

## **Youth Returning to the Community from Juvenile Justice Facilities: A Guide for Advocates**

No child should remain in custody due to the lack of a reentry plan. Now more than ever, the juvenile justice system must make every possible effort to return detained youth to their families and/or home communities.

This guide is for advocates working to release detained youth and support them in the community during the COVID-19 pandemic. This guide can be used to create comprehensive transition plans for individual youth, which serve the dual purpose of demonstrating to the Court or Probation that a youth can be served in the community and should be released and providing a roadmap for provision of supportive services. The guide can also help advocates who wish to shift practice and policy to releasing youth and serving them in the community, but are not sure where to start.

The guide is composed of four sections and three appendices. Section I, Background, discusses why advocates should pursue the release of youth from juvenile justice facilities. Section II, Pre-release Planning, outlines the necessary steps advocates should ensure are addressed prior to release. Section III, Transition Planning, outlines in detail what the transition planning process should involve. Section IV, Ongoing Reentry Concerns & Community Supports, points to areas of ongoing need after transition and available supports for maintaining a young person's stability in their community. Finally, the appendices offer supplementary information and tools, including information about Probation and the Court's ability to release youth, with strategies that can be used to seek release (Appendix A); a simple checklist version of the steps outlined in this guide (Appendix B); and a template communication plan (Appendix C). Where relevant, we include citations to the California code sections and administrative guidance that outline Probation and other agency responsibilities with regard to reentry.

### **Note on Hyperlinks**

This toolkit contains hyperlinks to numerous online resources. Hyperlinks are indicated by underlined text, in blue if you are viewing this document in color. (Email addresses and internal links to jump to a referenced section of the toolkit also appear in underlined blue text.)

If you are using this toolkit in a printed or scanned version, to access hyperlinked resources please see the original electronic version of the document at [https://yhc.org/resource/emergency\\_guide\\_on\\_youth\\_reentry](https://yhc.org/resource/emergency_guide_on_youth_reentry). Additionally, we recommend that you access the electronic version of this toolkit as it and any linked resources may be updated periodically.

**For any questions related to this toolkit, please contact [info@yhc.org](mailto:info@yhc.org).**

If you wish to adapt this toolkit in whole or in part for use in your jurisdiction or for any other purpose, please credit this toolkit as the source document as "Advocate's Guide on JJ Youth Returning to Community, YLC 2020."

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## I. Background

Youth face a heightened risk of harm in congregate care settings, such as juvenile justice facilities, compared to youth who live in family homes, and that risk is heightened exponentially during a public health crisis such as the Covid-19 pandemic.<sup>1</sup> In juvenile justice facilities, youth live in close proximity to one another and are cared for by constantly changing staff who may have been exposed outside of the facility, creating a risk of disease transmission and outbreak, a risk that is now increasing as states and counties begin to reopen. Youth in juvenile justice facilities may also experience increased isolation, anxiety, and fear as they face restrictions on in-person contact and group activities; advocates across the state have reported that in many facilities, youth do not have access, or have very limited access, to schooling, religious services, mental health services, or supportive programming. Additionally, the risks of detention are borne disproportionately by low-income communities of color; the same communities that are disproportionately impacted by the pandemic.<sup>2</sup> For these reasons, advocates across the nation are calling for the release of youth from juvenile justice facilities.<sup>3</sup>

We do not know when the COVID-19 pandemic will end or how much the virus will spread. As advocates across the state seek the release of young people from juvenile justice facilities, now is the time to engage in robust planning with young people in juvenile justice facilities to ensure that they transition back to the community promptly and safely, have access to needed services, and are not penalized for conditions outside of their control, such as lack of internet access to attend school or inability to attend group therapy sessions.

As devastating as this crisis is for families across our nation, it is important to remember that the relationships and policies developed in order to effectively serve youth in the community at this time are a seed that can bear fruit long after the pandemic has subsided. For many years, agencies, advocates, community-based organizations, and youth and families have been working towards developing systems that allow youth to stay in their communities. Now, for reasons outside of our control, we must move forward in creating and implementing such systems in order to ensure the health and safety of youth and staff. As we all adapt to the realities of this crisis, we should use this time to build and expand on Probation collaborations with community groups, and continue the work of transforming the juvenile justice system to center the needs of youth and families.

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<sup>1</sup> Holman, B. and Ziedenberg, J., (2013), *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Congregate Facilities*. Justice Policy Institute [http://www.justicepolicy.org/images/upload/06-11\\_rep\\_dangersofdetention\\_jj.pdf](http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf); Mendel, R. A. (2011), “No Place for Kids: The Case for Reducing Juvenile Incarceration”, The Annie E Casey Foundation. <https://www.aecf.org/resources/no-place-for-kids-full-report/>; Barnert, E., et al. (2017) , How Does Incarcerating Young People Affect Their Adult Health Outcomes?, *Pediatrics*, 139(2); DOI: <https://doi.org/10.1542/peds.2016-2624>

<sup>2</sup> Holman & Zeidenberg, (2013); Wingfield, A. (2020, May) The Disproportionate Impact of Covid-19 on Black Health Care Workers in the U.S. *Harvard Business Review* <https://hbr.org/2020/05/the-disproportionate-impact-of-covid-19-on-black-health-care-workers-in-the-u-s>

<sup>3</sup> Loudonback, J., (2020, April 02). Calls to Release Youth from Lockups Due to Virus Threat Grow Nationwide. Retrieved June 15, 2020, from <https://chronicleofsocialchange.org/justice/juvenile-justice-2/calls-to-release-youth-from-lockups-due-to-virus-threat-grow-nationwide/41950>

## II. Pre-Release Planning

This section contains information on housing, transition and communication planning, and Probation/Court authority to release youth.

Advocates must identify an appropriate housing option for youth. Once youth have a safe place to return to, they should not stay in the juvenile hall waiting for providers or school districts to finalize their plans for how services will be provided going forward. Many juvenile halls have suspended the provision of services due to concerns about COVID-19; youth are likely to have more access to services in the community, where there is a greater ability to access education and group services via videoconferencing or socially distanced meetings. Logistical concerns regarding tech access and scheduling can be worked out after release. There is no reason to hold a youth in a place that has no services because of uncertainty about exactly when and how all available community services will be implemented.

### Housing

System stakeholders and advocates should collaborate to identify an appropriate housing option for the youth.

- **Release to Home (Parent or Guardian Custody)**
  - Returning home is the default option for youth who are not in foster care. If the parent is willing, and it is not contrary to the youth's welfare (with reasonable efforts made by Probation to address any potential concerns), the youth should go home.
- **Release to Other**
  - When a youth cannot be released home, advocates should consider:
    - Kinship placements with relatives and non-relative extended family members
    - Resource family placement through a foster family agency
    - Therapeutic foster care home
    - Transitional housing
  - When considering non-home options, a top priority is ensuring that youth can stay close to loved ones and community.<sup>4</sup> Probation and the Court should be wary of utilizing out-of-state placements, particularly given their inability to monitor compliance and implementation of COVID-19 public health guidelines in other states.
  - Remember that these options are available pre-disposition as well as post-disposition.<sup>5</sup>

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<sup>4</sup> WIC 706.6 indicates that Courts, Probation, and Child and Family Teams should prioritize placements that allow youth to stay close to their family, community, and school.

<sup>5</sup> WIC 636(a) "The Court may make its order that the minor be detained in the juvenile hall or other suitable place designated by the juvenile Court...."

- If staff need assistance navigating these options, they should call the Foster Care Ombudsperson's Office at 877-846-1602 or [fosteryouthhelp@dss.ca.gov](mailto:fosteryouthhelp@dss.ca.gov).
- For information on how to help Nonminor Dependents navigate issues with transitional housing or supportive individual living placements (SILPs) refer to [Youth Law Center's checklist for Transition Aged Youth](#).
- **Covid-19 Specific Concerns**
  - Probation should utilize medically-informed protocols that are individually-tailored to support release of youth with confirmed exposure to COVID-19 or who have tested positive.
  - Adopt a problem-solving lens with regard to COVID-19 specific concerns. There may be circumstances in which someone in the home is sick or medically vulnerable, and the parent is worried about the health risk of immediate return. Rather than holding a youth in detention, advocates should help the parent identify alternatives, such as staying with adult siblings, extended family, family friends, or other supportive adults for an interim period.

## Pre-Release Transition Plan and Communication Planning

System stakeholders and advocates should collaborate to:

- Identify the supports the youth will need in the community through consulting with the youth, family, and/or Child and Family Team.<sup>6</sup>
- Identify a point person who will be responsible for ensuring that the youth will be connected with those supports after release.
- Provide the youth and family with a list of contacts responsible for those supports.
- Develop a strong communication plan, paired with an identification of the youth's needs and actors responsible for meeting those needs, that should be sufficient to ensure that connections to community services are made and services are implemented after release. Advocates should ensure that all information is available to the youth and family in their preferred language. A template communication plan is available at the end of this document, on page 21.
  - Given the exigent circumstances, it may not be possible for a transition/reentry plan to be as detailed as it would normally be prior to release. It is still important to engage in the full scope of transition planning, but some elements of the plan can be coordinated remotely once the youth has returned home.

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<sup>6</sup> A Child and Family Team is convened for youth at risk of foster care placement in order to identify a youth and family's strengths and needs and work to achieve positive outcomes for safety, permanency, and well-being. WIC 706.6(a); WIC 16501(a)(4).

### III. Transition Planning

This section covers issues related to youth's basic needs, education, and ongoing Court/Probation concerns.

Once a youth's return home placement has been identified and a youth's transition and communication plan are completed, agencies and advocates can move on to the following areas. These issues can be addressed while a youth is awaiting a judicial determination regarding release and/or in the time period immediately following a youth's release, but resolving these issues should not be a prerequisite for release.

For all of the below, advocates should work together with Probation to identify the appropriate point person to assist the youth and family with meeting their needs. This could be the Probation officer, a social worker/case manager, a community-based organization, a legal aid organization, a reentry program, a school employee, or another support. Sometimes the point person has already been identified in statute; for instance, the County Office of Education is primarily responsible for school transition, and Probation is primarily responsible for continuity of healthcare. This resource points out statutory mandates where they are applicable. Recall that Probation is always obligated to coordinate transition and reentry services—these duties are not new, although their importance is heightened during this time.<sup>7</sup>

#### Health and Safety

Advocates should work with Probation to ensure that they meet their transition-planning obligations with regard to youths' health and safety. Probation is required to do release planning to facilitate continuity of medical care and continuation of medication for youth who are detained for 30 days or more, or who are receiving significant medical care in the facility.<sup>8</sup>

- **Medi-Cal** – Probation should ensure that all eligible youth have access to Medi-Cal or other health care coverage upon release. Under the procedures outlined in Welfare and Institutions Code section 14029.5, all youth in custody for more than 30 days must be screened for eligibility, and Medi-Cal reinstatement should be automatic on the date of release for youth who are in custody for 30 days or more. For youth in custody for less than 30 days, Probation should coordinate with the county human services agency to ensure that Medi-Cal is reinstated without delay.
- **Medication** – In accordance with Title 15 regulations, agencies should ensure that a youth is able to continue taking prescription medication without interruption, by sending

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<sup>7</sup> Title 15, Article 5, Section 1351 states "The facility administrator shall develop and implement policies and procedures for post-disposition youth to coordinate the provision of transitional and reentry services including, but not limited to, medical and behavioral health, education, Probation supervision and community-based services."

<sup>8</sup> Welf. & Inst. Code § 14011.10 and § 14029.5, and Title 15, Article 8, Sections 1414, 1438, 1439.

the youth home with a supply of medication and/or a prescription refill and ensuring that the prescription is forwarded to a pharmacy convenient to the youth.<sup>9</sup>

- **Mental Health** – Agencies should assess whether a youth needs urgent and continuous mental health care upon release, consistent with Title 15 regulations.<sup>10</sup> Probation should make connections to community providers where appropriate.
- **COVID-19 Planning** – Youth and their families should be provided with masks upon release, as well as the information necessary to keep themselves and their families safe during the pandemic, including:
  - Basic guidance on protecting oneself and preventing the spread of the virus, such as that provided by [the CDC's coronavirus website](#).
  - Any specific precautions and orders in place in the county where they reside. Recommendations from the California Department of Public Health are available and being updated [here](#), along with links to local agencies.
  - Which health conditions place them at higher risk for severe illness and how to plan to stay healthy. CDC guidance on high-risk groups is available [here](#).
  - Current health recommendations about utilizing urgent care and emergency rooms. Advocates can consult [the California Department of Public Health website](#) to find up-to-date guidance.
  - A current number for their health provider and/or the county health line in case they develop symptoms or have health-related questions.
  - A plan for how the youth should access medical care if necessary. The youth should be provided information about telemedicine.
  - **Note that initial reports that children and teens are unaffected by COVID-19 may not be accurate; our understanding of COVID-19 is still evolving.** There is [some evidence of rare complications](#) for a small number of children and teens, although research is still ongoing. Thus, it is important that Probation and families stay informed of new developments in the pandemic, in order to more accurately gauge risk and adjust policies and behavior as time goes on.

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<sup>9</sup> Title 15, Article 8, Section 1413 requires Probation to plan continuity of medical, dental, and mental healthcare, including medication, which may include relevant authorization for transfer of information, insurance, or communication with community providers to ensure continuity of care. Section 1438 requires that Probation plan for uninterrupted continuation of medication. Section 1439 requires that Probation ensure that “the necessity for uninterrupted continuation on psychotropic medications is addressed in pre-release planning.”

<sup>10</sup> Title 15, Article 8, Section 1437 requires Probation to engage in “transition planning for youth undergoing behavioral/mental health treatment, including arrangements for continuation of medication and services from behavioral/mental health providers, including providers in the community where appropriate.” § 1439 addresses continuity of psychotropic medications.

## Education

**K-12 Enrollment** – Youth in grades K-12 should be promptly enrolled in school upon release. Advocates should work with school administrators, transition liaisons, and foster youth liaisons, as appropriate, to ensure that the youth's receiving school district is ready to begin instruction as soon as possible after the youth's release. The County Offices of Education (COEs) are primarily responsible for educational transition planning, and Probation has educational transition-planning obligations as well.<sup>11</sup>

- Some districts may have shut down their enrollment offices or furloughed staff who typically process enrollments. Below is some information regarding the educational rights of justice-involved youth that may assist agencies and advocates in enrolling students in school:
  - Under Education Code § 48645.5(b), schools cannot delay or deny a student's enrollment or readmission solely because they had contact with the juvenile justice system.
  - Under Education Code §§ 48645.5(c) and 48647(a), schools cannot delay enrolling a student for any reason, including requiring a meeting prior to enrollment; outstanding fees, fines, or other items or moneys due to the school last attended; inability to produce academic records, medical records, or immunization records; or inability to produce proper uniform/school dress.
  - Involvement with the juvenile justice system is not grounds for transfer to an alternative school. There are legal and procedural protections in place governing involuntary and voluntary transfers to alternative school settings. See Education Code §§ 48432.5, 1981(b)(1), 48432.3.

**Special Education** – School districts are still required to provide students with special education services if they are providing general education services. For youth in special education, the court school should work with the receiving district to schedule an IEP meeting with the student and family via phone or videoconference to discuss how special education services will be provided in the district's learning modality. As of August 2020, some districts are providing in-person services, some distance learning, and some a hybrid model. Even if the district is offering in-person services, the team should discuss how services would work via distance learning, so that they will be prepared in the case of school closure.

- Examples of promising distance learning special education practices are available from [the National Center for Youth Law's website](#).

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<sup>11</sup> According to 15 CCR § 1370(g) and EC § 48647 (b), Probation departments and court schools must develop joint policies and procedures to meet the transition needs of youth, including but not limited to, the development of an education transition plan, and procedures that improve communication, and coordination of immediate school placement and enrollment. In anticipation of a youth's release from detention, Probation is required to provide discharge planning that includes release notification to the court school (15 CCR § 1351), case planning for youth held for 30 days or more that includes a transition and reentry plan (15 CCR § 1355), and transitional and reentry services for all post-dispositional youth released from the facility (15 CCR § 1351).



- Note that many services, such as Applied Behavior Analysis (ABA) therapy for youth with autism, counseling, and speech and language services, can be provided via videoconference and, in certain circumstances, in the home.
- While under most circumstances California schools are not required to hold IEP meetings during the summer months, students' educational rights holders should still request a transition meeting and ask that it be scheduled either right before or right after school starts.
- If parents or educational rights holders have concerns about a student's special education plan, or lack thereof, they should contact their local [Parent Information and Training Center](#) for free advice about their options.

**College Access** – Youth should be able to stay on the track towards postsecondary educational goals if that is something they desire. Advocates should identify a person or program who can assist them with financial aid and enrollment paperwork. That person could be the youth's high school counselor, the county's foster youth liaison, or a college's Rising Scholars (for juvenile justice-involved youth) or Guardian Scholars (for foster youth) program.

- For assistance with financial aid, youth and facility or agency staff should reach out to [the California Student Aid Commission](#) or call the financial aid office or Rising Scholars program of the college to which the youth is applying. (This is most likely to be helpful at community colleges, which often help students fill out aid paperwork.)
- For youth who are in the process of deciding which college to attend, or which colleges to apply to, information about changes to the admission process at different 4-year colleges is available from [the National Association for College Admission Counseling's website](#). Note that some colleges are now hosting webinars or virtual tours in lieu of college visits.

**Continuing Postsecondary Education** – Youth who are currently enrolled in college classes while in the juvenile hall should have a plan for how to finish or continue their coursework.

- As of this writing, California community colleges are still making decisions about whether or when they will open in the fall. If youth are currently enrolled in a college program while detained, or are planning to enroll in the next semester, the staff responsible for administering the college program in the juvenile hall<sup>12</sup> should create a plan with the youth for how they can access and complete their coursework upon release. Youth should be encouraged to contact their professors in advance to ensure that any necessary deadline extensions or workarounds are implemented.
- Some community college classes may choose to continue via written packets in the fall, rather than online, which means that the youth will need a plan for how to receive and return the packets to their instructor(s).
- If youth were enrolled in spring 2020 classes, but were unable to complete those classes due to COVID-19, they should be reminded that for the spring 2020 semester, the

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<sup>12</sup> The responsible party may be either the COE or college staff, depending on the county and whether or not it is a dual enrollment program.

community colleges have adopted special procedures to avoid penalizing students for failing to complete coursework. It is important to check in with the community college to make sure that the youth was not unfairly penalized for not completing a class, so that they can enroll in the fall and continue to access financial aid. Updates on new policies, and information about the spring 2020 policies are available from [the California Community Colleges Chancellor's Office website](#).

**Technology Access** – The youth and family should be connected with technology resources, such as a computer, internet, and phone, as these will be key to ensuring the youth's participation in community-based services, education, and court hearings.

- iFoster offers free phones to current and former foster youth (which includes youth who were placed in a group home, STRTP, or other foster care setting by Probation). The application form is available [here](#).
- The youth and family may also be able to get free or reduced price access to a computer and internet through the school district. Many school districts are offering Chromebooks and/or mobile hotspots to youth, and the state has recently allotted additional funds to address tech access for low-income students. Probation's transition liaison should contact the school district directly to ensure that the youth and family promptly receive computer and internet access.
- Certain internet providers (Comcast, Spectrum, etc.) are offering free internet for a limited time to K-12 or college students. If any of these providers are in the youth's service area, advise the youth and/or family to call, identify as a student, and request any free service the internet provider is offering (getting the terms and conditions in writing so that they know when the free term ends).
- For students beginning college, many colleges are loaning or giving laptops to low-income students who do not have one. Youth should contact their school's EOPS Office, Guardian Scholars or CAYFES/NextUp program (if a former foster youth), Rising Scholars, or Project Rebound office for assistance. Supports will vary from campus to campus.

## Basic Needs

**Identification Documents** – If the youth does not have a government ID, the youth should be assisted in obtaining one. An ID can make it much easier to obtain other forms of relief for which a youth may be eligible. Youth may be eligible for reduced-fee IDs or free IDs depending on individual circumstances. As of June 9, 2020, all DMV field offices are open for processing applications for reduced or no-fee IDs by appointment, but this may change as public health guidelines continue to shift.<sup>13</sup> For more information on IDs, see [the DMV's Identification Cards webpage](#).

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<sup>13</sup> <https://www.dmv.ca.gov/portal/news-and-media/dmv-reopens-remaining-field-offices-to-public/>

- Advocates should check with nonprofit partners to see if they are able to sign no-fee and reduced-fee verification forms for youth, or if they have discretionary funds that can help defray the cost of obtaining identification.
- Advocates should encourage Probation to look into whether they can become eligible to fill out verification forms for youth, as government entities can become qualified verifiers of income. Probation can contact the DMV for more information. The order form for verification forms is available [here](#).

**Food** – The youth and family should be given information on food programs, both for enrollment in CalFresh and also for programs for school-aged youth in the community.

- During the school enrollment process (discussed above), advocates and Probation should gather information about school-based meal programs and provide to the family. Some districts are continuing to offer food assistance over summer break and during school closures, while others are not.
- Youth and families can [submit a CalFresh application online](#). Families are eligible for emergency CalFresh (meaning they can get their benefits within three days of applying) if either:
  - The household makes less than less than \$150 monthly and has less than \$100 on hand.
  - The household's combined monthly income and money on hand are less than combined monthly rent and utilities.
- Follow up with the county CalFresh office by phone to ensure receipt and processing of the application within three days and to verify any information that may pose a barrier to eligibility.
- Note that CalFresh is operating a special Pandemic EBT (P-EBT) program for families with children eligible for free and reduced-price lunch. Some eligible families will receive the \$365 EBT card benefit automatically, and others may need to apply. The original deadline to apply was July 15, 2020, however, it is possible that the program will reopen or change format depending on what happens with school re-opening in the fall. The most recent information about the program is available from [the P-EBT website](#).
- Send the youth and family information about food delivery and local food banks, and brainstorm strategies for the youth to safely get to their nearest food bank or food distribution site. Help the family call the pantry or research local resources or call 211 if it's not clear whether their local food bank is open (or if their hours are limited).
  - If the youth receives CalFresh, help the youth find grocery stores, including Wal-Mart and Amazon, that will accept their EBT card [online](#).
  - Use [the California Food Banks' website](#) to locate local food assistance.
  - The Feeding America website provides its own [food bank locator tool](#).
  - [The 211 website](#) also provides information about available food and other pandemic-related resources.

**Rent and Other Forms of Relief** – The youth and family should be given information about COVID-19 relief initiatives in their county, such as rent relief, eviction moratoriums, and unemployment insurance.

- CalWORKS – Advise families that CalWORKs applicants can request an Immediate Need (IN) payment due to lack of housing, food, etc. Help them complete the IN request form on the CDSS website [here](#), and submit the form to the local CalWORKs office. The office must determine eligibility within one day. The family can also request that the CalWORKs office expedite its processing of the CalWORKs grant, which takes three days but may result in a larger payment.
- Advise the youth that the CalWORKs office should have suspended some of its usual eligibility requirements, such as any in-person interviews or medical verification of pregnancy, and that CalWORKs recipients were exempted from the usual work requirements during the months of March, April, and May. See the [All-County Welfare Directors Letter \(May 4, 2020\)](#) for details. Note that as counties re-open, different localities may adopt different policies regarding in-person interviews or presentation of photo ID prior to final approval of a CalWORKs grant.
  - For foster youth who are pregnant and/or parenting, advise them that if they are receiving an infant supplement with their monthly foster care benefit, that amount may be offset by the amount of CalWORKs paid at the beginning of the month.

## **Court and Probation Issues**

**Court Access** – If the youth has any upcoming court dates, or had court dates that were postponed due to COVID-19, agencies and advocates should provide the youth and family with information about how to participate remotely. Some counties and courthouses are using videoconferencing software such as Zoom, while others are allowing parties to participate telephonically.

- Probation should give a notification of the youth’s next court date, how to get to the next court date (in person, phone, or conferencing software). This notification should be in the family’s preferred language.

## **Probation**

*Completing Referrals* – Pursuant to the transition and communication plan, as well as the youth’s case plan and dispositional order, advocate to have Probation complete referrals to case management and treatment programs, counseling, job training, and other programming.

- Advocates and Probation should also take this opportunity to inventory and partner with community-based organizations proactively and programmatically, beyond just providing a handful of referrals. If CBOs have capacity to provide reentry support to many young people, especially those in particular populations, such as pregnant and parenting, formerly gang-involved, girls and gender non-conforming, or LGBTQ, this could be an opportunity to develop collaborative relationships that extend beyond COVID-19.

*Probation Conditions* – Advocate for Probation to communicate clearly and in writing about their expectations for compliance with Probation conditions and, where possible, eliminate or suspend conditions.

- For example, does a youth need to come in for drug testing every two months as stated in their plan, or is that requirement suspended? Can Probation suspend school attendance or academic progress requirements if the youth is experiencing technological connectivity issues or is not receiving special accommodations that make school accessible?
- Advocate to ensure that Probation expectations for engagement with community resources and school are reasonable in light of the public health circumstances. [Schools all over the country are struggling with lowered attendance and student engagement](#)—youth on Probation supervision should not be penalized for the developmentally appropriate behaviors that are being expressed by millions of teenagers.
- Advocate for Probation to eliminate conditions that interfere with a youth’s ability to engage in educational, therapeutic, or prosocial activities online or expose the youth to increased risk related to COVID-19 (such as attending in-person meetings or traveling on public transit).

*Case Plan* – Work with Probation to create an updated case plan with goals and incentives for the youth to work towards, taking into consideration logistical concerns posed by COVID-19.

- Probation should ensure that, if the case plan identifies individuals responsible for each goal, that the plan does not place an undue burden on the youth or family alone. While COVID-19 may change the manner in which youths and families can access support services to help them meet their goals, it is not a reason to require youths and families to meet goals without support.

*Probation Violations* – Probation’s policies with regard to Probation violations are responsible for many instances in which youth are cycled in and out of juvenile detention facilities, which increases the likelihood of exposure for youth and staff. To keep youth in their communities and out of juvenile facilities, advocates should encourage Probation to adopt policies that:

- Avoid seeking any formal violations, and opt instead to resolve compliance issues informally, through direct communication with the youth, their family, and their attorney.
- Avoid seeking warrants or bringing youth into detention for Probation violations. If a Probation compliance issue must be brought to the Court, Probation should support the youth in voluntarily appearing in court—via remote platform or if necessary in person—rather than using warrants and/or detention.

*Future Steps* – Advocate for Probation to clearly communicate what the youth and family should do when any pandemic restrictions lift or are reinstated. The youth’s Probation officer should be responsible for contacting them to initiate next steps.

## IV. Ongoing Reentry Considerations, Supports and Services

This section provides information on mental health, community connections to prevent social isolation, other community-based supports, and issues pertaining to pregnant and parenting youth.

Youth in our communities, whether they are Probation-involved or not, are experiencing high levels of need in many areas, whether it be financial assistance, mental health, school attendance, or college enrollment. As the pandemic evolves, Probation should work with community partners to meet different aspects of those needs. Probation is directly responsible for ensuring that youth have access to the supports and services ordered by the Court; with regard to other needs, Probation, in partnership with advocates, can play the role of facilitator through meaningful connections to mentorship programs or other community-based resources, such as local community colleges.

### Ongoing Mental Health Supports

As addressed in the prior section, referrals to provide continuity of mental health services should be made as soon as possible, consistent with Title 15 regulations. However, new mental health concerns may arise during this difficult time. Advocates should continue to check in with the youth regarding their mental health and provide new referrals as necessary. **Note that the outside resources listed below are not a replacement for referrals to community based mental health providers; giving youth the contact information for mental health crisis lines is a good practice, generally, but does not replace Probation's duties to engage in transition planning, appropriate mental health referrals, or provision of Court-ordered services, such as WRAP.**

- If the youth is experiencing a mental health crisis, every county operates a 24/7 crisis intervention number. [A list of these numbers](#) is available from the California Department of Health Care Services.
- The National Alliance on Mental Illness (NAMI) operates a mental health hotline which can be reached at (800) 950-6264 (or text 741741). NAMI also has [a resource guide related to COVID-19 issues](#).
- [Teen Line](#) is open nightly from 6pm-9pm Pacific to connect by text and email. Text "TEEN" to 839863.
- Brainstorm ideas for social contacts, coping mechanisms, and develop a stress management plan with clear actions and important contacts for every youth. The Center for Parent and Teen Communication provides [an example plan](#).
- Youth in substance use and/or abuse recovery may benefit from connecting with a recovery group via videoconferencing.

### Community Connections to Prevent Social Isolation

- Healthy relationships and social connection are important for all adolescents, and especially for justice-involved youth. It is important to ensure that youth are staying

connected with important people in their lives, and they may need help doing so, especially when they are moving from one form of isolation to another. Advocates should check in with youth to make sure that they are able to connect with their social networks.

- Referrals to community-based reentry organizations can be a way to help youth engage pro-socially and safely with peers.
- Youth may also need assistance figuring out how to stay busy while under a stay-at-home order, and they may experience feelings of loss or disappointment as many of the things they may have hoped to do upon release are not accessible at this time. Discuss the importance of maintaining a good routine to combat the negative effects of social isolation. Consider topics such as waking up at the same time every day, an exercise routine, light exposure, work or hobbies to fill the day.

### **Other Community-Based Supports**

- Once a youth is safely back at home, is enrolled in school, and is accessing necessary services, agencies and advocates should assess any other community-based resources that the youth could be referred to in, for instance, the domains of independent living skills, long-term independent housing, job placement and retention, or civil legal assistance.
- Civil Legal Aid – As families struggle with new economic challenges and unemployment, there may be an increased need for legal advice regarding housing, employment, and medical issues. A directory of civil legal organizations is available from [the Legal Aid Associate of California's website](#).

### **Pregnant and Parenting Youth**

*Pregnant Youth* – Advocates should identify a community-based support person to assist pregnant youth with the following issues. Recall that Title 15 requires Probation to ensure continuity of care for youth released from a facility.

- Prenatal Care
  - The youth and their community-based support person should work together to identify people in the youth's network who can assist them with transportation and basic needs.
  - Once the network is identified, the youth should be supported in creating a plan for continuing to receive prenatal care, including transportation to essential appointments as well as food and necessary dietary items, such as prenatal vitamins.
  - The youth should be connected with a physician who can advise them as to the risks and precautions for pregnant people during COVID-19.
- Birth Plan
  - Make a plan for when the youth needs to go to the hospital to give birth, including who is going to safely transport them to the hospital and how. Make a list of all of the phone numbers that the youth needs to contact loved ones and support

people during labor and birth. Ensure youth have a plan in case hospitals or medical facilities restrict or limit guests/support people during labor and delivery.

- Ensure that the youth is able to access resources that may be difficult to find, such as diapers, wipes, or formula. Assist the youth with locating a nearby store with the necessary supplies and make a plan for the youth to safely get to a store or receive a supply delivery. If financial resources are an issue, assist youth in identifying a local charitable organization that can provide basic supplies.

### *Parenting Youth*

- Advocates should identify a point person to assist the youth with navigating parenting-related issues. The point person should assist the youth with the following considerations:
  - Communication planning and support in creating an ongoing parenting plan, whether that is a formal visitation agreement or shared parenting agreement
  - Connection with additional parenting resources, such as ongoing parenting classes
  - A youth may have an ongoing child support case or outstanding fines related to child support. If unresolved, these issues can lead to the youth being unable to obtain a driver's license. Civil legal aid organizations may be able to assist with these issues. A directory of organizations is available from [the Legal Aid Association of California's website](#).
  - Return of any parenting-related documents held by the facility, including children's birth certificates (sometimes required for visitation), photos taken during visitation, or credentials for any parenting classes completed. The record of last visitation is important for youth to obtain in order to establish future visitation rights if needed.
  - Referrals to any community-based resources that can assist with co-parent support or counseling
  - Resources for how to navigate virtual visitation, as some parents may not be able to see their children in person because of the pandemic. Information on this topic is available from [the Quality Parenting Initiative's COVID-19 resource page](#).
- Youth with children in foster care may need particular assistance to reconnect with the child welfare agency so that they can get information about their child and their visitation rights.
  - If the social worker or county is unresponsive, elevate any ongoing issue to the Foster Care Ombudsperson's Office at (877) 846-1602 or [fosteryouthhelp@dss.ca.gov](mailto:fosteryouthhelp@dss.ca.gov).
  - In-person visitation may or may not be possible at this time, but even if it is not an option, virtual visitation is allowed.



## Appendix A - Probation and Court Ability to Release Youth

Below is information regarding Probation and the Court's authority to release youth from custody. The options are different depending on whether a youth is pre- or post-disposition. Some jurisdictions have been unwilling to exercise the full range of their authority to release youth who have already been detained or to decide not to detain youth who have been brought in for new arrests. For a full overview of detention and diversion law, visit [the Youth Law Center's "Juvenile Justice Transformation: Navigating the Legal Landscape" page](#).

### Pre- & Post-Disposition

- The California Department of Justice has clarified that under Gov. Code § 8658, Probation has the authority to release youth from juvenile hall or transfer them to “a safe and convenient place”<sup>14</sup> without waiting for a court order. This authority can be used for pre- or post-disposition youth during a state of emergency.
- The Juvenile Court has the authority to close a facility or release certain categories of youth under Welf. & Inst. Code § 209.
- See [the Pacific Juvenile Defender Center's COVID-19 Resource Page](#) for information about options that attorneys can pursue for release of youth, such as 778/779 petitions, and petitions for habeas corpus.

### Pre-Disposition

- In some counties, law enforcement is continuing to arrest youth and bring them to Probation to make a determination as to whether they should be detained. Recall that there is a general presumption in favor of releasing youth brought to Probation by law enforcement. Even when there is sufficient probable cause to justify an arrest, Probation has a statutory duty to release youth, unless certain facts are present to justify detention.<sup>15</sup>
  - Even if Probation finds that there is a statutory factor that would permit a youth to be detained, Probation could release a youth to Home Supervision if 24-hour secure detention is not required to ensure that the youth will not flee, or to protect the minor or person or property of another.<sup>16</sup>
- The exception to the above is for youth who are at least 14 and who have committed 707(b) offenses or personally used a firearm in the attempt or commission of a felony. These youth must be held in custody by Probation<sup>17</sup> until a judge reviews their case in a

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<sup>14</sup> <https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/2020-dle-05.pdf?>

<sup>15</sup> Welf. & Inst. Code § 628(a)

<sup>16</sup> Welf. & Inst. Code § 628.1

<sup>17</sup> Welf. & Inst. Code § 629.1

hearing,<sup>18</sup> or unless a judge finds that their arrest lacked probable cause,<sup>19</sup> prior to the hearing.

- For youth who fall into this category, Probation should have medically-informed protocols to minimize risk of exposure while also avoiding use of 24-hour solitary confinement. Recall that pre-trial detention of youth cannot be used as punishment, and that the extreme harmful effects of solitary confinement of youth are well-documented, particularly for youth with disabilities.<sup>20</sup>

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<sup>18</sup> Welf. & Inst. Code § 629.1, 632

<sup>19</sup> See A Legal Map of Youth Detention (2020), Youth Law Center, p. 9 <https://ylc.org/wp-content/uploads/2020/05/YLC-02-A-Legal-Map-of-Youth-Detention-in-California.pdf>.

<sup>20</sup> Human Rights Watch & American Civil Liberties Union (2012), Growing Up Locked Down, Youth in Solitary Confinement in Jails and Prisons Across the United States <https://www.hrw.org/sites/default/files/reports/us1012ForUpload.pdf>

## Appendix B - Reentry Checklist

### Pre-Release Planning

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- Housing
  - Pursue reasonable efforts for return to home.
  - Screen for kinship placements.
  - Screen for resource family placements, therapeutic foster care, or transitional housing.
- Pre-Release Transition Plan and Communication Planning
  - Consult with youth, family, and/or CFT about needs.
  - Identify point person to connect youth and family with supports.
  - Provide youth and family with a list.
  - Develop communication plan and provide copy to youth and family.

### Transition Planning

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#### Health and Safety

- Reinstate Medi-Cal or connect to other health insurance.
- Provide youth with supply of medication and/or prescription refill.
- Forward prescriptions to pharmacy.
- Arrange for continuation of mental health services.
- Provide current information about COVID-19 guidelines.
- Create a plan for how youth should access medical care if necessary.

#### Education

- Enroll youth in school district.
- Forward records and transcript to school district.
- Work with COE and Probation to meet transition planning requirements.
- For special education students, schedule transition IEP meeting.
- For transition aged youth, identify a person or program who can assist with financial aid and enrollment paperwork for college.
- For youth currently enrolled in college, work with community college to create plan for accessing and completing coursework.
- Ensure that youth have internet, phone, and computer access.

#### Basic Needs

- Assist youth with obtaining government identification.
- Provide youth with information about school-based meal programs.
- Assist youth and family with CalFresh application.

- Advise family of any COVID-19 housing relief initiatives in their county.
- Assist youth and family with CalWorks application.

#### Court and Probation Issues

- Provide youth with information about upcoming court dates and information about how to attend.
- Provide youth with information, in writing, about Probation conditions.
- Update Probation case plan.

#### Ongoing Reentry Considerations, Supports and Services

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- Provide youth with information about community mental health resources.
- Refer youth to community-based reentry organizations to assist with prosocial engagement.
- Assess youth for any other community-based resources that youth could be referred to, such as housing, job placement and retention, or civil legal assistance for housing, employment or medical issues.
- For pregnant and parenting youth, identify a point person who can assist with creating a birth or parenting plan.

### Appendix C – Sample Communication Plan

Area of Need	Point Person(s)	Contact Information	Appointment Scheduled?	Notes
<b>Education</b>	Jane Doe, COE Transition Specialist John Smith, COE Spanish translation	(XXX) XXX-XXXX	Tuesday, June 2 <sup>nd</sup> at 10am. John will call you. Viernes 5 de Junio a las 10. John llamará a ud.	Jane will coordinate at high school. Jane will review X's credits and send records to high school. Jane coordinará la inscripción en la escuela secundaria. Jane revisará los créditos de X y enviará registros a la escuela secundaria.
<b>CalWorks</b>				
<b>Mental Health Counselor</b>				
<b>Medical Doctor</b>				
<b>[Others]</b>				

Monday/Lunes	Tuesday/Martes	Wednesday/Miercoles	Thursday/Jueves	Friday/Viernes
2pm – X arrives at home. X llega a casa.	10am – Call with transition specialist about school. Llamada telefónica con un especialista en transición sobre la escuela.			