

1 **Rule 7-304. Probation supervision.**

2 Intent:

3 To establish the duties, responsibilities and authority of the probation officer during
4 supervision of minors placed on probation.

5 Applicability:

6 This rule shall apply to the Juvenile Court.

7 Statement of the Rule:

8 (1) Definition. Probation means the legal status created by court order following an
9 adjudication on the ground of a violation of law where a minor is permitted to remain at
10 home or in a foster home under prescribed conditions and under the supervision of the
11 probation department, or other agencies or individuals designated by the court.

12 (2) Assignment of probation officer. When the court has placed a minor on probation,
13 a probation officer shall be assigned to supervise the minor.

14 (3) Probation guidelines.

15 (3)(A) Probation should be limited to minors who are identified as medium to high
16 risk to the community because of the frequency or severity of the offenses for which
17 they have been adjudicated.

18 (3)(B) Probation should begin with an intensive orientation by a probation officer and
19 assignment to a probation level based on the results of a risk assessment. Probation
20 should not extend longer than six months, except when special circumstances are
21 present.

22 (3)(C) Probation status should not be continued solely for the reason of monitoring
23 payment of fines and restitution for a minor who otherwise has complied with the
24 conditions of probation.

25 (3)(D) Probation should not be used for a youth referred only for status offenses or
26 minor infractions. Other dispositional alternatives should be considered for this type of
27 case such as a fine, compensatory service, delayed disposition or continuing
28 jurisdiction, without requiring the intervention and supervision of the probation
29 department.

30 (3)(E) A court created status of continuing jurisdiction should be considered for less
31 serious offenders that does not require probation department supervision but does
32 require the youth to demonstrate a period of legally acceptable behavior before
33 termination.

34 (3)(F) ~~Probation is generally reserved for a higher risk youth.~~ Detention should be
35 available as a short term option during probation, when determined appropriate, within
36 the provisions of the law.

37 (3)(G) Probation should not be continued on an inactive basis if no future contacts
38 are determined necessary by the probation department. A continuing jurisdiction status
39 may be created to phase out probation.

40 (3)(H) Interim probation progress reviews may be conducted by a probation
41 supervisor. Termination of probation and modifications of the conditions of probation
42 must be approved by the court.

43 (3)(I) If further criminal acts require commitment of the youth to the Division of
44 Juvenile Justice Services, probation should be terminated and subsequent responsibility
45 for supervision assigned to the Division.

46 (3)(J) When the court places a youth on probation, it should be a formal proceeding
47 where the specific conditions are reviewed by the court, the future probation review date
48 set, and the severity of this sanction emphasized.

49 ~~(4) Supervision and correctional plan. When a youth is placed on probation, the~~
50 ~~assigned probation officer, when ordered by the court, shall file a supervision and~~
51 ~~correctional plan with the court within 30 days of the entry of the probation order. The~~
52 ~~plan shall be based on the Pre-Screen Risk Assessment (PSRA) or the Protective Risk~~
53 ~~Assessment (PRA). The plan shall be reviewed and, if appropriate, updated at least~~
54 ~~every 90 days as the PRA is updated or more frequently as the plan's intended~~
55 ~~outcomes and goals are completed or the minor's needs change. The plan shall include~~
56 ~~the following:~~

57 ~~(4)(A) the specific risk and protective factors;~~

58 ~~(4)(B) the services needed to address the risk and protective factors;~~

59 ~~(4)(C) the Balanced and Restorative Justice Model for each domain used in the plan;~~

60 ~~(4)(D) a statement of the intended outcomes and goals;~~

61 ~~(4)(E) the role of each signing party in meeting the intended outcomes and goals;~~

62 ~~and~~

63 ~~(4)(F) if the plan is an updated plan, a statement that specifies progress toward the~~
64 ~~intended outcomes and goals.~~

65 ~~(5)(4)~~ Supervision. Supervision activities by the probation officer may include but
66 are not limited to:

67 ~~(5)(A)~~ (4)(A) Recommending to the court the appropriate restrictive conditions of
68 probation to minimize the risk to the community in allowing the youth to remain in his
69 home or alternative living arrangement.

70 ~~(5)(B)~~ (4)(B) Monitoring a youth's compliance with the court ordered conditions of
71 probation. This may include periodic progress reports which focus on compliance with
72 the conditions of probation established at the time the youth was placed on probation
73 and the number and type of contacts made by the probation officers or other agency.

74 ~~(5)(C)~~ (4)(C) Reporting violations of court ordered probation conditions and making
75 appropriate recommendations to the court.

76 ~~(5)(D)~~ (4)(D) Identifying and developing available community resources to meet
77 special needs of the youth and/or the family identified in the supervision and
78 correctional plan, including work placement, tutoring and social services.

79 ~~(5)(E)~~ (4)(E) Developing community work sites for the involvement of a youth and
80 encouraging constructive use of time.

81 ~~(5)(F)~~ (4)(F) Counseling for short periods of time, but not to the extent that it
82 supplants services which can be provided by other community resources.

83 ~~(6)(5)~~ Review. The probation department shall submit a written report to the court
84 prior to each review hearing updating the supervision and correctional plan as
85 necessary and reporting on the probationer's progress.

86 ~~(7)(6)~~ Court reporting. If a youth is suspected of violating the terms and conditions
87 of probation, the probation department shall immediately report the alleged violation to
88 the court and may make appropriate recommendations based upon the alleged
89 violation.