

## Chapter DOC 397

### SERVICES FOR YOUTH WHO ARE ADJUDICATED DELINQUENT

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**DOC 397.01 Authority and purpose. (1)** This chapter is promulgated under the authority of ss. 227.11 (2), 301.03 (10) and 938.48 (16), Stats., for the purpose of providing youth placed under supervision in the community following an adjudication of delinquency receive timely habilitative and rehabilitative services to facilitate their social reintegration into the community. The chapter assigns responsibility for the provision of services, establishes standards and procedures for the provision of services, provides for involvement of youth and their parents in services planning and imposes requirements for the coordination of services.

**(2)** Through this chapter the department seeks to achieve the following goals:

(a) Provide a community-based option for youth who have been adjudicated delinquent.

(b) Maintain public safety and youth accountability through supervision and sanctions appropriate to the needs and requirements of youth in the program.

(c) Provide the necessary treatment, services, discipline and supervision to help youth and family make meaningful, positive changes in their lives.

(d) Encourage a crime-free lifestyle for youth in the program.

(e) Involve every youth in education or vocational training or employment.

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

**DOC 397.02 Applicability.** This chapter applies to lead agencies, youth adjudicated delinquent under s. 938.12, Stats., their parents and agencies providing services under this chapter.

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

**DOC 397.03 Definitions.** In this chapter:

**(1)** “Aftercare” means the provision of community services by a lead agency to a youth released from a secured juvenile correctional institution.

**(2)** “Case management” means the functions which ensure that an individualized case plan and a written services agreement are developed for a youth and that services are provided in accordance with the plan in a timely, effective and coordinated manner.

**(3)** “Case manager” means an employee of a lead agency who has case management responsibility for a youth.

**(4)** “County department” has the meaning given in s. 938.02 (2g), Stats.

**(5)** “Delinquent” has the meaning given in s. 938.02 (3m), Stats.

**(6)** “Department” means the department of corrections.

**(7)** “Dispositional hearing” means a hearing conducted in accordance with s. 938.335, Stats.

**(8)** “Individualized case plan” means a specific written plan which is based upon the court report, under s. 938.33 (1), Stats., as modified by the court order under s. 938.355, Stats., and an evaluation of the needs of a youth which details the educational, vocational, treatment and placement services to be furnished by service providers.

**(9)** “Lead agency” means the department, a county department or a private agency ordered by the court to have legal custody or supervision of a youth.

**(10)** “Legal custodian” has the meaning given in s. 938.02 (11), Stats.

**(11)** “Legal custody” has the meaning given in s. 938.02 (12), Stats.

**(12)** “Service agreement” means a written contract between the lead agency, one or more service provider agencies, the youth and, when in the youth’s best interests, his or her parents, guardian or legal custodian for the provision and acceptance of services.

**(13)** “Worker” means a lead agency employee who is responsible for providing direct services to the youth as required by the individualized case plan.

**(14)** “Youth” means a person under the supervision of the department or a county department within the meaning of s. 938.505 (1), Stats., or pursuant to s. 48.366, Stats., in a community placement, regardless of age.

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

**DOC 397.04 Provision of services. (1) COURT REPORT.**

(a) The agency responsible under s. 938.069, Stats., for preparing a report to be submitted to the court in accordance with s. 938.33, Stats., shall set out the content in a format prescribed by the court.

(b) The agency under par. (a) shall give a copy of the report, together with any other relevant information, to the lead agency within 5 working days after the dispositional hearing.

**(2) RESPONSIBILITY FOR PLANNING SERVICES.** The lead agency is responsible for planning services for the youth and the youth’s family.

**(3) RESPONSIBILITY FOR PROVIDING SERVICES.** The lead agency is responsible for the provision of services to the youth and the youth’s family. The lead agency may either provide some or all of the needed services directly or contract with another agency or person to provide some or all of the services.

**(4) GENERAL REQUIREMENTS FOR SERVICES.** The services for a youth shall build on the youth’s strengths and shall be directed to the goals under s. DOC 397.01 (2).

**(5) CASE MANAGEMENT. (a) Designation of case manager.** The lead agency shall designate a case manager to provide case management for each youth under the agency’s court-ordered custody or supervision.

(b) *Individualized case plan.* 1. **Development.** The case manager is responsible for the development of a case plan for a youth within 30 days after the dispositional hearing, with the involvement of the youth and, when in the youth’s best interest, the youth’s parents, guardian or legal custodian.

2. **Review.** The case plan shall be jointly reviewed by the case manager, the worker and the worker’s supervisor when it is initially developed and at 6-month intervals. The case manager is responsible for informing a youth and, when in the youth’s best interest, the youth’s parents, guardian or legal custodian about the frequency of plan review and review methods. The case manager shall require that a progress report be written each time the plan is revised, but at least every 6 months. The progress report shall be placed in a youth’s case file.

(c) *Offer of services to the family.* The case manager shall offer a youth’s family, guardian or legal custodian, as appropriate, needed and available services related to the habilitation or rehabil-

itation of the youth. The offer shall be made in person and confirmed in writing. In this paragraph, "in person" means either face-to-face or by telephone.

(d) *Termination of services.* When services are terminated, the case manager shall give written notice of service termination to the youth and to the youth's parents, guardian or legal custodian and shall place a copy of the notice in the youth's case file.

**(6) CONDITIONS OF SUPERVISION.** The lead agency shall require all of the following:

(a) The conditions of supervision and the possible consequences of a violation of the conditions of supervision are stated in writing and the copies of the statement are given to the youth and the youth's parents, guardian or legal custodian.

(b) The conditions of supervision are explained to the youth and, if possible and necessary, to the youth's parents, guardian or legal custodian.

(c) The youth signs a copy of the conditions of supervision to acknowledge receipt and comprehension of the conditions. If the youth refuses to sign, a report of the explanation and the delivery of a copy of the conditions to the youth shall be maintained in the youth's case file.

**(7) CASE FILES.** The lead agency shall maintain a case file on every youth who is provided services under this chapter, which shall include all of the following:

(a) The court report.

(b) The court order.

(c) The individualized case plan, plan revisions, revision justifications and progress reports.

(d) Service agreements.

(e) The statement of the conditions of supervision.

(f) A copy of the notice of service termination when services have been terminated.

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