

## ***Juvenile Out-of-Home Policy***

### **I. Policy**

Juvenile probation officers working with juveniles in out-of-home placement shall case manage and work towards placement goals through implementation of evidence based practices including validated assessments and evaluations, identifying criminogenic risk, need and responsivity and targeted towards those juveniles with the highest risk of reoffending. Out-of-home recommendations should match the assessed level of care and be least restrictive. Transition planning will be utilized immediately upon placement to include the desired outcomes from placement, incorporation of Enhanced Family Engagement Principles and participation in community support services upon return.

Case management targets meaningful behavior change by focusing on risk, need and responsivity through the use of Responsive Case Management Standards. Standards are established by risk level to guide probation officers in the supervision of juveniles, and specific outcomes shall be utilized to measure the effectiveness of the strategies.

### **II. Purpose**

To ensure when a juvenile is removed from the home, they are appropriately placed and provided quality case management to achieve the best outcome possible for the juvenile, family, and community.

### **III. Reference**

[Neb. Rev. Stat. § 29-2258](#)

[Neb. Rev. Stat. § 43-2.108](#)

[Neb. Rev. Stat. §43-2,108.01 to 43-2,108.05](#)

[Neb. Rev. Stat. § 43-245](#)

[Neb. Rev. Stat. § 43-246](#)

[Neb. Rev. Stat. § 43-246.01](#)

[Neb. Rev. Stat. § 43-247](#)

[Neb. Rev. Stat. § 43-254](#)

[Neb. Rev. Stat. § 43-283.01](#)

[Neb. Rev. Stat. § 43-284](#)

[Neb. Rev. Stat. § 43-286](#)

[Neb. Rev. Stat. § 43-290](#)

[Neb. Rev. Stat. §43-290.01](#)

[Neb. Rev. Stat. § 43-297.01](#)

[Neb. Rev. Stat. § 43-408.](#)

[Neb. Rev. Stat. § 43-412](#)

[Neb. Rev. Stat. §43-417](#)

[Neb. Rev. Stat. § 43-533](#)

[Neb. Rev. Stat. §43-1301](#)

[Neb. Rev. Stat. §43-1303](#)

[Neb. Rev. Stat. §43-1304](#)

[Neb. Rev. Stat. §43-1308](#)

[Neb. Rev. Stat. §43-1309](#)

[Neb. Rev. Stat. § 43-1311.03](#)

[Neb. Rev. Stat. § 43-1313](#)

[Neb. Rev. Stat. § 43-2404.02](#)

[Neb. Rev. Stat. §71-914](#)

[Neb. Rev. Stat. §71-1926](#)

[Neb. Rev. Stat. §83-4,125](#)

#### **IV. Procedure**

- A. Overarching Principals for Out-of-Home Placement
  1. Validated assessments identifying criminogenic risk and needs should guide the recommendation for out-of-home placement.
  2. Research shows that low and moderate risk youth are best served in the community in non-residential placement that offer better juvenile outcomes.
  3. Recommendations should not exceed the appropriate level of care and be least restrictive.
  4. Any evaluation completed by a highly competent provider should be used as a tool to help guide the recommendation to the court.
  5. All appropriate community based options should be exhausted before a juvenile is considered for out-of-home placement.
  6. Juveniles should be placed as close to their home community as possible.

7. There are differences between being placed out-of-home for treatment and a non-treatment out-of-home. All placements should have an overarching goal of recidivism reduction while treatment facilitates also focus on symptom reduction.
8. Facilitating an out-of-home placement for a juvenile will be a collaborative effort of many system stakeholders led by highly trained and skilled probation officers.
9. If a juvenile must be out-of-home, the officer, family and positive supports must be actively engaged in the process.
10. The longer the juvenile is away from home, the more difficult it is to successfully reunify the juvenile with their families and communities.
11. The juvenile justice system should coordinate with the child welfare system to ensure that the justice system is not holding a juvenile in out of home placement simply because of abuse, neglect, or permanency issues.
12. Juveniles shall be treated as an active member of the team in case management, both in and out of placement.
13. Juveniles in out of home placement shall have access to quality education and systems will collaborate to ensure effective school transitions.
14. Transition planning should begin the day the juvenile is placed out-of-home.

**B. Out-of-Home Placement Definitions**

All juveniles within the probation system not residing with a parent or legal guardian are considered to be in out-of-home placement. Placement includes:

**1. Court Ordered Condition through Probation**

Those juveniles who are under probation supervision/oversight and ordered by the court to an out-of-home placement. This could be at the following points in the system:

- a) Pre-adjudicated placement
- b) Pre-dispositional placement
- c) Court ordered out of home placements for probation supervised juveniles.
- d) Runaway juveniles (for juveniles on probation or court ordered to supervision by probation while on pre-adjudication)
- e) Detention placement (for juveniles on probation or juveniles having been adjudicated)
- f) Youth Rehabilitation and Treatment Center (YRTC)

**2. Other Agency Placed:**

Juveniles who are out-of-home and supervised by probation, however the juvenile is not ordered out of home on the probation case. These situations would include:

- a) Placed by the Department of Health and Human Services while under concurrent probation supervision.
- b) The family chooses to have the juvenile, under probation's supervision, live with a relative or other caring adult who is not the legal guardian.
- c) A juvenile placed in jail on adult court charges while under probation supervision

C. Continuum of Out-of-Home Placement

1. Treatment and Non-Treatment Based Out-of-Home Placement

Juveniles under any case status may be identified as needing a treatment or non-treatment level of out-of-home treatment. Treatment needs shall be identified through screening, assessment and evaluation. A juvenile needing non-treatment out-of-home placement would be as a result of risk to community safety or behavioral concerns.

a) Out-of-Home Placement per Case Status

(1) Pre-adjudication

Pre-adjudicated placement that include out-of-home placements may be ordered by the court.

- i. Contact expectations shall match the intensity of the court ordered conditions and be consistent with the [Juvenile Pre-Adjudicated Supervision Policy](#).

(2) Post-adjudication/Pre-disposition

Out-of-home placements for post-adjudicated/pre-disposition juveniles will be court ordered.

- i. Supervision expectations shall match the intensity of the court ordered conditions and be consistent with the [Juvenile Post-Adjudicated/Pre-disposition Supervision Policy](#).

(3) Post-disposition

Post-disposition out-of-home placements may be a condition of probation in a court order. Probation officers, may recommend the least restrictive and most appropriate out of home placement to the court prior to disposition when it is determined that all community based options have been exhausted and it is in the best interest of the juvenile. Consideration for locale of placement and the placement's ability to address the juvenile's criminogenic risks and needs should be the catalyst for recommending an out of home level of service or placement.

- i. Supervision expectations shall be consistent with the juvenile's assessed risk level and the [Juvenile Responsive Case Management Policy](#).

(4) Detention and Detention Alternatives

Juveniles may need detention or detention alternatives during any case status. At the point of intake, the probation officer may determine that the juvenile should be placed out of home pending the next court hearing's findings. The appropriate level of service for out of home placement should be utilized based on the juvenile's risk to flee the jurisdiction or re-offend prior to court. The utilization of detention and detention alternative at all other case status should adhere to court orders and statutes regarding administrative sanctions.

C. Transitioning Juveniles back to home and community

1. The process for transitioning juveniles back into their home and community from a short term out-of-home placement shall commence immediately. Transition planning shall be ongoing and collaborative. When placement is intended to have a duration of less than 45 days it will be treated as a Short Term Placement Transition. Detention, Staff Secure Detention, Shelter, Enhanced Shelter, Crisis Stabilization, Respite Care, Emergency Foster Care, Acute Inpatient Hospitalization, and Short Term Residential Treatment are defined as short term placements.
2. The process for transitioning juveniles back into their home and community from an out of home placement shall commence immediately upon placement into an out of home setting. Transition planning shall be ongoing and collaborative. When placement is intended to last long than 45 days it will be treated as a Long Term Placement Transition. Detention, Staff Secure Detention, Shelter, Enhanced Shelter, Crisis Stabilization, Respite Care, Emergency Foster Care, Acute Inpatient Hospitalization, and Short Term Residential Treatment are

defined as short term placements and would not qualify as a Long Term Placement Transition.

3. The process for transitioning juveniles back into their home and community from YRTC shall commence immediately upon placement at the YRTC. Transition planning shall be ongoing and collaborative.

E. Funding

1. Probation officers shall gather and utilize all available funding information for treatment based and non-treatment based out-of-home services, including family income and insurance information to ensure all appropriate funding sources are considered and utilized. Vouchers shall be utilized in the absence of an appropriate alternate funding source for all out-of-home services.