not to exceed 6 hours. Any hold of an adjudicated delinquent that is not related to a court appearance is a violation of jail removal.

Once the juvenile has been placed in a secure custody status and the 6-hour period has begun, the facility cannot temporarily take the juvenile out of a secure custody status and begin the 6-hour time period again. For example, if a juvenile was placed in a secure custody status for 4 hours, then was taken to a nonsecure interview room for 1 hour, then was returned to a secure custody status for 2 hours, the total time to report for the jail removal provision is 7 hours and would be a violation of the 6-hour limit.

Physical, sight and sound separation from adult offenders must be maintained at all times.

Exception: Rural areas -- 24 hour hold for accused delinquent offenders.

Youth accused of delinquent offenses who are awaiting an initial court appearance may be detained beyond the 6-hour limit if *all* the following conditions apply.

1. When the youth is taken into custody for questioning, a hearing to determine whether there is probable cause to believe the youth is a delinquent youth or a youth in need of intervention must be held within 24 hours, excluding weekends and legal holidays. (41-5-332, MCA)
2. The geographic area having jurisdiction over the juvenile is outside a metropolitan statistical area qualifying as a rural area. In Montana, only Cascade, Missoula and Yellowstone Counties qualify as metropolitan statistical areas. All other counties qualify as rural.
3. A determination must be made that there is no existing acceptable alternative placement for the juvenile.
4. The adult jail or lockup must have been certified by the Montana Board of Crime Control to provide for the sight and sound separation of juveniles and incarcerated adults; and
5. Jails and lockups used for temporary holding of youth should provide youth-specific admissions screening and continuous visual supervision of youth.

Physical, sight and sound separation from adult offenders must be maintained at all times.

Disproportionate minority confinement

The disproportionate minority confinement (DMC) mandate, Section 223 (a) (23), required states to address efforts to reduce the number of minority youth in secure facilities where the proportion of minority youth in confinement exceeds the proportion such groups represent in the general population. In order to meet the DMC mandate, the Montana Board of Crime Control gathers and analyzes data, identifies and assesses problems, develops programs and initiates systems improvement.

Placement of juveniles in adult jails and lockups

| Youth | Urban Adult Jail or Lockup (Cascade County, Missoula County and Yellowstone County) | Rural Adult Jail or Lockup (All counties in Montana except Cascade, Missoula and Yellowstone Counties) |
|--|---|--|
| Alleged juvenile status offender, nonoffender, or civil-type offender. | Secure holding prohibited. JJDP* | Secure holding prohibited. JJDP |
| Alleged juvenile status offender accused of violating a Valid Court Order. | Secure holding prohibited. JJDP | Secure holding prohibited JJDP |
| Adjudicated juvenile status offender | Secure holding prohibited. JJDP | Secure holding prohibited. JJDP |
| Juvenile status offender adjudicated for violating a Valid Court Order | Secure holding prohibited. JJDP | Secure holding prohibited. JJDP |
| Alleged juvenile delinquent. | Secure holding limited to 6 hours for identification, processing, or transfer to appropriate alternative facility. Physical, sight and sound separation from adults is required. MT YCA 41-5-349** | Secure holding limited to 24 hours, excluding weekends and legal holidays, if the youth is awaiting a probable cause hearing and appropriate alternative facilities are not available. Physical, sight and sound separation from adults is required. MT YCA 41-5-349 |
| Adjudicated juvenile delinquent. | Secure holding prohibited. MT YCA 41-5-349 | Secure holding prohibited. MT YCA 41-5-349 |
| Juvenile transferred to criminal court and charged with or convicted of a felony | Secure holding allowed pending final disposition of a case filed in the district court. Physical separation is required. MT YCA 41-5-206 | Secure holding allowed pending final disposition of a case filed in the district court. Physical separation is required. MT YCA 41-5-206 |
| Adult accused of or convicted of a crime | No restrictions on holding. JJDP | No restrictions on holding. JJDP |

* Juvenile Justice and Delinquency Prevention Act (JJDP) is most restrictive.

** Montana Youth Court Act (MT YCA) is most restrictive.

Placement of juveniles in juvenile detention, juvenile correctional facilities or collocated juvenile facilities

| Youth | Secure Juvenile Detention, Juvenile Correctional Facilities, or Collocated Juvenile Facilities* |
|--|---|
| Alleged juvenile status offender, nonoffender, or civil-type offender | Secure holding prohibited MT YCA** 41-5-341 |
| Alleged juvenile status offender accused of violating a Valid Court Order. (See Valid Court Order Checklist, next page.) | Secure holding prohibited MT YCA 41-5-341 |
| Adjudicated juvenile status offender | Secure holding prohibited. JJDP |
| Juvenile status offender adjudicated for violating a Valid Court Order. | Secure holding prohibited MT YCA 41-5-341 |
| Alleged juvenile delinquent. | <p>Holding is allowed only if the youth has:</p> <ol style="list-style-type: none"> 1. escaped from a correctional facility or secure detention facility; 2. has violated a Valid Court Order or a parole agreement; 3. the youth's detention is required to protect persons or property; 4. the youth has pending court or administrative action or is awaiting a transfer to another jurisdiction and may abscond or be removed from the jurisdiction of the court; 5. there are not adequate assurances that the youth will appear for court when required; 6. the youth meets additional criteria for secure detention established by the youth court in the judicial district that has current jurisdiction over the youth. <p style="text-align: center;">MT YCA 41-5-341</p> |
| Adjudicated juvenile delinquent | <p>Holding is allowed only if awaiting final disposition of the youth's case.</p> <p style="text-align: center;">MT YCA 41-5-341</p> |
| Juvenile transferred to criminal court and convicted of a misdemeanor. | Secure holding prohibited MT YCA 41-5-341 |

* **Detention facility.** A physically restricting facility designed to prevent a youth from departing at will. The term includes a youth detention facility, short-term detention center, regional detention facility, and co-located juvenile detention center. See description of collocated facility on next page.

** Montana Youth Court Act

Collocated facility

Collocated facility

Collocated facility. A collocated facility is a juvenile detention facility that is located in the same building as an adult jail or lockup or is part of a related complex of buildings located on the same grounds as an adult jail or lockup. A complex of buildings is considered related when it shares physical features such as walls and fences or services beyond mechanical services (heating, air conditioning, water, and sewer) or beyond specialized services such as medical care, food service, laundry, maintenance, and engineering.

Each of the following four criteria must be met in order to ensure the required separateness of a juvenile detention facility that is collocated with an adult jail or lockup:

- The facility must ensure separation between juveniles and adults such that there could be no sustained sight or sound contact between juveniles and incarcerated adults in the facility. Separation can be achieved architecturally or through time phasing of common use nonresidential areas.
- The facility must have separate juvenile and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility that provides for a full range of separate program services. No program activities may be shared by juveniles and incarcerated adults. Time phasing of common use nonresidential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns.
- The facility must have separate staff for the juvenile and adult populations, including management, security, and direct care staff. Staff providing specialized services (e.g. medical care, food service, laundry, maintenance, and engineering) who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of juveniles and adults can serve both populations (subject to State standards or licensing requirements). The day-to-day management, security, and direct care functions of the juvenile detention center must be vested in a totally separate staff, dedicated solely to the juvenile population within the collocated facilities.
- The facility must meet all Montana standards and licensing requirements for juvenile detention facilities.

In the absence of all four of the above criteria, juvenile detention facilities collocated with adult facilities are considered adult jails or lockups.

Placement of juveniles in shelter care and youth assessment centers

| Youth | Non-secure or Staff Secure Shelter Care Facility* | Non-secure or Staff Secure Youth Assessment Center |
|--|---|---|
| Alleged juvenile status offender, non-offender, or civil-type offender | No restrictions on holding | No restrictions on holding |
| Alleged juvenile status offender accused of violating a Valid Court Order | No restrictions on holding | No restrictions on holding |
| Adjudicated juvenile status offender | No restrictions on holding | No restrictions on holding |
| Juvenile status offender adjudicated for violating a Valid Court Order | No restrictions on holding | No restrictions on holding |
| Alleged juvenile delinquent | No restrictions on holding as long as the youth has not committed an act that would be a felony if committed by an adult. MT YCA 41-5-343 | No restrictions on holding as long as the youth has not committed an act that would be a felony if committed by an adult. MT YCA 41-5-343 |
| Adjudicated juvenile delinquent | No restrictions on holding as long as the youth has not committed an act that would be a felony if committed by an adult. MT YCA 41-5-343 | No restrictions on holding as long as the youth has not committed an act that would be a felony if committed by an adult. MT YCA 41-5-343 |
| Juvenile transferred to criminal court and charged with or convicted of a felony | Holding prohibited MT YCA 41-5-343 | Holding prohibited MT YCA 41-5-343 |
| Adult accused of or convicted of a crime | Holding prohibited | Holding prohibited |

* **Shelter care facility.** A licensed, physically non-restrictive youth care facility.

Placement of juveniles in police station or law enforcement facility

Police station or law enforcement facility

53 Fed. Reg. 44366 and 41-5-350, MCA

In order to accommodate the needs of law enforcement, youth (including criminal-type offenders, status offenders, and nonoffenders) may be held *nonsecurely* in a police station or other law enforcement facility that is **not** attached to or part of a jail. See MCA 41-5-103(25).

Even though a youth in law enforcement custody may not be free to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility, he/she can still be in nonsecure custody. Nonsecure custody criteria includes:

1. Holding the youth in an *unlocked multipurpose area* not used as a secure area (such as a lobby, office, interrogation room) or, if it is a secure area, used *only* for processing purposes (finger printing and photographing).
2. The juvenile is *not* physically secured to a cuffing rail or other stationary object during the period of custody in the facility. A cuffing apparatus is not in the room.
3. Use of the area is limited to providing nonsecure custody only long enough and for the purposes of identification, processing, or transfer of the youth to an appropriate detention or shelter care facility.
4. The area is *not* designed or intended to be used for residential purposes.
5. Continuous visual supervision of the youth is provided by a law enforcement officer or facility staff during the period of nonsecure custody.

In addition, a juvenile placed in the following situations would be considered in a nonsecure status:

- ⇒ Handcuffing techniques that do not involve cuffing rails or other stationary objects are considered nonsecure if the five criteria listed above are adhered to.
- ⇒ Where a secure booking area is all that is available, and continuous visual supervision is provided throughout the booking process, and the youth remains in the booking area only long enough to be photographed and fingerprinted, the youth is not considered to be in a secure detention status. Continued nonsecure custody for the purposes of interrogation, contacting parents, or arranging other placement must occur outside the booking area.
- ⇒ A youth placed in a secure police car for transportation.
- ⇒ A youth placed in a nonsecure runaway shelter but prevented from leaving due to staff restricting access to exits. A facility may be nonsecure if physical restriction of movement or activity is provided solely through facility staff.

Holdover Program Site

The Holdover Program will be housed in an area that is not part of an adult detention facility. The site and furnishings must comply with all federal, state, and local building, fire, sanitation, safety and health codes as well as applicable zoning requirements.

The Americans with Disabilities Act (ADA) has specific requirements for access to public buildings and facilities designed to provide services and care to individuals with handicaps or disabilities. If the Juvenile Holdover Program is to be located in a public facility, these specifications may have already been addressed. If the program is in a stand-alone facility, it may be necessary to retrofit the facility to meet the ADA requirements.

Minimum requirements for a Juvenile Holdover Program facility are as follows:

- Minimum of 60 square feet per client and chairs sufficient to allow all clients and staff a place to sit.
- Access to a bathroom with a lavatory and shower/bathtub.
- Access to a minimum of one bed or suitable sleeping area per client, preferably in a semi-private area of the room that allows for monitoring by the staff without undue disturbance of the youth.
- Telephone with access to an outside line.
- Kitchenette with microwave and refrigerator or ready access.
- Television set, books, magazines.
- Access to personal hygiene supplies.
- First Aid supplies such as bandages, antiseptic ointment/spray, hydrogen peroxide, thermometer, throat lozenges, disposable surgical gloves.
- Access to cleaning supplies
- Immediate access to back-up staff.
- Fire extinguisher.

Selection

There is a wide variety of facility choices available for a Juvenile Holdover Program. The program could be held in a free-standing location that is essentially self-contained and completely devoted to the Holdover Program, such as a house, a storefront, or a unit in an office complex. In small Montana communities, this choice may be impractical if there are very few clients and considerable downtime.

The Holdover Program can also be located in a facility that is already being used for other purposes, such as the following:

- Police station or Sheriff's office as long as it is **not** a jail (see MT YCA 41-5-103(23))
- Juvenile probation office
- Nonsecure areas of a juvenile detention center.
- Fire station.
- Local office of Child and Family Services.

- Foster care home.
- Courthouse.
- Mental health center.
- Residential treatment center or chemical dependency treatment center.
- Hospital.
- Church, rectory or convent.
- Hotel or motel unit, adjoining rooms, or suite.

Some of the above facilities are open for service 24 hours a day, 7 days a week. Some have food services and medical staff. Other facilities may need to be retrofitted to suit the needs of the program.

Capacity

The size and type of facility selected for the Juvenile Holdover Program will be guided by the frequency of use anticipated for the facility, the number of youth that may need to be in care or custody at any one time, anticipated number of males and females needing service, and the type of youth served.

A review of the local data on youth taken into custody within the past two to three years will yield valuable information regarding peak times of the year, average number of youth detained in a given period of time, and average length of stay. Thoughtful considerations should be given to the variables and plans made accordingly. Cost containment and overcrowding are both serious issues.

Privacy needs of clients

A balance must be maintained between the privacy needs and rights of the individual client and of the monitoring and supervision responsibilities of the staff. Sites that offer a variety of options regarding the use of space may make it easier to adapt to varying client loads and lengths of stay while still providing for the critical needs of the youth and staff.

Memorandum of agreement/lease

If the Juvenile Holdover Program will be housed in a public facility, a Memorandum of Agreement or a Memorandum of Understanding should be signed. If the Program is to be housed in a private facility, a lease may be required. Any such agreements should include who will be responsible for repair of non-routine damages such as a youth kicking a hole in a door or breaking a window. The agreement should also specify whose responsibility it is for routine cleaning, ongoing maintenance and care of the facility, and providing needed repairs.

Referral Procedures

Youth under 18 years of age are referred by Youth Court services or law enforcement when temporary care is needed and immediate custody cannot be assumed by a parent, relative, or other responsible adult. Youth should be assessed by medical personnel prior to admission if:

- the youth suffered injuries before or while being taken into custody; or
- in the case of extreme intoxication.

Juvenile Holdover Programs cannot be expected to provide services over and above the original purpose for which the program was designed. The population referred to the program needs to be matched with services the program can adequately provide.

Pre-Screening

| |
|---|
| <p>Is the youth in need of immediate medical attention? Yes _____ No _____ If yes, these needs must be addressed prior to Holdover Program admission.</p> |
| <p>Is the youth in need of detox? Yes _____ No _____ If yes, does the Holdover Program have the necessary staff expertise? Yes _____ No _____ If no, the Holdover Program is not an appropriate placement.</p> |
| <p>Does the youth have violent tendencies? Yes _____ No _____ If yes, can the Holdover Program appropriately handle the youth? Yes _____ No _____ If no, the Holdover Program is not an appropriate placement.</p> |
| <p>Does the youth agree to follow the rules of the Holdover Program? Yes _____ No _____ If no, the youth can be denied entry.</p> |
| <p>Has the youth been searched? Yes _____ No _____ Inform the youth that he/she may be searched again upon entry into the Holdover Program.</p> |
| <p>Have police confiscated any contraband? Yes _____ No _____ Cigarettes will not be returned to the youth.</p> |
| <p>Have the youth's personal belongings been secured? Yes _____ No _____ If yes, please complete the Personal Property Log.</p> |
| <p>Admission notes (may include anything from behavior/attitude to cuts and bruises):</p> |

Personal property log

| |
|---|
| <p>The following items were removed from:</p> <p>Name: _____ Date of Birth: _____</p> <p>_____</p> <p>JCATS ID: _____</p> |
| <p>The confiscated personal belongings are maintained by: (Police or Sheriff's Department)</p> <p>Name of agency: _____</p> <p>Street address: _____</p> <p>City/town: _____</p> <p>Telephone number: _____</p> |
| <p>Items include:</p> |
| <p>I understand that I can pick these items up from the above-named agency between 8 am and 5 pm from the Property Officer.</p> <p>Juvenile's signature: _____</p> |
| <p>Those items maintained by the Holdover Program include:</p> |
| <p>I understand that these items (barring contraband) will be returned to me upon my release.</p> <p>Juvenile's signature: _____</p> |
| <p>I took possession of the above items that were confiscated by the Juvenile Holdover Program.</p> <p>Juvenile's signature: _____ Date: _____</p> <p>JHP Worker's signature: _____ Date: _____</p> |

Admission/Discharge Procedures

Standards

Because the amount of available resources varies dramatically between Montana communities, each Juvenile Holdover Program should clearly establish program admission standards based upon its own unique resources and constraints. For example, if the program has decided to accept those youth who have been taken into custody as minors in possession of alcohol, there must be a procedure in place for assessing the youth's current level of intoxication, if any, and whether the youth poses a danger to him/herself or others. Factors to be considered in developing policies and procedures related to admission standards include:

- ❖ **Site characteristics.** Can the youth be adequately contained and managed within the space to avoid danger to him/herself or others? Is the facility within easy access or quick response from a medical facility should the youth show symptoms of physical distress? Can potential intruders who may wish to visit or gain access to the youth be kept out of the facility?
- ❖ **Staff expertise.** Does staff have the knowledge and expertise to provide: a) basic medical care to a sick or intoxicated youth? b) crisis intervention? c) adequate supervision to youth at higher risk?
- ❖ **Availability of support or back-up resources.** Is backup staff available to assist with larger numbers of youth or higher levels of care when needed?

The following is an example of a Juvenile Holdover Program admissions policy.

**Attendant Care Program
Wellington, Kansas
Admissions Policy**

No youth who is in need of immediate medical attention will be admitted to the Attendant Care facility until the medical need has been met. Youth requiring emergency medical treatment will be transported to the pre-approved local hospital where medical treatment will be provided. Law enforcement or the juvenile intake officer will transport the youth. If the situation requires an ambulance, an attendant care worker, intake officer, or law enforcement officer must accompany the youth in the vehicle. Each youth who is admitted will have an Attendant Care Health Checklist completed by the intake officer or attendant.

Youth under the influence of alcohol or drugs will be assessed on whether medical attention is needed. This shall be determined by the information included in the Health Care Checklist, physical evidence, and mannerisms of the youth (i.e., odor of alcohol, slurring of speech, difficulty in walking, inability to concentrate, slow reaction or reflexes, dilated pupils, erratic mood swing, and sudden or bizarre changes in behavior, etc). Any youth under the influence of alcohol will be required to perform an intoxilyzer/alcohol analyzer test prior to admission to Attendant Care facility.

Intake

The intake process fulfills several functions. It is a way of:

1. gathering pertinent information about the youth entrusted to the care of the Holdover Program;
2. providing an initial screening to assure that the youth fits the admissions criteria as clearly stated on the admissions form and reiterated to the referring agent;
3. identifying issues of immediate concern and a plan for addressing those concerns. Such issues include immediate medical or mental health needs, the level of danger a youth might present for him/herself or others, and, in some cases, the level of protection a youth may need from those who may seek to harm him/her.
4. identifying areas of concern that should be addressed in greater depth. For example, the youth is not intoxicated at the time of admissions but screening information indicates that the youth is at high risk for a number of poor social outcomes such as substance abuse, violence, crime, and dropping out of school. These issues require follow-up by Holdover Program staff or by a referral to a qualified professional in the community.

Throughout the intake procedure, it is important that the staff member explain to the youth what is being done and the rationale for the procedure. Whether the youth is being supervised in the Holdover Program due to illegal activity or in the case of a status offense, he/she will most likely be anxious and will respond better if forewarned about procedures and the reasons for them. Any item that can be used as a weapon against oneself or others, or is perceived as a safety hazard is not to be maintained in the youth's possession while he/she is in the Holdover Program. These items should be listed on the property sheet and be kept in a separate, locked cabinet or box until the youth is discharged.

Intake procedures include the following:

1. If the Program is not already at full capacity, law enforcement and/or the caseworker will bring the youth to the facility.
2. Copies of the following should be submitted to staff at admission:
 - a. Pre-Screening form
 - b. Personal Property Log form
3. A search of the youth should be conducted by a same sex staff member if the search has not already been completed by law enforcement officers.
4. Complete:
 - a. Admission Form
 - b. Client Health Checklist
 - c. Suicide Risk Inventory
5. Orient the youth to the Holdover Program purpose and rules.
6. Give the youth the opportunity to contact one of the following by telephone: an immediate family member, a counselor, an attorney, or a member of the clergy.
7. After the intake is completed, determine the immediate needs of the youth (such as food, water, bathroom facilities, sleeping).

Several screening instruments exist that can be used by a Juvenile Holdover Program to assess potential risk to a youth in a variety of areas. Such instruments include:

- The Problem Oriented Screening Instrument for Teenagers (POSIT)
- Cook County (Illinois) Juvenile Probation Department Detention Screening Instrument
- Juvenile Detention Screening and Assessment Guide (Colorado SB 94)
- Multnomah County (Oregon) Dept. of Juvenile Justice Services Risk Assessment Instrument (RAI) III
- Kansas Juvenile Intake and Assessment Questionnaire (JAIQ)

Juvenile rights and holdover program responsibilities

It falls within the policy of any program providing youth care to provide for and protect the rights of the residents within the program. These rights shall not be diminished or denied for disciplinary reasons since they are necessary for the maintenance of minimum quality of life.

- The program ensures that residents are not subject to discrimination based on race, national origin, color, creed, sex, or physical handicap.
- The program ensures equal access to services and care for male and female youth.
- A grievance procedure is explained and made available to the youth.
- The program ensures the right of youth to have access to the courts.
- Youth shall not be subjected to corporal or unusual punishment, humiliation, mental abuse, or punitive interference with the daily functions of living
- The youth has the right to understand all procedures and guidelines of the program and the staff is to assure that this occurs.

Confidentiality

It is the policy of the Juvenile Holdover Program to protect all youth by holding in confidence all information about the youth and not divulging any written or verbal information to any person who has not been authorized by the Chief Probation Officer.

Materials or information will not be released except by written authorization from parents, the youth, and/or legal guardians in accordance with federal and state regulations.

Discharge

Youth may not be discharged without the approval of the Chief Juvenile Probation Officer or designee. The time of discharge and name of the individual taking custody of the youth will be communicated to the staff on duty. Youth may be discharged to legal authorities, family members, or other responsible adult. Discharge Procedures Include:

1. Completion of discharge form
2. Return of youth's property
3. Completion of a closing narrative and recommendation for placement and/or assessment of behaviors
4. Transfer of file to the Chief Probation Officer

Maintenance of client records

Client records are to be maintained in confidence and will include:

- ⇒ Admissions Form
- ⇒ Screening Instruments
- ⇒ Progress notes/narratives
- ⇒ Personal property sheet
- ⇒ Client health checklist
- ⇒ Discharge form

Admission Form

| | | | | | | |
|---|----------------|--|------------------|------------|----------------------|----------|
| Reason for placement: | | | | | | |
| Date of placement: | | | Admittance time: | | am/pm | |
| Client Data | | | | | | |
| Name (<i>Last, First, Middle</i>): | | | | | | |
| Street address : | | | | | | |
| City: | | State: | | Zip: | | |
| Age: | Date of birth: | Race (<i>circle one</i>): | American Indian | Black | Asian | White |
| Sex: | Height: | Hair Color: | Weight: | Eye Color: | | |
| Ethnicity (<i>circle one</i>): | | Hispanic Non-Hispanic | | | | |
| Name of referring law enforcement officer or youth court officer: | | | | | | |
| Parent/Guardian Data | | | | | | |
| Name: | | | | | | |
| Street address: | | | | | | |
| City: | | State: | | Zip: | | |
| Home phone: | | | Work phone: | | | |
| Have parents been contacted by the Law Enforcement Office? | | | | Yes _____ | | No _____ |
| Holdover Program Parent/Guardian Contact | | | | | | |
| Staff person who made the contact | | | Date: | | Time: am/pm | |
| Outcome/comments: | | | | | | |
| Tentative release plans? | | | | | | |



Client Health Checklist

| | |
|--|--------------------------------|
| Name of youth: | Date: |
| Staff interviewer: | Time: am/pm |
| Are you having any health problems at the present time? | Yes ____ No ____ |
| If yes, what? | |
| Have you had any of the following problems in the past 24 hours? | |
| Sore throat | Yes ____ No ____ |
| Earache | Yes ____ No ____ |
| Swollen glands | Yes ____ No ____ |
| Nausea/vomiting | Yes ____ No ____ |
| Headache | Yes ____ No ____ |
| Skin rash | Yes ____ No ____ |
| Fever/chills | Yes ____ No ____ |
| Abdominal pain | Yes ____ No ____ |
| Kidney/urinary problems | Yes ____ No ____ |
| Do you have any of the following medical problems? | |
| Rheumatic fever | Yes ____ No ____ |
| Diabetes | Yes ____ No ____ |
| Epilepsy | Yes ____ No ____ |
| Hepatitis | Yes ____ No ____ |
| Venereal Disease | Yes ____ No ____ |
| Mononucleosis | Yes ____ No ____ |
| Have you taken an AIDS screening test? | Yes ____ No ____ |
| If no, do you feel you may have been exposed to AIDS? | Yes ____ No ____ |
| Have you been exposed to any other communicable disease in the past two or three weeks? | Yes ____ No ____ |
| If yes, what? | |

Suicide Risk Inventory

| QUESTION # | SCORE | FACTOR |
|------------|-------|--|
| 1 | 10 | Use of drugs or alcohol within the past 48 hours |
| 2 | 4 | Expressed feelings of rejection or neglect by family, loved one, or peers or the death of a family member or loved one |
| 3 | 2 | Expressed feeling of depression or has behavioral indicators of depression |
| 4 | 2 | Crying or expressed feelings of hopelessness or guilt |
| 5 | 3 | Previous contemplation or threat of suicide |
| 6 | 10 | Previous attempt of suicide |
| 7 | 20 | Current suicide threat or attempt |
| 8 | 10 | Current threat or attempt to commit suicide within ten (10) days of a previous threat or attempt |
| 9 | 2 | Violent, aggressive, disruptive or resistant behavior |
| 10 | 2 | Recent or current isolation or restriction |

Key for scoring:

15 points or more = Suicide Watch

30 points or more = Suicide Warning

Discharge Form

| | | |
|---|-------|-------|
| Discharge instructions | | |
| <input type="checkbox"/> Release to parent <input type="checkbox"/> Release by juvenile court authorization <input type="checkbox"/> Release by referring law enforcement officer | | |
| Authorization to release | | |
| Name of Youth Court official or Law Enforcement Officer giving permission for release (<i>print</i>): | | |
| Date of authorization: | Time: | am/pm |
| Person to whom the youth was released | | |
| Name of person receiving the youth: | | |
| Relationship: | | |
| Date: | Time: | am/pm |
| Signature: | | |
| Releasing Holdover Program worker | | |
| Name (<i>print</i>): | | |
| Signature: | | |

Medical Safety

The staff is responsible for consulting with a medical professional any time any of the following conditions are noticed:

- A youth's oral temperature exceeds 99.6 degrees
- Traumatic injury (see Medical Emergencies)
- Persistent problems such as:
 - Nosebleeds
 - Wounds that are not healing
 - Coughing and sore throats beyond 24 hours in duration
 - Red or swollen areas
 - Eye injuries
 - Urinary problems
 - Draining wounds or signs of infection
 - Problems requiring over-the-counter pain medication over 24 hours

Administration of medication

Should a youth enter the Holdover Program with prescription medication, *only* staff who have been trained in first-aid and have been instructed in the administration of medication may actually administer the medication.

Prior to dispensing any prescription or non-prescription medication, the staff member must be aware of the following:

- Know the youth's allergies
- Understand the "Five Rights of Medication"
 1. Give to the right person
 2. Give the right medication
 3. Give at the right time
 4. Give in the right manner
 5. Give the right amount
- Know why the medication is being given
- Know the youth's medical problem
- Read the label carefully and **never** use an unlabeled bottle
- Check the expiration date

After dispensing the medication, the staff should:

- Chart in the progress notes the name of the medication given, the dosage, and the time it was given.
- Observe the youth for possible side effects that are usually manifested within the first 20 minutes after administration such as:
 - Hives
 - Rash
 - Flushed face
 - Pale coloring

- Breathing problems
- Abdominal pain
- Dizziness
- Blurred vision

Should side-effects develop, staff should contact a medical expert **immediately**, especially if breathing is impaired.

Storage of medications

All medications and medical supplies should be stored in accordance with safety standards. The storage area should be a locked cabinet or metal box to which only the staff member has access.

Medical emergencies

Primary functions to monitor in the case of a medical emergency are to assure that the victim's airway is open, he/she is breathing, the heart is beating, and bleeding is stopped.

All staff are to be trained in basic First-Aid and CardioPulmonary Resuscitation (CPR) to assure that they can provide basic life support to a youth until medical professionals can respond.

- DON'T PANIC! Assess the situation and seek consultation and/or assistance from a medical professional.
- Administer First-Aid or basic life support (CPR).
- Stay with the victim until assistance arrives.
- Notify the Chief Juvenile Probation Officer or designee of the situation as soon as possible after the youth is stabilized or additional help arrives.
- Complete a Client Illness Report documenting the incident, actions taken, and follow-up.

Client Illness Report

| | |
|---|-------------------------------|
| Youth Name: | |
| Date of self-report or observation: | Time: am/pm |
| Symptoms/current condition: | |
| When did it start? | |
| Has the youth had this problem before? | Yes _____ No _____ |
| If yes, when? how was it treated? | |
| Ask-A-Nurse recommendations (if applicable) Call 1-900-659-7000* Date of call: Time: am/pm | |
| Other comments/plans employed: | |

*Charge for each Ask-A-Nurse call is \$1.99

Dealing With Intoxicated Youth

Youth who are obviously under the influence of alcohol or other drugs should be medically evaluated prior to admission to the program to assure that they are not in physical danger. However, the full effect of mood altering chemicals (MACs) may not be seen for hours after ingestion, so it is important that staff recognize the signs of intoxication from different MACs as well as the possible medical dangers.

MACs are commonly categorized as stimulants, depressants, or hallucinogens based on their effect on the central nervous system. Individuals who have ingested stimulants are generally agitated, have difficulty sitting still, may have tremors in their hands or body, may speak rapidly, and may show some signs of paranoia and distrust.

Individuals who have ingested depressants are generally more subdued physically, exhibit poor motor reflexes, have slurred speech, have difficulty focusing, and may show some signs of confusion.

All intoxicated individuals can become verbally or physically abusive simply because of their perception of the environment at that point in time.

Drug classifications

Depressants. Alcohol, anti-anxiety medication (minor tranquilizers), and anti-psychotic medication (Thorazine and Haldol).

Opiates. Heroin, Morphine, Codeine, Methadone, Percodan, Demerol, and Darvon.

Psychedelics or Hallucinogens. LSD, Mescaline, and Psilocybin.

Solvents. Aerosol sprays, glue, cleaning solution, nail polish remover, paint and thinners as well as other petroleum products.

Cannabinoids. Marijuana and Hashish.

Stimulants. Amphetamines, Cocaine, Crack and Benzedrine.

Others: PCP (Phencyclidine)

Alcohol

| Effects | Tolerance | Withdrawal |
|---|---|--|
| Impaired coordination Euphoria Poor Judgment Mood swings Slurred speech Nausea and vomiting Severe anesthesia as a result of an overdose resulting in: <ul style="list-style-type: none"> • Memory Lapse • Respiratory failure • Coma • Death | Initial significant increase Rapid deterioration | Usually lasts 5 to 7 days. Severe withdrawal may last up to 2 weeks. Characteristics: <ul style="list-style-type: none"> • Anxiety • Agitation • Irritability • Shakes • Elevated temperature • Seizures (after first 48 hrs.) • Hallucinations (auditory and visual) |

Depressants

| Type | Symptoms | Tolerance | Withdrawal |
|--|--|--|--|
| Barbiturates <i>Short Acting:</i> Sodium Pentothal which is used to induce anesthesia <i>Immediate Acting:</i> Seconal and Nembutal <ul style="list-style-type: none"> • 15-30 minutes to take effect, lasts 2-4 hours • Considered ideal for inducing sleep <i>Long Acting:</i> Phenobarbital <ul style="list-style-type: none"> • Often used to treat epilepsy • Rarely abused Anti-Anxiety drugs Valium Librium Miltown | Decreased alertness and muscle control Slurred speech Drowsiness | Barbiturate tolerance develops quickly Cross tolerance with other depressants Although dosage required to give the same effect may be higher, the lethal dose of barbiturates remains the same | Can produce temporary psychosis with auditory hallucinations and paranoid delusions Acute withdrawal will take place within the first 12 to 16 hours. Following acute withdrawal you will observe: <ul style="list-style-type: none"> • Weakness • Tremors • Increased reflexes • Pleading for drugs High risk of grand mal seizures Delirium In 3 to 7 days the symptoms should disappear One week to six months later the abuser may still experience some anxiety and sleep disturbance. |

Opiates - analgesics (prescription pain medication)

| Methods of Administration | Effects | Tolerance Dependence | Symptoms |
|--|---|---|--|
| Oral Intranasal Smoking (usually opium) Intravenous (especially heroin) | Surge of pleasure or rush Body feels warm Heaviness of extremities User goes "on the nod" (wakeful and drowsy states) Heavy usage: Depressed breathing Pupils contract to pin points Skin is cold, moist, and flushed | Tolerance and addiction develop rapidly More potent analgesics have more addictive effects | Insensitivity to pain Euphoria Sedation Itchiness Watery eyes Runny nose Withdrawal Symptoms Uneasiness Yawning Tearing Diarrhea Abdominal cramps Goosebumps Runny nose Withdrawal indicators peak between 48 and 72 hours. Some body functions may take up to 6 months to return to normal |

Psychedelics or Hallucinogens

| Method of Administration | Type of Drug | Effect |
|--|--|--|
| Drugs in this category are easily absorbed and therefore oral administration is the most common. These drugs may also be smoked or injected. | LSD Mescaline or Peyote Psilocybin Mushrooms | Dizziness Weakness Pronounced psychological changes Euphoria Hallucinations (4-12 hours) Effects are similar to LSD with a slower onset accompanied by such side effects as nausea and vomiting. Hallucinogens usually last one to two hours with a 300-500 ml. dose. Rapid onset -- effects seen within 15 minutes. Reactions peak at about 90 minutes and begin to wane in two to three hours. Effects of drug do not disappear for 5-6 hours. Larger dose produces a longer "high." |

Note: The actual "high" depends on the dose, the individual's emotional state, the environment, prior drug ingestion, and psychiatric history.

Solvents

Solvents are popular because they induce a state of euphoria, are cheap, legal, readily available, and easy to conceal.

| Most commonly abused | Effects | Symptoms |
|---|---|---|
| <u>Aerosols</u> Nitrous Oxide | High begins within a few minutes and lasts for 15 to 45 minutes. | Odor of substance and/or unpleasant breath. |
| <u>Cleaning Solvents</u> Carbon tetrachloride Gasoline Lighter fluids Nail polish remover | Giddy and light-headed. Floating sensation. Clouding of thoughts. | Sensitivity to light. Drowsiness Poor muscular coordination |
| <u>Glues</u> Chloroform Benzene | Drowsiness. Rapid heart beat. Nausea, vomiting. Possible diarrhea. | |

Cannabanoids

| Types | Effects | Symptoms | Tolerance |
|---|---|--|---|
| Marijuana Usually dried leaves, stems, or flowers of the plant that is smoked or added to food. | Predominant <ul style="list-style-type: none"> Euphoria Feelings of relaxation and sleepiness Pseudo-sexual arousal Inability to maintain accurate track of time Hunger Exhibits decreased social interaction Negative <ul style="list-style-type: none"> Decreased judgment Impaired time and distance estimation Impaired fine motor skill performance Potentially life threatening when used by diabetics due to an alteration in the body's acid base Possible bronchial complications like asthma | Altered perception Dilated pupils Lack of concentration and coordination Craving for sweets Increased appetite Laughter | Neither tolerance nor physical dependency is a major problem with marijuana. However, psychological dependence is a common characteristic associated with chronic marijuana use. |
| Hashish A concentrate of resin from the flowering tips of the plant that is usually smoked. | | | |
| Hash oil Made by boiling hashish in a solvent and filtering out the solid matter and is ingested by placing drops on a cigarette and smoking. | | | |

Stimulants

Drugs in this category include methamphetamines, cocaine, and crack. The primary effect sought is cortical stimulant action that has been equated to a feeling resembling sexual orgasm.

| Methods of Administration | Effects | Tolerance and dependence |
|-----------------------------------|---|--|
| Oral Intranasal Intravenous | Euphoria Decreased fatigue Decreased need for sleep Decreased appetite Increased energy Rapid heart beat Increased reflexes | Cross tolerance exists between most stimulants. Dependency is characterized by: <ul style="list-style-type: none"> • Disorientation • Severe depression • Paranoia • Possible hallucinations • Increased blood pressure and body temperature |

Phencyclidine (PCP)

This is an unusual drug and reactions are diversified and contingent upon how it is taken, the experiences of the user, the environment and the absorption. The first effects will be felt within two minutes and the user may stay high for four to six hours with total physical restoration taking one to two days.

| Method of Administration | Effects of Low Doses | Effects of High Doses | Symptoms |
|--|--|--|--|
| <p>There are three forms of PCP:</p> <ul style="list-style-type: none"> • liquid solution • tablets or capsules • white powder <p>The drug can be administered through:</p> <ul style="list-style-type: none"> • Smoking • Oral ingestion • Injection <input checked="" type="checkbox"/> Addition to other drugs | <p>Slight increase in respiratory rate</p> <p>Pronounced rise in blood pressure</p> <p>Distinct change in body awareness</p> <p>Numbness of extremities</p> <p>Loss of muscular coordination</p> | <p>Symptoms of schizophrenia including:</p> <ul style="list-style-type: none"> • Delusions • Mental confusion • Distancing from one's environment • Pronounced mood swings • Potential for violent behavior • Mental confusion | <p>Mood and perception alterations</p> <p>Possible paranoia</p> <p>Panic</p> <p>Anxiety</p> <p>Nausea</p> <p>Tremors</p> <p>Dangers: Unpredictable behavior Flashbacks Emotional instability Possible psychosis</p> |

Appropriate staff responses

When dealing with intoxicated individuals, it is important to remember that the individual's logic, motor skills, and perceptions of reality are impaired. Any sudden or physically aggressive movement can be viewed as a threat. Any aggressive voice tone can also be viewed as a threat.

The following staff responses to an intoxicated individual may elicit cooperation and alleviate aggressive behavior:

- ⇒ Carefully explain what procedures are being undertaken before making any movement to do so.
- ⇒ Assure the individual that he/she will not be harmed.
- ⇒ Be directive but supportive. Dependent on the level of intoxication of the individual, rationales are generally not very effective.
- ⇒ Speak in a low, calm voice.
- ⇒ Stand in a relaxed body posture.
- ⇒ Provide plenty of personal space for the individual. Three feet is usually adequate, although you should monitor the individual's response to your proximity.
- ⇒ Identify what the individual wants or needs and discuss this as you have him/her complete the procedures you require.
- ⇒ Avoid being judgmental.
- ⇒ Be patient.
- ⇒ Do not take the individual's actions personally.

Crisis Intervention

A crisis exists when an individual's usual method of coping with stressful or threatening situations are ineffective. The individual may become depressed, suicidal or aggressive as a response to the situation.

Individuals enter a crisis state when situations in their lives appear insurmountable. Most precipitating events center on a loss of personal power, diminished self-esteem, fear of the unknown (consequences, future situations, reaction of significant others, etc.), or emotional disturbance (mental illness, chemical intoxication).

The main thing to remember is that the individual in crisis will be more responsive to someone who is calm, supportive, and presents him/herself as being in control of the situation and able to provide a sense of safety.

- ⇒ Maintain eye contact with the individual but not in a challenging manner.
- ⇒ Speak in an even, well modulated tone of voice that is clearly audible.
- ⇒ Do not stand too close to the youth, touch him/her, or block exits. Such acts can be viewed as a threat or challenge and can escalate the situation.
- ⇒ Use the youth's name when talking to him/her.
- ⇒ Ask the youth about what is bothering him/her and allow the individual to describe what is causing the distress without giving advice. Acknowledge that you understand.
- ⇒ Ask what he/she sees as options to the problems and discuss these options as to whether or not they are realistic.
- ⇒ Assure the individual that you are concerned about him/her and will do what you can to assist, but never make promises that you cannot keep.
- ⇒ Do not threaten or cajole the individual. Always speak to the person with respect
- ⇒ Use humor, as appropriate, to relieve the pressure of the situation, but never make fun of the individual.
- ⇒ Do not respond to threats or challenges by the individual. Remaining silent or stating "That may be true" is sufficient.
- ⇒ Be patient. Time is your best ally and you have as much as you need unless there is an emergency.
- ⇒ NEVER lose your temper or express anger or frustration with the individual

Most individuals in a highly agitated state of crisis will de-escalate provided enough time and thorough utilization of these techniques. Agitation expends a great deal of energy and the individual will usually tire.

In the case of intoxicated individuals, this process may take more time, especially if the individual has ingested stimulants or hallucinogens. The individual will need time to detoxify and become coherent.

Preventing youth from leaving the program

Youth who are being supervised in the Juvenile Holdover Program are not subject to any restraint of physical movement whether it is due to the physical plant or the staff. Should a youth choose to leave the facility, the staff member can only verbally intervene and should not try to physically prevent the youth's departure.

Verbal Intervention

- ❖ Review with the youth the reason he/she is being housed in the Juvenile Holdover Program.
- ❖ Inform the youth of possible consequences should the youth leave.
- ❖ Review options that the Holdover Program can provide for placement if the youth remains
- ❖ Inform the youth about procedures that will be followed should he/she leave the facility.

Should the youth leave the facility, staff should contact law enforcement personnel, provide a description of the youth, and ask that the youth be returned to the program. The Chief Juvenile Probation Officer or designee should be contacted and advised of the youth's departure.

When the youth is returned to the program, the staff should welcome him/her back and encourage discussion about the reasons for his/her decision to leave. Advise him/her that, should the behavior be repeated, the same procedure will be followed.

Dealing with combative youth

Youth who are combative or uncooperative upon intake require much the same intervention as intoxicated individuals. If they are not intoxicated, their behaviors can usually be attributed to some common factors:

- ❖ They are using aggressive behaviors as a manipulation to get what they want
- ❖ They are frightened. Aggressive behaviors are in response to a perceived threat.
- ❖ They are angry about being held responsible for their behaviors.
- ❖ They feel powerless. Defiance is perceived as having some power or control over the situation.
- ❖ They are maintaining self-esteem by showing they are not intimidated by the circumstances.

Appropriate staff responses

- ⇒ Reassure the youth that he/she will not be harmed.
- ⇒ Explain the purpose of the program
- ⇒ Explain procedures and the rationales for them as you proceed.
- ⇒ Ask the youth what makes him/her so angry.
- ⇒ Assure the youth that you are his/her advocate.
- ⇒ Be honest with the youth. Make no threats or promises that you cannot keep.
- ⇒ Request the youth's cooperation.

- ⇒ Advise the youth of possible natural/logical consequences should aggressive behavior continue.
- ⇒ Maintain a calm, supportive tone of voice.
- ⇒ Avoid confrontational eye contact with the youth
- ⇒ Provide adequate personal space (arm’s length or approximately three feet).
- ⇒ Stay calm.
- ⇒ Do not take the youth’s actions personally
- ⇒ Be patient and take all the time you need. Give the youth time intervals in which to comply. For example: “We need to complete this paperwork. Why don’t you sit here for ten minutes and relax and then we can finish.” or “Let me know when you are ready to finish this task; then we can watch TV.”

Treating youth with RESPECT is the most important thing a staff member can do to alleviate problems, especially with intoxicated or combative youth. Youth will respond much more appropriately if they perceive they are viewed as human beings with rights and feelings.

Dealing with suicidal youth

Any youth who scores 15 or higher on the Suicide Risk Inventory must be closely supervised to assure his/her safety as well as proper follow-up and referral. Staff must always be on the lookout for primary suicidal signs being exhibited by any youth. These signs include behavior, precipitating events, and the presence of the means to actually follow through on suicidal tendencies.

| Behavior | Precipitating events | Presence of means to commit suicide |
|--|--|---|
| Statements of hopelessness Statements of suicidal thoughts or plans Giving away personal belongings Letters to significant others, especially if, marked with dates or “do-not-open” statements Emotional affect changes rapidly or is unusual | Loss of any important object or ability, or a significant other Humiliating events Frustrating events Family disruption | Razor blades or any sharp object Pills, including over-the-counter products Belts Sheets Heavy necklace chains Towels Hard plastic shards Carotid massage (manipulating the arteries on either side of the throat) |

Appropriate staff responses

When suicidal tendencies appear to escalate and become severe, the following actions must be taken:

- ⇒ Make sure that all medications are stored in a locked cabinet.
- ⇒ Make sure that the youth has no access to sharp objects.
- ⇒ Do not leave the youth unattended in any area that may contain potentially lethal items.
- ⇒ Increase visual monitoring.
- ⇒ Document behaviors in the case notes every hour.
- ⇒ Encourage the youth to discuss his/her feelings and thoughts.
- ⇒ Notify the program supervisor. If the program supervisor cannot be reached, notify the Chief Juvenile Probation Officer or designee as well as a mental health professional. They will help to assess whether the youth needs a level of service that cannot be adequately provided by the holdover program and will arrange transfer of the youth to such a facility.
- ⇒ Call for backup staff if necessary.
- ⇒ Upon release from the program, make sure the youth is referred to an appropriate mental health professional.

Should the youth attempt suicide:

- ⇒ Render First-Aid as appropriate.
- ⇒ Arrange for emergency medical services.
- ⇒ Contact the Chief Juvenile Probation Officer or designee.

Above all, remain calm while interacting with the youth. Individuals who are suicidal are in a crisis state and require someone who is stable, supportive and calm, and who will take control of the situation for them for a period of time until they are emotionally able to do so. Do not chastise them for their desire to commit suicide. Contract with the youth to take no action to harm him/herself or others until a specific action is taken (such as “until you have talked with a mental health professional tomorrow”).

Although the reasons they indicate for wanting to die may not seem logical or we know their concerns are short-term problems that are easily solvable, they do not recognize this. Be directive but supportive. The vast majority of individuals contemplating or attempting suicide do not want to die, but they need someone to take control until they can regain their perspective. Spend as much time as the youth desires discussing their problems, anxieties, and fears. This is a crisis event and will pass, but it may take hours. The most crucial thing is that the youth feels you are concerned, understands his/her point of view, and are willing to spend “all the time in the world” to help him/her resolve the crisis.

Fables and facts about suicide

| Fable | Fact |
|---|--|
| Persons who talk about suicide do not commit suicide. | Of any ten persons who will themselves commit it, eight have given definite warnings of their suicidal intentions. |
| Suicide happens without warning. | Studies reveal that the suicidal person gives many clues and warnings regarding his suicidal intentions. |
| Suicidal persons are fully-intent on dying. | Most suicidal persons are undecided about living or dying, and they “gamble with death,” leaving it to others to save them. Almost no one commits suicide without letting others know how he is feeling. |
| Once a person is suicidal, he is suicidal forever. | Individuals who wish to kill themselves are suicidal only for a limited period of time. |
| Improvement following a suicidal crisis means that the suicidal risk is over. | Most suicides occur within about three months from the time the individual appears to improve and when the individual has the energy to put morbid thoughts and feelings into effect. |
| Suicide strikes much more often among the rich or, conversely, it occurs almost exclusively among the poor. | Suicide is neither the rich man’s disease nor the poor man’s curse. Suicide is represented proportionately among all levels of society |
| Suicide is inherited or “runs in the family.” | Depression may run in families. Suicide follows individual patterns. |
| All suicidal individuals are mentally ill and suicide is always the act of a psychotic person. | Studies indicate that, although the suicidal person is extremely unhappy, he/she is not necessarily mentally ill. |

Staffing

Staff members and volunteers are key components in a quality Juvenile Holdover Program. Youth care attendants must be carefully selected and trained to provide direct, short-term, and constant awake supervision of juveniles who do not meet the criteria to be placed in a secure detention facility. Furthermore, good supervision and support is crucial to assure that staff are delivering quality services, whether they are employed by large, stand alone programs that serve many youth or small, infrequently used programs staffed with on-call staff or volunteers.

The Administrative Rules of Montana (ARM 37.97, Sections 115, 132, 206, 501, 805) provide guidance for supervision of youth care attendants in child care agencies, youth group homes, and youth shelter care. In summary, those rules request the following information from program supervisors or directors:

1. A written personnel policy covering the following items:
 - job qualifications,
 - job descriptions
 - supervisory structure
 - salary schedules
 - fringe benefits
 - insurance
 - hours of work
 - screening of staff applicants
 - performance evaluations
2. The steps taken to assure that the staff pose no risk or threat to the safety or welfare of any youth placed in the Juvenile Holdover Program.
3. The steps taken to assure that all staff working in the program meet the following criteria: a) are at least 18 years of age; b) are of good moral character; c) are physically, mentally and emotionally competent to care for children; d) like and understand children; and e) are in good general health.

Supervision

The purposes of the juvenile holdover coordinator position is: 1) to manage and direct the overall activities of the Juvenile Holdover Program; and 2) to recruit, train, and supervise paid and unpaid staff; and 3) to develop and coordinate community referrals and support for the program.

Supervisory duties may include:

- ❖ Developing assessment and eligibility criteria for admission to the program.
- ❖ Assisting in developing, planning and implementing the program goals and objectives.
- ❖ Communicating with representatives of the Youth Court and referring agencies in coordinating administrative aspects of the program.

- ❖ Interviewing juvenile offenders, status offenders, and youth in need of care to determine their eligibility for the holdover program.
- ❖ Recruiting, training, and supervising staff.
- ❖ Developing and coordinating referrals to community service agencies.
- ❖ Supervising and participating in the development of the budget for the holdover program.
- ❖ Performing public relations activities, such as representing the Juvenile Holdover Program to community groups and civic organizations.
- ❖ Maintaining records and performing general administrative and clerical duties.

Following are sample job descriptions for the Juvenile Holdover Program Coordinator and Youth Attendant

Juvenile holdover program coordinator

Juvenile Holdover Program Coordinator Job Description

The goal of the juvenile holdover coordinator position is to manage and direct the overall activities of the juvenile holdover program; to recruit, train, and supervise administrative staff and youth attendants; to develop and coordinate community referrals and support for the program.

Duties may include:

- Developing assessment and eligibility criteria for admission to the holdover program.
- Assisting in developing, planning, and implementing of program goals and objectives.
- Communicating with representatives of the referring and juvenile justice agencies in coordinating administrative aspects of the program.
- Interviewing juvenile offenders, status offenders, and children in need of care to determine their eligibility for the holdover program.
- Recruiting, training, and supervising administrative staff and youth attendants.
- Developing and coordinating referrals to community service agencies.
- Supervising and participating in the development of the budget for the holdover program.
- Performing public relations activities, such as representing the holdover program to community groups and civic organizations.
- Maintaining records and performing general administrative and clerical duties.
- Performing related duties as assigned.

Youth care attendant

Youth Attendant Job Description

Qualifications

- ❖ 18 years of age or older
- ❖ Good moral character
- ❖ Physically, mentally and emotionally competent to care for youth
- ❖ Likes and understands children and youth
- ❖ Good general health
- ❖ High school diploma or equivalent
- ❖ Experience in working with troubled youth
- ❖ Willingness to submit to an abuse and neglect background check as well as a criminal records check
- ❖ Willingness to complete Youth Attendant training
- ❖ Good communication skills

Duties

- ❖ Review and understand all laws, policies and procedures as listed in the *Juvenile Holdover Program Policies and Procedures* manual.
- ❖ Provide supervision to juveniles in the community's designated Juvenile Holdover Program.
- ❖ Inform youth of all rights and responsibilities.
- ❖ Maintain confidentiality regarding all youth served and anything that may be observed in a law enforcement center, if the program is located there.
- ❖ Complete admission/discharge and client health checklists on youth.
- ❖ Assess the medical, physical and emotional risks presented by a youth admitted to the program.
- ❖ Respond to a youth's immediate needs.
- ❖ Provide crisis intervention when necessary.
- ❖ Work a maximum shift of 12 hours.

Recruiting

Strategies for recruiting employees include sharing positions with host agencies, part-time positions and on-call positions. Duties could be assigned to various employees of the host agency, if feasible. For example, admission, assessment, and discharge duties could be assigned to a staff member whose job already includes those duties. Youth supervision could then be assigned to another staff person who has experience in working with youth.

For relatively small programs that operate on an as-needed basis, youth attendants will usually be hired on an on-call basis. Some good sources to consider when recruiting staff are:

- ❖ Staff currently working in direct youth service roles in other organizations who may be interested in additional hours of paid work.
- ❖ Retired individuals who have worked in direct youth service roles and who may be interested in part-time or on-call employment.
- ❖ Former foster care providers.
- ❖ Former law enforcement personnel.
- ❖ Parents who have successfully raised or are currently raising their own families.

Volunteers might be tapped from a variety of sources including:

- ❖ CASA (Court Appointed Special Advocate) volunteers
- ❖ Internship programs through area colleges or universities
- ❖ Retired Senior Volunteer Program (RSVP) volunteers
- ❖ Americorps Members
- ❖ Church groups
- ❖ Community service organizations and clubs

Recruiting efforts must also utilize the most effective ways of letting the community know that the program is seeking staff and volunteers. This can be done through:

- ❖ Newspaper articles, classified ads, or feature stories.
- ❖ Television and radio talk shows, news stories, or public service announcements.
- ❖ Discussions with departmental faculty of colleges and universities, college newspapers and bulletin boards.
- ❖ Church bulletins.
- ❖ Public presentations.

Reference and background checks

Montana requires an abuse and neglect background check as well as a criminal records check for all children and youth care attendants who are employed in licensed youth care facilities throughout the state. However, these background checks only register information that has been input by the state of Montana. The Montana registries will not contain information from other states. For that reason, administrative rules (as summarized at the beginning of this section) were developed.

Insurance

All employees of the Juvenile Holdover Program should be covered by liability insurance that covers medical or legal costs that may be incurred as a direct result of their participation in the program. Legal services should also be made available to the employees through the County Attorney's Office or other legal counsel, if allegations are made against employees while in performance of their duties in the Holdover Program.

Retention

Retention of staff is as important as the initial recruiting and hiring of personnel and includes the following approaches:

- Utilize all staff and volunteers on a regular basis.
- Provide quality pre-service and in-service training.
- Give informal positive feedback.
- Formally recognize staff/volunteer efforts through:
 - thank you notes
 - letters of appreciation
 - media recognition
 - appreciation dinners or other social events
- Seek staff/volunteer input regarding program improvement.
- Provide regular program evaluations.

Training

Training provides staff and volunteers with the knowledge and skills necessary for operating a successful program and also provides opportunities for team building, personal growth, and professional development. Juvenile Holdover Program training usually includes four broad areas:

- Orientation to the agency and program
- Policy and procedures
- Youth-related issues including developmental information as well as direct supervision skills and techniques
- Safety information and techniques

All staff (paid and unpaid) of Montana Juvenile Holdover Programs must be certified in Basic First-Aid and CPR and, in addition, must complete 16 hours of training in the following areas:

- Requirements of the Juvenile Justice Delinquency Prevention Act and Montana Youth Court Act
- Policies and procedures of the Juvenile Holdover Program
- Basic counseling and communications techniques
- Youth substance abuse
- Crisis Intervention
- Suicide Prevention

Self Certification Check List

| | |
|--|---|
| <p>1. In which jurisdiction is the Juvenile Holdover Program located?</p> | |
| <p>2. Address of the holdover program facility:</p> <p>Street address:</p> <p>City: Zip Code:</p> | |
| <p>3. Is the holdover program located in a police station or other law enforcement facility that is attached to or part of a jail? If no, skip to question #4. If yes, please answer the following questions:</p> <p>Is the holdover program in a <i>nonsecure</i> area of the facility (such as a lobby, office, or multi-purpose room)?</p> <ul style="list-style-type: none"> • If no, is the youth kept in a secure area <i>only</i> long enough to complete the booking process (photographing and fingerprinting)? • While in the secure area, is there continuous visual supervision of the youth? <p>Are there assurances in place to prevent the juvenile from <i>ever</i> being physically secured to a cuffing rail or other stationary object during the period of custody in the facility?</p> <p>If yes, please describe those assurances.</p> <p>Is use of the area limited to providing <i>non-secure</i> custody only long enough and for the purposes of identification, processing, or transfer of the youth to an appropriate detention or shelter care facility?</p> <p>Is the area designed or intended to be used for residential purposes?</p> <p>Is continuous visual supervision of the youth provided by a law enforcement officer or facility staff during the period of non-secure custody?</p> <p>If yes, please explain.</p> <p>Is physical, sight and sound separation from adult prisoners, including trustees, maintained at all times?</p> | <p>Yes ____ No ____</p> <p>Yes ____ No ____</p> <p>Yes ____ No ____</p> <p>Yes ____ No ____</p> <p>Yes ____ No ____</p> |

Self Certification Check List (continued)

| | |
|---|---|
| <p>4. Is the holdover program located in a secure</p> <ul style="list-style-type: none"> • juvenile detention facility? • juvenile correctional facility? • collocated juvenile facility? <p>If you answered “no” to all three, please skip to #5.</p> | <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> |
| <p>Are status offenders and non-offenders kept in a non-secure area?</p> | <p>Yes ___ No ___</p> |
| <p>Do youth held in secure areas fit the criteria listed on pages 20 and 21 of the <i>Juvenile Holdover Programs Policies and Procedures</i> manual?</p> | <p>Yes ___ No ___</p> |
| <p>5. Is the holdover program located in a non-secure/staff secure</p> <ul style="list-style-type: none"> • shelter care facility? • youth assessment center? | <p>Yes ___ No ___</p> <p>Yes ___ No ___</p> |
| <p>If yes, are youth accused of felony offenses barred from admission?</p> | <p>Yes ___ No ___</p> |
| <p>6. Is the holdover program located in a facility other than those listed in questions 3, 4, and 5?</p> | <p>Yes ___ No ___</p> |
| <p>Please describe the facility.</p> | |
| <p>7. Does the program facility provide a minimum of 60 square feet per client?</p> | <p>Yes ___ No ___</p> |
| <p>8. Are there sufficient chairs to allow all clients and staff a place to sit?</p> | <p>Yes ___ No ___</p> |
| <p>9. Do holdover youth have access to a bathroom with a lavatory and shower or bathtub?</p> | <p>Yes ___ No ___</p> |
| <p>10. Is there a suitable sleeping arrangement for every youth client?</p> | <p>Yes ___ No ___</p> |
| <p>If yes, please describe the sleeping area.</p> | |
| <p>Does the sleeping area allow for constant visual monitoring by the staff?</p> | <p>Yes ___ No ___</p> |

Self Certification Check List (continued)

| | |
|---|------------------|
| 11. Does the holdover program have a telephone with access to an outside line? | Yes ____ No ____ |
| 12. Does the holdover program have a stove/microwave and a refrigerator? | Yes ____ No ____ |
| If no, is there ready access to 24-hour a day food service? | Yes ____ No ____ |
| 13. Is a television set available on site? | Yes ____ No ____ |
| 14. Are books and magazines available to holdover youth? | Yes ____ No ____ |
| 15. Do holdover youth have access to personal hygiene supplies? | Yes ____ No ____ |
| 16. Are first aid supplies readily available to the staff? | Yes ____ No ____ |
| 17. Does staff have access to cleaning supplies? | Yes ____ No ____ |
| 18. Is there immediate access to back-up staff? | Yes ____ No ____ |
| 19. Is a fire extinguisher readily accessible? | Yes ____ No ____ |
| 20. Is the facility in compliance with all fire codes? | Yes ____ No ____ |
| 21. Is the facility in compliance with all local building codes? | Yes ____ No ____ |
| 22. Does the facility meet the specifications of the Americans with Disabilities Act? | Yes ____ No ____ |
| 23. Does the facility have a delayed egress device? | Yes ____ No ____ |
| If yes, is the delay 30 seconds or less? | Yes ____ No ____ |
| 24. Does the holdover program have a written: | |
| • admissions policy? | Yes ____ No ____ |
| • admissions form that clearly states the policy? | Yes ____ No ____ |
| • assessment/screening instrument? | Yes ____ No ____ |
| • policy limiting stay to 24 hours including weekends and holidays? | Yes ____ No ____ |
| If yes, please include a copy of the admissions policy and admissions form. Please provide the names of all assessment/screening instruments used: | |
| 25. Have all holdover program staff been trained in First-Aid and CPR? | Yes ____ No ____ |

Continued on next page

Self Certification Check List (continued)

| | |
|---|--------------------------------|
| 26. Are all holdover staff covered by liability insurance that covers medical costs that may be incurred as a direct result of participation in the program? | Yes ____ No ____ |
| 27. Please provide a copy of personnel policies. | |
| 28. Signature: | Date: |

After this Self Certification Check List has been signed, please make a copy of the form and send the original signature to:

Montana Board of Crime Control
P.O. Box 201408
Helena, Montana 59620-1408

Keep the copy of this form on file. If your area is audited for compliance with the OJJDP Act, this form must be in your files.