

<p align="center"><b>GEORGIA DEPARTMENT OF JUVENILE JUSTICE</b></p>	<p align="center">Transmittal # 14-01</p>	<p align="center">Policy # 17.22</p>
<p>Applicability:  {x} All DJJ Staff  {x} Administration  {x} Community Services  {x} Secure Facilities</p>	<p>Related Standards &amp; References:  O.C.G.A. §15-11-63  DJJ 5.2, 20.30, 20.35</p>	
<p>Chapter 17: ADMISSION AND RELEASE</p>	<p>Effective Date: 1/15/14  Schedule Review Date: 1/15/16  Replaces 6/15/12</p>	
<p>Subject: DESIGNATED FELON ORDER  MODIFICATIONS AND TERMINATIONS</p>	<p>APPROVED:</p>	
<p>Attachments:  A – Request for Modification/Termination of Designated Felon Order  B – Secured Facility Checklist  C – Community Checklist  D - Letter of Recommendation  E – Letter for Status Report  F - Designated Felon Status Report  G – Good Behavior Brochure  H - Good Behavior Bill YDC Bill Flow Chart for DF's  I - Good Behavior Bill Community Flow Chart for DF's  F – Good Behavior -Educational Progress Form</p>	<p align="center">   _____  Avery D. Niles, Commissioner </p>	

**I. POLICY:**

All youth adjudicated as a designated felon who meet the applicable criteria shall be eligible to petition the court directly, or to have a petition filed on his or her behalf by the Department of Juvenile Justice, for modification or termination of their dispositional orders.

**II. DEFINITIONS:**

**Community Case Manager:** Juvenile Probation/Parole Specialist I, II, or III (JPPS), who provides direct supervision and coordination of services for a youth; any member of an established case management team may perform case management tasks.

**Impact of Crime Class:** An educational program for youth to raise their awareness about the impact of their offense(s) on victim(s) in order to increase their level of accountability.

**Juvenile Detention Counselors:** The designated RYDC / YDC employee who has case management responsibilities for a youth and shares joint service planning responsibilities with the Community Case Manager.

**Modification:** A change, alteration, or amendment to the restrictive custody requirement in a juvenile commitment order.

**Restitution:** Any property, lump sum, or periodic payment ordered to be made by any offender or other person to any victim by any court. In cases where the offender is a juvenile, restitution can include services ordered to be performed by the offender, or the Department can require restitution.

Chapter	Subject	Policy #	Page
ADMISSION AND RELEASE	DESIGNATED FELON ORDER MODIFICATIONS AND TERMINATIONS	17.22	2 of 5

**Restitution Plan:** A plan developed by the youth, in consultation with the facility or Community Case Manager, regarding how the youth’s restitution will be repaid. Such plan should include possible employment options and a proposed repayment schedule.

**Service Learning Project:** A project for the youth that integrates meaningful restorative community service with instruction to enrich the learning experience, teach civic responsibility, and strengthen communities.

**Termination:** The discontinuation or cancelation of a juvenile commitment order by a juvenile court judge.

**Transition Team:** An interdisciplinary team that includes representatives from administration, security, juvenile detention counselor, mental health, medical, education, and specialized treatment services (i.e., substance abuse and sexually harmful behaviors program). The Transition Team meets weekly to coordinate assignment and scheduling of services for individual youth, review youth progress and develop/monitor interventions for youth who present with at-risk or high risk behaviors.

**III. GENERAL PROCEDURES:**

- A. All requests for modification or termination of an order will be made via Attachment A (Request for Modification/Termination of Designated Felon Order) and will include documentation listed in Attachment B (Secured Facility Checklist) or Attachment C (Community Services Checklist).
- B. Juvenile Detention Counselor will not submit a request for modification or termination for any youth whose case was transferred from superior court with specific language in the court order that prevents modification or termination.
- C. Each individual approver listed on Attachment A (Request for Modification or Termination Form) shall review the Request for Modification/Termination within 3 business days of receiving a completed request packet.
- D. The Office of Legal Services will review the Request for Modification/Termination within 15 business days of receipt of the completed request packet. The Office of Legal Services will sign and scan the Request for Modification/Termination and will email the decision regarding approval or denial of the request to the Deputy Commissioner of Community Services, Deputy Commissioner of Secure Campuses, Regional Administrators, Office of Classification, Juvenile Detention Counselor, and Juvenile Program Manager.
- E. If the Office of Legal Services approves the Request for Modification/Termination, it will forward the request to the Office of the Attorney General for the filing of a motion in the court of appropriate jurisdiction.
- F. If the Court issues an order releasing the youth from restrictive custody, but continuing the youth in the DF commitment, the Community Case Manager will supervise the youth pursuant to DJJ 20.35, Supervision of Designated Felons in the Community. Notification of this modification will be emailed to the Deputy Commissioner of Community Services,

Chapter	Subject	Policy #	Page
ADMISSION AND RELEASE	DESIGNATED FELON ORDER MODIFICATIONS AND TERMINATIONS	17.22	3 of 5

Deputy Commissioner of Secure Campuses, Director of the Office of Classification and Transportation, Juvenile Detention Counselor, and Juvenile Program Manager .

- G. Staff shall not respond to requests from youths, parents/guardians, attorneys, or the Court regarding a letter of recommendation or commendation, or any other form vouching for a youth’s behavior and progress, without approval of the Assistant Facility Director, or designee, or the Juvenile Program Manager (based on placement of the youth).
1. If the youth has met the objective criteria listed in Attachment B (Facility Checklist) or Attachment C (Community Checklist) of this policy, and someone other than DJJ (e.g., parent/legal guardian, youth, or attorney) has motioned the Court for a modification/termination, the case manager, with approval from the Office of Legal Services, must complete a letter of recommendation in support of the youth’s modification/termination. The juvenile detention counselor or the Community Case Manager will make recommendations using Attachment D.
  2. All letters of recommendation will be directed to the committing Court and will be based upon and include specific information regarding the objective criteria set forth in listed in Attachment B (Facility Checklist) or Attachment C (Community Checklist) of this policy.
  3. If the youth has not met the objective criteria listed in Attachment B (Facility Checklist) or Attachment C (Community Checklist), and the Court, an attorney, or parent/guardian has requested a status report on the youth, the facility or Community Case Manager will use the Youth Status Report (Policy 18.21) Attachment A to report the youth’s status. The case manager will not submit a letter of recommendation.
  4. The Authorization for Release of Information (DJJ 5.2, Case Records, Attachment D) must be signed by the youth and parent/guardian (if the youth is younger than 18) prior to a status report or letter of recommendation being provided to a youth’s attorney.

**IV. DESIGNATED FELONS IN SECURE FACILITIES**

- A. Prior to making a request for modification to the restrictive custody requirement in a juvenile commitment order, the Juvenile Detention Counselor will review Attachment B (Secure Facilities Checklist) and Attachment H (Good Behavior Bill YDC Flow Chart for DF’s).
- B. If a youth is to be considered for a modification to the restrictive custody requirement in a juvenile commitment order, youth must meet the minimum criteria outlined in Attachment B.
- C. All requests for a modification of an order to the restrictive custody requirement in a juvenile commitment order for a designated felon will be made by the Juvenile Detention Counselor in consultation with the youth’s Community Case Manager. All requests will be submitted on the Request for Modification/Termination Form (Attachment A) and must be approved by the facility Director, Regional Administrator, and the Deputy Commissioner of

Chapter	Subject	Policy #	Page
ADMISSION AND RELEASE	DESIGNATED FELON ORDER MODIFICATIONS AND TERMINATIONS	17.22	4 of 5

Secure Campuses prior to being forwarded to the Director of the Office of Legal Services. Staff will not submit requests without the required documentation.

- D. Prior to making a request for modification to the restrictive custody requirement in a juvenile commitment order, a youth must complete one year of his or her restrictive custody. If the juvenile court denies a request for modification or termination, subsequent requests may be made no more than once every twelve months.
- E. The Juvenile Detention Counselor will not submit a request for termination on any youth who has less than 6 months left to serve on the commitment order.
- F. The transition team will review each youth within the month following the youth's completion of initial 12 months in restrictive custody to determine if the youth is eligible for a modification. The transition team will review the youth every 90 days through the course of the youth placement in a secure facility to determine if he/she is appropriate for modification. The facility case manager will document the transition team's rationale for the decision in a in a JTS Transition Team Communication Progress Note
- G. Requests for modification to the restrictive custody requirement in a juvenile commitment order will be submitted through the chain of command to the Office of Legal Services within 15 business days of the determination that the youth meets the criteria for the request. The Juvenile Detention Counselor will document progress of the request in a JTS Transition Team Communication Progress Note.
- H. Information regarding requests for modifications/terminations will be provided to the youth at the time of admission to a YDC. If the youth will serve their secure facility time in an RYDC the juvenile detention counselor (JDC) will provide the youth with the information. The JDC will document that the youth received this information in the admission/orientation statement note.

## **V. DESIGNATED FELONS IN THE COMMUNITY**

- A. Prior to making a request for modification or termination the Community Case Manager will review Attachment C (Community Checklist) and Attachment I (Good Behavior Bill Community Flow Chart for DF's).
- B. If a youth is to be considered for a modification or termination, youth must meet the minimum criteria listed on Attachment C.
- C. All requests for a modification or termination of an order of disposition for a designated felon will be made by the Community Case Manager. All requests will be submitted on the Request for Modification/Termination Form (Attachment A), and must be approved by the Juvenile Program Manager, District Director, Regional Administrator, and the Deputy Commissioner of Community Services prior to being forwarded to the Director of the Office of Legal Services. Staff will not submit requests without the required documentation.

Chapter	Subject	Policy #	Page
ADMISSION AND RELEASE	DESIGNATED FELON ORDER MODIFICATIONS AND TERMINATIONS	17.22	5 of 5

- D. Prior to making a request for modification or termination, a youth must complete one year of his or her designated felon sentence. If the juvenile court denies a request for modification or termination, subsequent requests may be made no more than once every twelve months after the motion has been denied.
- E. The Community Case Manager will not submit a request for termination on any youth who has less than 6 months left to serve on the commitment order.
- F. The Community Case Manager will submit requests for modification or termination through the chain of command to the Office of Legal Services within 15 business days of the determination that the youth meets the criteria for the request.
- G. Information regarding requests for modifications/terminations will be provided to the youth and the parent/guardian at first contact following release from a YDC, with documentation in JTS.

**VI. VICTIM NOTIFICATION:**

- A. The victim will not be contacted to provide an impact statement for a request for termination or modification.
- B. If there is a victim impact statement in the youth's case record, the case manager will send that with the request. If there is not a victim impact statement in the youth's case record, the case manager will send the packet without the impact statement.

**VII. LOCAL OPERATING PROCEDURES REQUIRED: NO**