



## SB 200 Overview and Key Reforms

### Overview

Kentucky's juvenile justice reform bill, SB 200 passed in 2014, refocuses Kentucky's system on what works in juvenile justice for youth and families while maintaining public safety. Full implementation took effect on July 1, 2015.

### Why Kentucky needed juvenile justice reform

Despite federal law discouraging the practice, Kentucky had been among the top states in the country to incarcerate youth for committing a status offense, such as running away or skipping school, that would not be considered a crime if the youth were an adult. In 2007, youth charged with status offenses in Kentucky were locked up at the second highest rate in the nation. Of the youth in secure juvenile detention facilities, 83 percent were there due to status offenses or other minor offenses that did not pose a risk to public safety. Additionally, Kentucky spent significant resources on out-of-home residential placements for these youth. Of the Department of Juvenile Justice's \$102 million annual budget, more than half went to secure and non-secure residential facilities that cost an average of \$87,000 per bed, per year.

Kentucky children should be held accountable for behaviors that could harm themselves or others. However, Kentucky's juvenile justice system used practices deemed ineffective by research and punishments that did not fit the behavior. Responding to youth behavior in the court system and placing a child in lock-up increases the chances of negative outcomes for the youth, including the probability of re-arrest and health issues. These youth often do not get the services they need through the courts to grow into productive members of society. Youth should be diverted to services to address underlying issues the youth are experiencing, which can be more effectively provided in their community. Savings from the reduced use of incarceration for youth who pose no threat to public safety can be reinvested into proven community-based interventions. SB 200 was created to rework Kentucky's juvenile justice system towards an emphasis on using evidence-based practices such as early interventions to address the real reasons youth are acting out and keeping youth in their communities whenever it is safe to do so.

### Key Reform: Keeps kids out of court when they can be held accountable outside of the court system

#### **Strengthens the procedures and oversights of the Court Designated Worker (CDW)**

The CDW is the first line of connection between the youth and the justice system. By analyzing the youth's current needs, previous records, history behind the alleged offense, and other possible issues, the CDW recommends the next steps for the youth and/or family. The CDW will determine the best accountability or service option which could include a diversion agreement that may involve intervention or treatment services, community service, or other community supports which would help the youth get back on track while keeping him or her out of the court system.

#### **Creates and delivers validated risk and needs assessments**

These assessments will be given when the youth has been charged with a public or status offense, or during the pre-complaint process. The results of the assessments will help guide the decisions towards the best outcome for the youth by identifying appropriate intervention needs, as well as providing information for diversion and length of treatment decisions. The bill also establishes a process for more comprehensive assessments to guide intervention and treatment planning when a youth has been committed to the Department of Juvenile Justice in order to reduce the likelihood of that youth reoffending.

#### **Establishes a Family Accountability, Intervention and Response (FAIR) team**

If a youth fails to appear, declines to enter, or fails to complete a diversion agreement, the CDW can refer that youth to the FAIR team. Each judicial circuit or district has an established FAIR team. This multidisciplinary group develops case management plans as well as identifies opportunities for services to address the needs of the youth and their families. They work to address underlying problems and connect youth to services, or they can refer them on to court if those services are unsuccessful.

#### **Develops and implements a response of graduated sanctions**

A continuum of graduated sanctions will be created and utilized for youth who are placed into a diversion agreement. Sanctions placed will be determined upon how severe the current violation is, any previous records, and their assessed risk level. In-home placement would be considered a less restrictive sanction. A similar process of graduated sanctions is implemented with youth who are placed into the Department of Juvenile Justice system.

## **Key Reform: Emphasizes community responses and engages families**

### **Involves the youth's family when appropriate**

An emphasis is placed on the youth's families by involving them in the interventions, providing access to services for solving issues within the family, and increasing the accountability of youth and their families.

### **Utilizes out-of-home-placement only for high-risk or high-level offenders**

Efforts will be made to keep low-risk or low-level offenders in the home to the extent possible.

### **Allows the youth to complete treatment within his/her community**

Rather than be placed in secure or non-secure facilities outside of the youth's community, every effort will be made to provide treatment within the youth's community where he or she resides.

## **Key Reform: Reserves the most serious responses for the most serious behaviors**

### **Restricts commitment and allowable lengths of time for incarceration of lower-level offenders**

The decision on commitment and length of time on incarceration will now have to factor in the seriousness of the offense.

### **Restricts commitment on probation violations.**

A youth shall not be committed or recommitted to Department of Juvenile Justice for violation of the conditions of probation.

### **Sets a limit on incarceration for contempt of court**

A youth cannot be placed in secure detention (i.e. incarceration) for more than 30 days if found in contempt of court.

### **Implements some specific limits on the incarceration of youth for running away**

A youth who has run away can be placed in a secure facility but cannot be held for more than 24 hours, and they cannot be held for more than 72 hours if placed in a non-secure facility. The court also must find that no other less restrictive alternatives exist before placing the youth in an out-of-home placement.

## **Key Reform: Improves the system and reinvests in what works**

### **Establishes a fiscal incentive program**

This program increases funding for services in local communities by providing incentives that enhance public safety. The funding for the incentives comes from monies made available due to reduced expenses for out-of-home placements.

### **Improves data collection and reporting**

To ensure that the intended outcomes are being reached, increased data collection and reporting are required to measure the results of the programs and policies. There is also a requirement to track juvenile re-arrest outcomes.

### **Requires specialized education and training for persons who interact with youth involved in the juvenile justice system**

Professional development programs will be implemented with personnel who are involved in the treatment, supervision or placement of youth in the juvenile justice system. Training will be related to research-based juvenile justice interventions, impacts of out-of-home placements, alternatives to incarceration, use of graduated sanctions, etc. as well as training to address issues such as domestic violence, trauma and family engagement.



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