

	<p>Tennessee Department of Children’s Services Protocol for Dual Adjudications</p>
	<p>Supplemental to DCS Policy: <u>31.3, Case Transfer Guidelines Between Regions, Agencies, and Facilities</u>, <u>13.9, Juvenile Justice Case Transfers Within and Between Regions</u></p>

Introduction

Dual adjudication occurs when a youth is under more than one type of active court order. The adjudication can occur in the same county or in different counties. This could apply to custodial and non-custodial cases. This protocol provides guidelines for possible situations and identifies who works the case.

1. Justice-Involved Youth in Custody – Additional Custody Episodes

- a) If a youth is initially adjudicated delinquent and then receives additional charges in a different court, the Juvenile Service Worker (JSW) requests the presiding court transfer disposition to the court of jurisdiction.
- b) If the presiding court will not transfer disposition, the JSW requests permission to hold progress reviews in the court of jurisdiction.
- c) If the presiding court retains jurisdiction and recommitments the youth, the JSW works with both courts ensuring all conditions, requirements, and reviews are being met as per both court’s request.

2. Custody of Youth Changes To/From Juvenile-Justice, Unruly, or Dependent/Neglect (D/N)

- a) A youth in custody adjudicated Unruly or D/N is assigned to a Family Service Worker (FSW).
- b) If that youth later receives a delinquent commitment, the case is transferred to a Juvenile Service Worker (JSW). If the youth completes the delinquent commitment and the Unruly or D/N order is still active, the case reverts back to the FSW.
- c) If a justice-involved youth who is in custody has siblings that are also in custody as Unruly or D/N, the JSW and the FSW work as a team, for the well-being of the family as a whole.

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- d) If it is suspected that a youth's custody type will change to or from JJ to Unruly or D/N, and vice-versa, an **internal meeting** is held between the JSW and FSW units prior to the adjudication hearing.
- ◆ Topics of discussion may include but are not limited to:
 - How a FSW/JSW change will affect the family.
 - Division of responsibilities.
 - Recommendations to the court.
 - ◆ It is recommended that the meeting include legal staff so all parties are aware of next steps and responsibilities.
- e) If a youth is re-adjudicated, the former JSW is invited to all future Child and Family Team Meetings (CFTMs).

3. Transition of a Custodial Case from One Team to Another

- a) A CFTM is **mandatory** before a case moves from one team to another. The meeting is held within 10 (ten) business days and includes the youth, family, other team members, the supervising JSW/FSW and TL and the new JSW/FSW/TL who will be supervising the case.
- b) The current supervising unit retains responsibility for the youth and their supervision until the Case Transfer CFTM is held and all conditions are met.
- ◆ The CFTM includes detailed discussion regarding the transition and any next steps for team members. The meeting is documented in the Electronic Record System by the JSW/FSW transferring the case.
 - ◆ Any disagreements regarding the case transfer are addressed through the chain of command, up to the Regional Director (RD).

Note: If an **internal meeting**, as described in Section 2(d) of this protocol, **was not held** before the youth changed custody tracks, one is held before the Case Transfer CFTM.

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- c) The supervising JSW/FSW completes [CS-1233, Case Transfer Information for Custodial Youth](#) and ensures all documentation is up to date in the Electronic Record System including: assessments, pertinent documents uploaded (scanned) and case recordings before the case is transferred to the receiving unit. Both Team Leaders monitor this process to make sure agreed upon timelines are met.

4. Custodial Unruly or D/N Youth Placed on Probation/Diversion

- a) If a youth in custody as unruly or D/N is adjudicated for a delinquent offense and placed on Probation/Diversion supervised by the Department, a Juvenile Probation Officer (JPO) is assigned to work the Probation/Diversion case. The current FSW will retain the custodial case. Both the JPO and FSW will work as a team.
- b) A JPO is assigned based on the county the youth was placed on Probation/Diversion.
- c) All requirements, as per DCS policy [13.12, Probation Requirements for Delinquent Youth](#), will be followed. A non-custodial goal and action steps will be added to the custody permanency plan. A new custodial Child and Adolescent Needs and Strengths (CANS) assessment will need to be completed due to a change in the case. A non-custodial JJ CANS is not required for this type of case.
- d) Supervision Level for the Probation/Diversion case will mirror the custodial face-to-face requirement.
- e) Once all probation requirements have been met and the court has approved the discharge, the Probation/Diversion case is closed and the JPO is unassigned. The FSW retains the custodial case.

5. Points to Remember

- a) Foster Care Review Board (FCRB) and Permanency review dates **may not** reset when a youth transitions from one custodial track to another.
- b) Reasonable efforts for unruly, D/N, and delinquent youth are the same.
- c) Incomplete tasks/action steps that were on the permanency plan when the new custodial episode occurred, are incorporated into the new plan to continue work towards achieving permanency.

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- d) Parent/child visitation will function the same for all custody cases (e.g. delinquent, unruly, or D/N custody cases).
 - ◆ Sibling visitation should occur if there is not a notable concern for safety.
 - ◆ Court orders prohibiting siblings from contact should be noted in the permanency plan.