

## **REDUCING PLACEMENT DELAY IN JUVENILE HALLS**

### **Observations from Other Sources:**

- Some counties are inefficient in placement process – e.g., waiting until disposition to start placement efforts.
- Some counties have delays in moving paperwork to placement staff.
- Some counties acquiesce in allowing youth to remain on waiting lists for months at a time.
- Many counties fail to provide meaningful review of delay through W & I Code section 737.

### **Why Should Counties Care About This???**

- Most counties have overcrowded juvenile halls. Youth awaiting placement often have extended lengths of stay, which ties up valuable bed space.
- Many of the youth awaiting placement have serious mental health problems that demand extra staff time or special housing arrangements; apart from the practicalities involved in meeting their needs, they present a heightened liability risk to the county.
- Youth awaiting placement have constitutional and statutory rights that are violated by extended placement delay. Holding youth who have been ordered into non-secure placement in a secure setting may violate constitutional due process guarantees; holding youth who have been ordered to receive rehabilitative services in a setting where they do not receive such services also violates due process; holding youth with mental health disabilities in a more restrictive setting than the court has recognized as appropriate may violate the Americans With Disabilities Act; and so on.
- Promptly placing youth in accordance with the court's judgment is the right thing to do from the perspective of professional and moral responsibility.

### **What Needs to Be Done to Reduce Placement Delay?**

#### **Data/Documentation**

- Counties should keep daily records on length of post-disposition placement delay.
- Counties should keep daily records on efforts to place youth awaiting placement.

- Counties should keep ongoing records of particular needs that make youth hard to place, both to help inform refinement of services offered at existing placements, and to document the need for additional placements.
- Counties should keep ongoing records on placement failures – this will facilitate analysis of such questions as whether the initial placement was inappropriate (and what could be done to improve the decision making process); whether there is something at the placement itself that needs attention (e.g., a need for additional services to help keep youth in place, or a need for staff training); and whether there are patterns showing a need for different kinds of placements for certain youth.
- Counties should document any and all problems experienced in getting placements to abide by their contractual obligations, including refusal to accept particular youth that fall within their program description, “dumping” youth at the first sign of problems, or failure to provide services described in their contract/program description.
- Counties should document the cost of prompt placement as compared with lengthy placement delay (e.g., \$150/day x 60 days = \$9,000 or \$12,000 if delay is for 90 days, just for one child), and also document the problems caused by lengthy delay (staffing, juvenile hall crowding, liability risks). This is useful information in justifying reallocation of departmental resources.
- Counties should keep track of progress (or lack thereof) over time in reducing placement delay. Many counties gave us information indicating that there had been a push on these issues at one point; it is important to know what the results were to inform future efforts.

### **Placement Process**

- Counties should enhance their awareness and increase their use of other ways to achieve the goals of group placement. Placement is ordered for youth who are delinquent but do not need secure confinement – it tends to be ordered for youth who have families considered to provide inadequate supervision/support, and/or for youth with mental health/emotional problems. The needs of many of these youth can be met through home-based or wrap around services, in lieu of out-of-home placement. Even those youth who are unable to remain at home may be better served by placement with an individual foster family than in a group home. Aside from the rehabilitative benefit of maintaining such youth in a more normalized setting, there are big financial advantages to the counties in using IV-E waiver wraparound funds, Medicaid funding, or cheaper forms of foster care.
- Placement is generally predictable from the beginning of a case, and courts usually follow probation officer recommendations contained in the social study report. Accordingly, County policies should assure that firm placement plans are made sufficiently in advance of the to disposition to be included in the social study report.
- Counties should have policies in place to assure that paperwork is transported to the placement staff as soon as the dispositional order is made. Counties should designate personnel responsible for transferring the paperwork in a timely fashion.

- The practice of placing youth on waiting lists should be discontinued. A placement either is or is not available.
- Counties should self-impose brief time limits for placement, and not wait until the child has already been waiting 60 days or more to intensify efforts. Even one unneeded day in “jail” is too many.
- If there is a really good reason for the delay that balances out the damage of waiting, transfer the youth to a non-secure setting pending placement.

### **Dealing With Placement Provider Issues**

- If placements refuse to accept youth at the level of care for which the placement has contracted (e.g., they won’t take a Level 14 youth, when they are under contract to accept Level 14 youth), the details should be immediately presented the California Department of Social Services Community Care Licensing Division.
- Counties should closely track placement failure. The placements, after all, have contracted to provide services to troubled youth. If placements readily “dump” youth at the first sign of conflict, the county should intervene on an individual basis to determine whether the situation can be addressed without removing the youth. If such problems are frequent with a particular placement, this fact should be reported to the California Department of Social Services Community Care Licensing Division. In extenuating circumstances, the county should simply determine not to renew its contract with the placement.
- Counties should monitor youth in placement to assure that they are actually receiving the services the provider has described as being provided. If they are not being provided, the provider should be reported to the California Department of Social Services Community Care Licensing Division. In some circumstances, failure to provide needed services may require removing the youth from the placement on a change of circumstances petition.
- Counties should document placement needs that are difficult to meet, and should work with their county administrators and the California Department of Social Services Community Care Licensing Division to develop additional placements that meet those needs.

### **Placement Staffing/Oversight**

- Counties should allocate adequate personnel to effectuate timely placements.
- Counties should designate staff to daily monitor the status of youth awaiting placement from the date of disposition, and take needed steps to expedite actual placement.
- Counties should assure that placement staff have comprehensive information about youth characteristics that are pertinent to placement.
- Counties should assure that placement staff are well acquainted with each placement used by the county, and that detailed program descriptions are readily available.

- Counties should assure that placement staff are trained to recognize special placement needs of youth (e.g., special education, mental health needs, past problems with running).
- Counties should assure that placement staff regularly meet with administrators to discuss placement data and placement needs, and assure that needed steps to modify contracts, or develop new contracts are taken.

### **Possible Additional Action to Reduce Placement Delay**

- Contacting professional organizations of defenders and juvenile court judges to heighten awareness of these issues.
- Enhancing the 15-day placement reviews under Welf. & Inst. § 737 – calendaring reviews as appearance hearings, and inquiring into “the action taken by the probation department to carry out its order, the reasons for the delay, and the effect of the delay on the minor.”
- In cases of protracted delay, where the delay is tantamount to a failure to carry out the dispositional order, filing a change of circumstances petition (this could be done either by probation or the public defender) or a writ of habeas corpus (this would be done by the public defender).
- Strengthening statutory protections or court rules to reduce placement delay.
- Requesting that BOC collect more detailed statistics tracking placement delay.
- Seeking heightened State DSS agency involvement in problems such as placements not taking youth per contracts.
- Working in specific counties for increased use of community-based services in lieu of placement for appropriate youth through Medi-Cal or IV-E or SB 163 wraparound waivers.

This is a beginning list; we’ll look forward to input on what is here, and welcome additional suggestions.