

## Chapter DOC 371

### YOUTH ASSESSMENT AND CASE MANAGEMENT

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**Note:** Chapter HSS 331 as it existed on June 30, 2000 was repealed and a new Chapter DOC 371 was created, Register, June, 2000, No. 534, effective July 1, 2000.

**DOC 371.01 Authority and purpose.** (1) This chapter is promulgated under the authority of ss. 227.11 (2) (a) and 938.48 (16), Stats., to establish standards and procedures to be followed by department staff in identifying a youth's program needs, establishing a case management plan to address those program needs while in a type 1 or type 2 secured correctional facility or on aftercare and for making decisions regarding the extension, release, transfer or discharge of youth.

(2) Through this chapter, the department seeks to achieve all of the following goals:

(a) To provide the care and control of each youth required for the protection of the public.

(b) To identify specific, objective short-term and long-term program needs for each youth and to outline a case plan that will assist in meeting the program needs.

(c) To provide a safe, humane and caring environment.

(d) To provide opportunities for youth to learn skills that will assist them in avoiding a return to criminal behavior.

(e) To assist youth in their reintegration to the community.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.02 Applicability.** This chapter applies to the department and county departments and all youth who have been placed by a court in a type 1 or type 2 secured correctional facility under the supervision of the department or on aftercare under the supervision of the department or a county department consistent with the requirements of law.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.03 Definitions.** In this chapter:

(1) "Assessment and evaluation" or "A&E" means the orientation of youth to an institution and the process for evaluating a youth's history and needs in a type 1 secured correctional facility.

(2) "Administrator" means the administrator of the division of juvenile corrections or that person's designee.

(3) "Aftercare" means the aftercare supervision status of a youth, as used in s. 938.34 (4n), Stats., who is released from a type 1 or type 2 secured correctional facility by the office of juvenile offender review or by action of a court under s. 48.366 (5) (b) or 938.357, Stats., and is supervised outside of a type 1 secured correctional facility by the department or a county department until the expiration or termination of the youth's court ordered supervision.

(3m) "Aftercare case plan" means "aftercare plan" as defined in s. 938.357 (4g), Stats.

(4) "Aftercare provider" means the department or the county department designated to provide aftercare supervision under s. 938.34 (4n), Stats.

(5) "Agent" means a person, or that person's designee, employed by the department or a county department who provides aftercare supervision or community supervision for a youth who has a type 2 status under s. 938.533 (3) (b), 938.538 (4) or 938.539, Stats., and who is authorized to make decisions regarding aftercare or community supervision matters.

(6) "Alternate care placement" means the placement of a youth in an alternate placement, including placement in a child caring institution, group home, foster home or treatment foster home.

(7) "Assessment and evaluation report" means the written comprehensive assessment of a youth's background and needs prepared during the youth's assessment and evaluation.

(8) "Corrective sanctions program" means the program under s. 938.533, Stats.

(9) "County department" means a county department under s. 938.02 (2g), Stats.

(10) "Day" means a calendar day.

(11) "Department" means the department of corrections.

(12) "Discharge" means discharge from supervision.

(13) "Division" means the department's division of juvenile corrections.

(14) "Educational evaluation report" means a written report completed during assessment and evaluation that describes a youth's school history, identifies present performance levels and educational deficits and recommends an individual educational plan.

(15) "Extended jurisdiction" means the continued jurisdiction of a court over a youth until the age of 21 or 25 as ordered by the court under s. 48.366, Stats.

(16) "Extension" means the extension of a youth's dispositional order, as provided under s. 938.365, Stats.

(17) "Guardian" means the person named by the court having the duty and authority of guardianship.

(18) "Institution" means a type 1 secured correctional facility.

(19) "JPRC" means the joint planning and review committee which makes short-term and long-term planning recommendations for youth with membership consisting of a representative of the type 1 secured correctional facility in which the youth resides, the assigned OJOR reviewer, a representative of the committing county and a representative of the aftercare provider.

(20) "Juvenile classification system" means a structured and consistent method of case decision-making based upon an assessment of a youth's criminal history, program needs and risk of continued criminal activity.

(21) "Needs assessment instrument" has the meaning given in s. 938.549 (1) (b), Stats.

(22) "OJOR" means the division's office of juvenile offender review.

(23) "Parent" has the meaning given in s. 938.02 (13), Stats.

(24) "Regional chief" means a division regional manager or that person's designee who is responsible for oversight of community correctional services.

(25) "Release status" means the status of a youth who has been released from a type 1 or type 2 secured correctional facility to a release placement, including the youth's home, a relative's home, foster home, group home, child caring institution or independent living.

(26) "Risk assessment instrument" means an instrument used to evaluate the likelihood that a youth may continue delinquent or criminal activity.

(27) "Serious juvenile offender" means a person to whom the court has given the disposition specified in s. 938.34 (4h), Stats.

(28) "Staff" means an employee of the department.

(29) "Superintendent" means the superintendent of a type 1 secured correctional facility or that person's designee.

(30) "Supervision" means the rights and duties of the department or a county department under ss. 48.366 and 938.505, Stats., with respect to a youth placed in a type 1 or type 2 secured correctional facility or on aftercare by a court or by the department.

(31) "Supervisor" means a department or a county department employee responsible for the supervision or administration of aftercare supervision or that person's designee.

(32) "Type 1 secured correctional facility" has the meaning given in s. 938.02 (19), Stats.

(33) "Type 2 secured correctional facility" has the meaning given in s. 938.02 (20), Stats.

(34) "Waived offender" means a youth who is convicted of a crime after the juvenile court waived jurisdiction under s. 938.18, Stats., and is placed in a type 1 secured correctional facility pursuant to s. 973.013 (3m), Stats.

(35) "Youth" means a person or persons under the supervision of the department or a county department consistent with the requirements of law regardless of age.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00; correction in (3) made under s. 13.93 (2m) (b) 7., Stats.

**DOC 371.04 Purpose and duration of A&E.** (1) A&E begins with a youth's placement with the department. The purposes of A&E are all of the following:

(a) To verify the legal authority to detain or accept placement of a youth.

(b) To promptly notify the agent and the parent or guardian of a youth that the youth has been admitted to a type 1 secured correctional facility.

(c) To formally identify a youth as an active case in the juvenile corrections system and to notify other agencies as appropriate.

(d) To assist a youth in notifying family members of the procedures for mail and visiting.

(e) To conduct a comprehensive evaluation of a youth's background and program needs including the writing of the assessment and evaluation report, the family and home assessment and the education evaluation report and to complete a needs and risk assessment using the juvenile classification system instruments.

(f) To evaluate and make recommendations for the academic, vocational, health, social, psychological and security needs of a youth.

(g) To provide a youth with an orientation to the rules and programs of the department.

(h) To answer a youth's questions.

(i) To recommend an appropriate placement for a youth.

(2) A&E shall be completed within 35 days from the date a youth arrives at the institution.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.05 Orientation during A&E.** (1) Staff shall provide youth with an orientation to the department. The orientation shall provide youth with appropriate information about all of the following:

(a) Division programs that are available to a youth while in type 1 or type 2 secured correctional facilities or on aftercare.

(b) Criteria used in the development of a youth's case plan and for assignment to specific programs.

(c) The procedure and criteria for a youth to earn transfer or release from an institution.

(d) The conduct rules under s. DOC 373.05 and institution policies and procedures which a youth must observe.

(e) The youth complaint procedure under ch. DOC 380.

(2) Staff shall make information under sub. (1) accessible to youth in all of the following ways:

(a) Staff shall provide youth with a copy of the rules of conduct that youth are required to follow and the programs available at the institution in which a youth is placed.

(b) During the A&E process and thereafter, staff shall provide youth with access to written materials describing the expectations for youth and the programs available to youth, including the administrative rules of the department and any available institution handbooks.

(c) If a youth has special language or developmental needs, staff shall provide the youth with an orientation program that communicates the information required by this section.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.06 Evaluation during A&E.** (1) Staff shall determine each youth's program needs during A&E.

(2) Determination of a youth's program needs requires all of the following reports:

(a) The youth's agent completes a family and home assessment report that includes the delinquency family assessment and juvenile parole risk assessment as described in s. DOC 371.07.

**Note:** The department intends that "aftercare" be used rather than "parole".

(b) The institution social worker completes an assessment and evaluation report that incorporates the delinquency youth assessment as described in s. DOC 371.08.

(c) The institution education staff complete the education evaluation report as described in s. DOC 371.09.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.07 Family and home assessment.** (1) **PURPOSE.** The purpose of the family and home assessment report is to provide the department with accurate, complete and relevant information upon which to base correctional, transfer, release, extension and discharge decisions for a youth.

(2) **WHEN PREPARED.** The agent shall prepare the family and home assessment report and forward copies to the JPRC at least 3 days prior to the initial JPRC conference under s. DOC 371.10.

(3) **CONTENT.** The family and home assessment report shall include all of the following:

(a) Information relevant to sub. (1), which is not included in the court report, correctional placement report or serious juvenile offender report. It shall include information relating to family attitude toward commitment, family perception of the program needs, family perception of community, the youth's potential for reintegration into the family, potential and family attitude regarding alternate care placement as a transition to home placement.

(b) Information obtained on the delinquency family assessment instrument which is used to determine treatment needs of a youth in the context of the family and juvenile parole risk assess-

ment which is used to predict the potential of a youth to engage in future criminal activity.

**Note:** The department intends that "aftercare" be used rather than "parole".

(c) The agent's assessment and impressions of the youth's potential for reintegration into the family and individual needs.

(d) Recommendations for programs that a type 1 or type 2 secured correctional facility or aftercare provider may provide to meet a youth's program and security needs, consistent with available resources.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.08 Institution A&E report. (1)** During the A&E period, staff shall assess a youth's background and individual program and security needs. The institution shall prepare an A&E report that includes broad program goals designed to meet the youth's needs.

**(2)** Staff shall complete a comprehensive assessment of a youth's background and individual program and security needs. The assessment includes completing the delinquency youth assessment instrument which determines treatment needs of the youth, and a review of available law enforcement, court and social service records, and other information regarding all of the following:

- (a) Behavior which led to the commitment.
- (b) Physically or sexually aggressive behavior.
- (c) Runaway patterns.
- (d) History of physical and sexual victimization.
- (e) History of drug and alcohol abuse.
- (f) Social history, prior placements and family, educational, vocational, medical, dental and mental health assessments.
- (g) Attitude and adjustment since admission.
- (h) Parental and community attitudes toward the youth.

**(3)** The assessment shall also be based upon discussions with the youth and the court report prepared by the agency designated under s. 938.33, Stats.

**(4)** The A&E report shall be in writing and shall include all of the following:

(a) A description of a youth's social, psychological, vocational, health and security needs. If a recent report provides accurate information and is available in the file, the content of the report may be incorporated by reference.

(b) A recommendation regarding the broad program goals a youth is expected to achieve.

(c) A recommendation to place a youth in a type 1 or type 2 institution or other program that will best meet the youth's needs, consistent with available resources.

(d) A description of issues relating to the protection of the public and the release of a youth, including recommendations relating to the extension or discharge of a youth's commitment to the department.

**(5)** Staff shall complete the A&E report at least 3 days prior to the initial JPRC conference conducted under s. DOC 371.10.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.09 Education evaluation report. (1)** Staff shall assess each youth's educational needs during A&E.

**(2)** Staff shall prepare a written education evaluation report that shall do all of the following:

(a) Describe and assess a youth's prior school history, including special programs that were provided or recommended.

(b) Report the names and results of the assessment instruments used to determine a youth's present level of educational achievement.

(c) Identify the primary learning styles and the most critical educational achievements and deficits of a youth.

(d) Identify specific areas in which a youth needs transition services while in an institution or on aftercare.

(e) Recommend an individual educational plan in compliance with federal and state statutes and regulations governing the education of youth.

**(3)** Staff shall complete the education evaluation report at least 3 days prior to the initial JPRC conference conducted under s. DOC 371.10.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.10 Initial JPRC conference. (1) PURPOSE.** Within 35 days after a youth's admission to an institution, OJOR shall conduct the initial JPRC conference to report and discuss the findings and recommendations of the A&E staff and to identify the priority program needs of the youth. OJOR shall invite all members of the JPRC, the parent of a youth under the age of 18 years or a guardian to offer additional information and to make recommendations concerning program needs.

**(2) NOTICE.** OJOR shall give timely notification of the conference to the members of the JPRC, the youth, the parent of a youth under the age of 18 years or a guardian. Notice shall be written and include the criteria for review, issues to be considered, notice of the opportunity to make recommendations at the conference and notice that the youth has a right to appear, unless the youth's conduct is disruptive or the youth presents a danger to self or others.

**(3) PROCEDURE.** The procedure for the initial JPRC conference shall include all of the following:

(a) The OJOR representative shall act as chairperson of the conference. The JPRC shall review the assessment and evaluation report, the education evaluation report, the family and home assessment, the needs assessment prepared by the both the institution and the agent and the risk assessment prepared by the agent.

(b) The OJOR representative shall request that the parents or guardian, if present, offer ideas and make suggestions regarding the youth's program needs and the direction of the case plan.

(c) The OJOR representative shall provide the youth an opportunity to appear or make a written statement, to offer ideas and suggestions concerning programming and to answer questions. If the youth is unable to participate, the institution social worker shall represent his or her interests.

(d) The JPRC shall develop recommendations that are consistent with the goals of s. DOC 371.01 and the facts of the case relating to the delinquency adjudication, the court ordered disposition and the needs of the youth. The OJOR representative shall provide the youth and parents of a youth under the age of 18 years or guardian with a copy of the recommendations. The recommendations may relate to all of the following:

1. Placement of the youth in a type 1 or type 2 secured correctional facility or on aftercare in the youth's home, an independent living arrangement or an alternate care facility.

2. Discharge from supervision.

3. Whether a recommendation shall be made to the court concerning extension of the dispositional order.

4. Broad program goals that address needs identified during the A&E process.

**(4) INDIVIDUAL CASE PLANS.** (a) The receiving institution shall prepare a case plan consistent with par. (b) for each youth within 21 days after the initial JPRC conference and distribute copies to all members of the JPRC. When a youth is transferred to another institution as a result of the initial JPRC conference, the receiving institution shall complete an individual case plan for the JPRC as soon as possible, but no later than 21 days after receipt of the youth. For youth transferred to type 2 secured correctional facilities after the initial JPRC conference, case-planning procedures shall be accomplished under s. DOC 371.21.

(b) Institution program staff shall develop a case plan for each youth based on the youth's needs and shall review the plan regularly with the youth. Program staff may change the case plan at any time depending on the youth's needs and progress. The case



plan shall take into account the goals set by the JPRC and shall include all of the following:

1. Short-term and long-term objectives.
2. Interventions and strategies to be implemented to achieve the objectives.
3. The staff who are assigned responsibility for implementing and documenting progress on each objective.
4. A tentative community placement plan and a projected placement date.

(5) **DECISIONS.** (a) *OJOR decisions.* OJOR shall make decisions regarding a youth's release from a type 1 secured correctional facility, administrative transfer, any special conditions of release, a placement category for youth on community supervision, and requests to the court for an extension of supervision.

(b) *Type 1 or type 2 secured correctional facility decisions.* The type 1 or type 2 secured correctional facility shall determine the youth's treatment, educational, vocational or other daily activities, taking into consideration the JPRC recommendations under sub. (3) (d). All programs at each facility shall include privileges (positive reinforcers) that youth may earn by exhibiting positive behaviors. The linking of a privilege with positive behavior creates a reward system in which staff acknowledges a youth's positive behavior.

(c) *Notice of decisions.* The decisions of OJOR under par. (a) shall be in writing and shall be forwarded by OJOR to the youth, the parents of a youth under the age of 18 or guardian and the members of the JPRC within 7 days following the initial JPRC conference.

(d) *Implementation of decisions.* If the program assignment under par. (b) cannot be implemented, staff shall document that fact and notify OJOR and the administrator. The administrator, in consultation with OJOR, shall determine the program assignment.

(6) **REQUEST FOR REVIEW.** JPRC members may request review by the administrator of decisions made under sub. (5). The person requesting a review shall submit the request in writing to the OJOR director within 7 days of the day the decision is issued. The administrator shall issue a final decision within 7 days of receipt of the request for review. Failure of the administrator to issue a decision within 7 days affirms the decisions made under sub. (5).

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.11 Administrative transfer.** The department may transfer youth between institutions, between type 1 and type 2 secured correctional facilities or to adult institutions as follows:

(1) OJOR may transfer youth from A&E to a type 1 or type 2 secured correctional facility and between type 1 and type 2 secured correctional facilities at any time during DJC supervision of a youth. The decision to transfer a youth may be based on, but is not limited to, any of the following considerations:

- (a) Public safety.
- (b) The youth's committing offense.
- (c) Assessment of the youth's needs.
- (d) Assessment of the potential for future delinquent or criminal activity.
- (e) Physical aggressiveness.

(2) Under this provision, "assistant administrator" means the division assistant administrator directly responsible for supervising type 1 secured correctional facilities.

(a) A superintendent or the assistant administrator for juvenile institutions may transfer youth between type 1 institutions.

(b) If any member of the JPRC disagrees with a superintendent's decision to transfer a youth, the member may appeal to the assistant administrator who will make a decision within 10 days.

(3) The department may transfer a youth with an adult conviction only and a youth with both an adult conviction and a juvenile commitment from an institution to an adult institution consistent with the requirements of law. OJOR may recommend to the

administrator the transfer of a youth with an extended court jurisdiction disposition under s. 48.366, Stats., from an institution to an adult institution. The factors to be considered include the following:

- (a) The extent to which the youth's conduct in an institution is violent and disruptive.
- (b) The security needs of the institution.
- (c) The extent to which the youth is refusing to participate in the treatment programs provided for the youth in the institution.
- (d) The maturity of the youth, the extent to which the program needs of the youth can be met in an adult institution and the extent to which the youth may be vulnerable in an older population in an adult institution.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.12 Periodic progress reviews.** (1) **PURPOSE.** OJOR shall review a youth's progress and the appropriateness of release, transfer or discharge, for each youth in a type 1 secured correctional facility.

(a) OJOR shall hold a formal conference at least once every 6 months for each youth in an institution, except for youth who have only an adult conviction. OJOR shall also schedule a formal conference if requested by a member of JPRC. All JPRC members attend a formal conference. The youth shall be permitted to attend the formal conference, unless health or security needs of the youth preclude attendance, in which case OJOR staff shall interview the youth. OJOR invites parents to attend.

(b) OJOR may conduct informal reviews of youth in an institution at any time. An informal review may be conducted with or without the attendance of the youth. OJOR reviews the youth's progress at an informal review. Members of the JPRC, other than OJOR, do not participate in an informal review.

(2) **NOTICE.** (a) OJOR shall send timely notice of a formal conference to the youth, the parents of a youth under the age of 18 or legal guardian and JPRC members. The notice shall state the date, time, place and purpose of the conference.

(b) When OJOR schedules an informal review, OJOR shall give the youth prior notice regarding the week in which the review will take place.

(3) **REQUEST FOR REVIEW.** A superintendent, committing county, agent or OJOR may at any time propose action relating to a youth by submitting a request for review to each JPRC member.

(a) A formal conference does not need to be scheduled by OJOR if all JPRC members agree in writing with the proposed action.

(b) If all members do not agree with the proposed action, OJOR shall conduct a formal conference under sub. (1) to determine if the proposed action is appropriate.

(c) A youth or a youth's parent or guardian may ask the institution social worker or agent to propose action relating to the youth, if a significant change in circumstances has occurred that would justify the action.

(4) **PROGRESS SUMMARY.** Prior to formal conferences or scheduled informal reviews, and at least every 90 days, the institution shall conduct a review of a youth's individual case plan to determine whether the goals and case plan continue to be appropriate.

(a) The review under this subsection shall consist of a file review and interviews of staff responsible for implementing the case plan and educational services.

(b) The institution shall send a written progress summary under this subsection to each JPRC member prior to the OJOR review under sub. (1). The summary shall describe the youth's progress toward meeting individual goals, programs and interventions, any relevant change in available resources, any proposed modifications to the case plan, including recommendations for extension, release or discharge and the reasons for any proposed change in the plan.

(c) A progress summary under par. (b) is not required if a progress summary was completed within the previous 45 days.

(5) **PROCEDURE.** (a) OJOR shall encourage all persons in attendance at a formal conference to review and discuss the youth's progress.

(b) OJOR shall review the progress summary under sub. (4) (b) as part of an informal review.

(c) OJOR shall consider the contents of the progress summary under par. (b) and consult with all members of the JPRC prior to making a youth eligible for release [discharge] or administrative transfer or ordering a petition to the court for extension.

(6) **AFTERCARE.** OJOR may release a youth to aftercare from either a type 1 or type 2 secured correctional facility.

(7) **DECISION AND REQUEST FOR REVIEW.** The procedures under s. DOC 371.10 (5) and (6) apply to decisions made pursuant to this section.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.13 Youth under extended court jurisdiction.** (1) This section applies to youth under extended court jurisdiction under s. 48.366, Stats.

(2) Institution program staff shall conduct case management for youth under extended court jurisdiction in accordance with this chapter, except that the requirements of this section shall prevail over the requirements of any section in this chapter which are in conflict with this section.

(3) Formal conferences shall be conducted and informal reviews may be conducted by OJOR as provided in s. DOC 371.12.

(4) The administrator may place a youth in an adult correctional institution when authorized by statute as provided in s. DOC 371.11 (3).

(5) The department shall obtain court approval under s. 48.366, Stats., before a youth is released or discharged from an institution.

(a) Any JPRC member may submit a written recommendation for aftercare to OJOR.

(b) OJOR may recommend to the administrator that a youth be released to aftercare or to a type 2 placement or discharged, after consulting with the other members of JPRC. The administrator may direct that a petition be filed by the department with the court under s. 48.366, Stats., stating the recommendation and the proposed plan for the youth.

(c) When a youth in a type 1 secured correctional facility appears appropriate for discharge, the superintendent shall submit a written recommendation for discharge to OJOR. The administrator may then direct that a petition be filed by the department with the court under s. 48.366, Stats., stating the recommendation and the proposed plan for the youth.

(6) Consistent with s. 48.366 (5) (c), Stats., a youth has a right to file a petition once a year with the court on his or her own behalf, requesting release to aftercare.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.14 Waived youth and original adult court jurisdiction youth.** (1) This section applies to youth who are convicted of a criminal offense in adult court under s. 938.18 or 938.183, Stats., and sentenced to the Wisconsin state prisons.

(2) The sentence structure for a youth subject to original adult court jurisdiction shall be computed in accordance with ch. DOC 302. Youth are subject to the provisions of chs. PAC 1, DOC 328 and 331 regarding aftercare.

**Note:** The term used in chs. PAC 1, DOC 328 and 331 is parole not aftercare.

(3) Staff shall conduct case planning for a youth sentenced by the adult court in accordance with this chapter with the following exceptions:

(a) A family and home assessment shall not be prepared and an agent shall not be assigned.

(b) The parole commission under ch. 304, Stats., has the responsibility for parole decisions.

(4) The department may transfer a youth to an adult correctional institution consistent with the requirements of law and s. DOC 371.11 (3).

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00; correction in (4) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 2000, No. 534.

**DOC 371.15 Aftercare and administrative transfer of a youth.** (1) **PLACEMENT AUTHORITY.** OJOR shall determine when to place a youth on aftercare from a type 1 or type 2 secured correctional facility or to administratively transfer a youth from a type 1 secured correctional facility to a type 2 secured correctional facility.

(2) **TERMINATION AUTHORITY.** The administrator or his or her designee shall determine whether a youth should be terminated from a type 2 secured correctional facility, consistent with s. DOC 396.12. A department order shall be signed to administratively transfer a youth from a type 2 secured correctional facility to reception at a type 1 secured correctional facility.

(3) **RECOMMENDATION.** The committing county, superintendent or agent may recommend to OJOR, consistent with s. DOC 371.12 (3) that a youth be placed on aftercare or transferred at any time. The aftercare case plan under s. DOC 371.16 is not required to make an aftercare decision, but shall be considered if available.

(4) **PROCEDURES.** OJOR shall use the review procedures in s. DOC 371.12 to review recommendations under sub. (3). When OJOR considers a recommendation for aftercare or transfer at an informal review or any unscheduled time, OJOR shall consult with members of JPRC regarding the appropriateness of aftercare, transfer, placement category or conditions of aftercare or transfer.

(5) **DECISION.** (a) OJOR shall determine whether a youth is eligible for aftercare or transfer and designate a placement category. OJOR may impose conditions on aftercare or transfer.

(b) OJOR shall make decisions regarding aftercare, transfer, placement category and conditions in writing and shall forward a copy of the decision to the youth, parents of a youth under the age of 18 years or legal guardian and all members of the JPRC within 7 days after completion of the procedure under sub. (4).

(6) **REQUEST FOR REVIEW.** JPRC members may submit a written request for review by the administrator to the OJOR director regarding a decision under sub. (4) within 7 days of the day the decision is issued. The administrator shall consult with the OJOR director and issue a final decision in writing within 7 days of receipt of the request by the OJOR director. OJOR shall forward copies of the decision to the party requesting review. Failure of the administrator to issue a decision within 7 days confirms the decision made by OJOR.

(7) **IMPLEMENTATION.** When OJOR determines that a youth is eligible for aftercare or transfer and designates a placement category or imposes other conditions on the action, OJOR shall notify the institution social worker and the agent who are responsible for implementing the order.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.16 Aftercare case plan.** (1) **TIME LIMITS.** (a) The agent shall write an aftercare case plan and submit the plan to members of the JPRC 120 days after the date on which the youth is placed in an institution or a secured child caring institution or within 30 days after the date on which the department requests the aftercare plan, whichever is earlier.

(b) The department may waive the time limits of par. (a) if one of the following conditions exist:

1. The department anticipates that the youth will remain in an institution or secured child caring institution for a period exceeding 8 months.

2. The youth is subject to extended jurisdiction under s. 48.366, Stats.

3. The youth is subject to an adult court criminal sentence.

(c) If the department waives time limits under par. (b), the agent shall prepare the aftercare case plan within 30 days after the date on which the department requests the aftercare case plan.

**(2) CONTENTS OF THE AFTERCARE INDIVIDUAL CASE PLAN.** The agent shall base a aftercare case plan upon the institution program goals, the youth's progress, a current assessment of the youth's needs and an assessment of the potential for future delinquent or criminal activity. The agent shall consider the completed juvenile classification instruments when writing the aftercare case plan. The aftercare case plan shall include all of the following:

(a) The minimum number of contacts with the youth's agent upon initial release.

(b) The conditions under which a youth's aftercare status may be revoked.

(c) The services or programming to be provided to the youth while on aftercare.

(d) The estimated length of time a youth will need aftercare supervision and services.

(e) A recommendation for placement upon release and the rationale for that placement.

(f) An assessment of the youth's home.

(g) An educational or vocational plan and employment goals.

(h) If appropriate, a proposal to seek an extension of a youth's dispositional order to provide for the care and programming needs of the youth and the protection of the public.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.17 Permanency planning.** Staff shall accomplish permanency planning under s. 938.38, Stats., consistent with the requirements of ch. HFS 44.

**Note:** There is no ch. HFS 44.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.18 Aftercare orientation and final aftercare individual case plan.** (1) A youth's agent may update or modify the aftercare case plan within 21 days after a youth's release to the community. The agent shall distribute copies of the aftercare case plan to OJOR, the institution social worker, county worker, youth, parent of a youth under the age of 18 years, or legal guardian.

(2) The institution social worker shall coordinate a youth's release to aftercare.

(3) If a youth is placed in an alternate care placement, the youth's agent shall notify the parent, if the youth is under 18 years of age, or the legal guardian of the placement name and address and the date of the youth's arrival as soon as the information is known.

(4) Youth shall sign the rules of supervision prior to release from an institution and a youth's agent shall provide a copy to the alternate care placement, and to the parent of a youth under the age of 18 years or legal guardian.

(5) Youth with special language or developmental needs shall have rules of supervision communicated to them in accordance with their particular needs.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.19 Periodic aftercare progress review.**

(1) **PURPOSE.** The agent shall meet with a youth and review the youth's progress toward meeting aftercare case plan goals at least once every 90 days following the youth's release to aftercare.

(2) **PROGRESS SUMMARY.** After the review, the agent shall write a summary describing the youth's progress meeting specific goals, any relevant change in available resources, any proposed modifications of or additions to the plans, including recommendations for extension or discharge and the reasons for any proposed change in the plan. The agent shall include the summary in the youth's supervision file as part of the chronological notes and copies shall be distributed to all JPRC members as well as the parent, if the youth is under 18 years of age, or guardian.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.20 Discharge of a youth.** (1) **YOUTH IN AN INSTITUTION.** (a) Any JPRC member may recommend a discharge of a youth from supervision under s. 938.53, Stats., by using a request for review form under s. DOC 371.12 (3).

(b) OJOR shall consult with the JPRC members prior to recommending discharge to the administrator.

(c) OJOR shall follow the procedures under s. DOC 371.13 (5) for youth committed under extended jurisdiction.

(d) A JPRC member may request a review by the administrator of an OJOR recommendation to discharge a youth. The administrator shall make the final decision.

(2) **EXTENDED JURISDICTION.** The administrator lacks legal authority to discharge a youth under extended jurisdiction from supervision.

(3) **SERIOUS JUVENILE OFFENDERS.** The administrator may discharge a youth from the serious juvenile offender program and from departmental supervision and control at any time after the youth has completed 3 years of participation in the program in accordance with s. 938.538 (5) (b), Stats.

(4) **YOUTH ON AFTERCARE.** A youth's agent may recommend to a supervisor that a youth be discharged from supervision. The supervisor may recommend discharge to the administrator.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.

**DOC 371.21 Type 2 secured correctional facility.**

(1) This section applies to youth placed with the department for participation in the serious juvenile offender program by the court under s. 938.34 (4h), Stats., youth in the corrective sanctions program and youth transferred by the department to a type 2 secured correctional facility operated by a child welfare agency.

(2) The division shall provide an individual case plan for each youth transferred to a type 2 secured correctional facility.

(3) At least once every 90 days following a youth's placement in a type 2 secured correctional facility, the youth's agent shall write a report summarizing the youth's progress in the program. The report shall address any changes in the case plan and may include recommendations regarding continuation in the program, aftercare or discharge. The agent shall forward copies of the progress summary to the members of the JPRC, the youth and the youth's parent, if the youth is under the age of 18 years, or guardian.

(4) (a) When a youth in the serious juvenile offender program is placed in a type 2 secured correctional facility, the administrator makes recommendations to OJOR regarding release to aftercare under s. 938.538 (5) (a), Stats.

**Note:** It is the intent of the department to allow any staff to make a recommendation.

(b) When a youth is in a type 2 secured correctional facility placement, OJOR may decide to place a youth, except for youth under par. (a), on aftercare.

**History:** Cr. Register, June, 2000, No. 534, eff. 7-1-00.