

UTAH DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF JUVENILE JUSTICE AND YOUTH SERVICES POLICY AND PROCEDURES		
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COMMUNITY SERVICE, RESTITUTION, AND FINES		
<p>RATIONALE: <i>The purpose of this policy is to ensure that minors receiving services from the Division continue their court-ordered obligations of community service, restitution, and fines, and are accountable to repay the victim and the community.</i></p> <p><i>Related Policies, Applicable Standards, Statutes: Section 80-5-207. Restitution by a minor committed to the division.</i></p>		
Original Effective: December 5, 2003	Revision: October 21, 2024	Next Review Due: October 22, 2027

I. DESCRIPTION

Division operated facilities and programs shall provide opportunities for a minor to complete court-ordered community service hours, restitution, and fines. Division staff shall ensure that a minor has the opportunity to complete court ordered community service hours, restitution, and fines. This can be accomplished by advising the program where a minor is placed of those requirements, monitoring progress towards fulfillment of those requirements, and accurately reporting to the juvenile court.

II. DEFINITIONS

The following terms are defined for this policy as:

- A. **Community Service Hours:** Work hours ordered by the juvenile court as a consequence or penalty for a minor.
- B. **Fines:** The dollar amount that a minor is ordered by the juvenile court to pay as a consequence or a penalty. Fines generally cannot be paid by working community service or restitution hours.
- C. **Restitution:** The dollar amount that has been ordered by the juvenile court for a minor to repay their victim(s). Restitution is initially quantified as a specified dollar amount, but it can be re-quantified into an hourly rate, calculated using the current federal

minimum wage, so that the restitution fund can be accessed in order for the victim to receive compensation for their losses.

- D. **Work Projects:** Assignments given to a minor to complete court ordered community service or restitution. Work projects are completed within the Division and through cooperation and coordination with non-profit organizations, cities, counties, or state and federal agencies. Tasks that a minor would normally perform in conjunction with receiving Division services, such as chores or cleaning their room, are not considered work projects and are not counted toward community service or restitution.

III. POLICY

- A. Division operated facilities and programs shall provide minors opportunities to participate in work projects in Division buildings or in the community. Minors may participate in specific jobs on a regular basis or on special projects for minors to complete their court ordered community service or restitution.
- B. The Division's Assistant Program Directors (APD's) or designees are responsible for screening work projects associated with their facility or program to ensure appropriateness of the work.
- C. The Division facility and program APDs, supervisors, and designated personnel are responsible to develop internal protocols and guidelines that address scheduling, staffing patterns, ratios, emergency procedures while on work projects, schedule deviations, and additional items relative to the specific facility or program. This information will be contained in the facility or program operations manual and reviewed annually.
- D. Work projects assigned to minors shall not be degrading, demeaning, or of a type that would not be completed by staff members.
- E. Division facilities and programs shall not participate in the clean-up of state highways.
- F. Minors shall receive an hour of work credit for every hour of work they actually perform. Staff shall only give credit for hours actually worked. At no time shall minors be credited by Juvenile Justice and Youth Services (JJYS) staff with hours for good behavior, good attitude, or anticipated community service or restitution that has not actually been completed.
- G. Individuals and staff are not allowed to use minors to perform projects for personal gain.

IV. PROCEDURE

- A. Case managers shall report to the court all issues regarding community service and restitution for minors on their caseload.
 - 1. Upon receipt of a new case, the case manager shall review, with the minors, their court-ordered financial and work hour obligations and establish a plan to meet them.
 - 2. At each court review hearing or Youth Parole Authority (YPA) hearing, the case manager shall inform the court or YPA of the minor's progress in meeting these obligations.
 - 3. For restitution purposes, on a monthly basis, case managers shall transfer the number of restitution hours reported by a facility or program to a restitution form and calculate the restitution amount completed by multiplying the hours worked times the current minimum federal hourly wage. Case managers shall submit the form to the JJYS finance personnel for processing and keep a copy of the completed form for the minor's file.
 - 4. JJYS staff shall report to the Juvenile Court on a monthly basis the number of community service and restitution hours reported by the program or facility, and maintain a copy of the documentation in the minor's file.
- B. JJYS facilities and programs shall document community service and restitution.
 - 1. The minor's community service and restitution hours are to be recorded on a time card or a work restitution form. The specific job duties the minor completed shall be listed on the form.
 - 2. The minor and supervising staff shall sign off on the date and number of community service or restitution hours completed.
 - 3. Completed forms shall be given to the facility or program supervisor, or their designee, and submitted to the case manager or probation officer on a monthly basis. The case manager shall then upload the information to the minor's file in CARE.
 - 4. If the minor is in secure care, staff shall document progress and completion of court-ordered obligations in the parole report for the YPA.
 - 5. The supervisor or designee shall record the hours on a monthly basis and submit a written monthly report to the minor's case manager.

V. Continuous Renewal

This policy shall be reviewed every three years to determine its effectiveness and appropriateness. This policy may be reviewed before that time to reflect substantive change.

This policy has been reviewed by the Division of Juvenile Justice and Youth Services Executive Management Team, and is approved upon the signature of the Director.



Brett Peterson, Director
Division of Juvenile Justice and Youth Services

10/21/2024

Signature Date