

RESPONSE TO SENATE CONCURRENT RESOLUTION 44
OF THE 2011 REGULAR SESSION
OF THE LOUISIANA LEGISLATURE

FAMILIES IN NEED OF SERVICES (FINS)
COMMISSION



February 10, 2012

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EXECUTIVE SUMMARY

Senate Concurrent Resolution (SCR) 44, authored by Senator Martiny and adopted in the 2011 Regular Session of the Louisiana State Legislature, urged and requested the Louisiana Supreme Court to create a Families in Need of Services Commission to study and issue recommendations regarding the governance, structure, target population, and necessary legislation for a Louisiana Families in Need of Services (FINS) system by submitting a report of its findings and recommendations to the Louisiana Legislature thirty days prior to the convening of the 2012 Regular Session of the Legislature. This report contains the FINS Commission's response and recommendations to the specific areas charged by SCR 44.

The six members composing the Families in Need of Services (FINS) Commission, appointed by the Chief Justice of the Supreme Court, represent the Louisiana Office of Juvenile Justice, the Louisiana Children's Cabinet, the Louisiana Department of Children and Family Services, the Coordinated System of Care Care/at Louisiana Department of Health and Hospitals, the Louisiana Department of Education, and the Louisiana Supreme Court.

The FINS Commission held seven public meetings during which information about national and local models for FINS delivery was presented. The Commission stressed the importance of stakeholder involvement, allowing participants to actively engage in discussions with commission members as well as with local and national presenters during each meeting. In an effort to be inclusive of stakeholders across the state, meetings were streamed live via the internet and viewers were allowed to submit written comments following each meeting. The following is a brief summary of the FINS Commission recommendations:

- The Supreme Court FINS Assistance Program should remain the lead agency for the Informal FINS process.
- The Informal and Formal FINS processes should be divided in statute, emphasizing the voluntary nature of the program.
- The Formal FINS target population should be narrowed to create a clearly articulated, concise, and unique target population for Formal FINS that is more in line with national best practices.
- The FINS Assistance Program should develop a clear and consistent set of written criteria and protocols to determine whether a referred child/family is eligible for Informal FINS services or should be referred to another agency.
- The FINS Assistance Program should define an appropriate minimum level of intervention in Informal FINS provision.
- Local FINS offices should ensure that all appropriate services and interventions are exhausted by other agencies already tasked with caring for these youth, such as education, child welfare, and juvenile justice.
- A clinical screening tool and, when needed, assessment processes to identify needs should be developed.

- The Children’s Cabinet and the FINS Assistance Program should facilitate coordination between local Informal FINS offices and local Children and Youth Planning Boards to conduct resource mapping.
- Local FINS offices should ensure the development of an array of basic services most youth who engage in status offending behavior and their family’s need, particularly brief, strategic problem solving interventions, crisis response, and respite services.
- Local FINS offices should ensure the ability for youth who have committed a status offense to be referred to agencies for specialized services when needed, including shelter care, mental health, substance abuse, and family therapies.
- The FINS Assistance Program should establish timeliness and quality outcome thresholds.
- The FINS Assistance Program should require local FINS offices to utilize a referral form documenting that all referring entities have utilized all appropriate and available resources prior to referring a child or family to Informal FINS similar to the Rapides Parish School Exhaustion Form.
- The Department of Education, in conjunction with the Children’s Cabinet, should pilot the FINS referral checklist in several parishes across the state.
- Uphold the newly drafted Juvenile Detention Standards.
- Alternatives to detention and appropriate graduated sanctions should be developed in collaboration with state agencies and local governments to increase the options for youth involved in the FINS system.
- The FINS Assistance Program should work with the Children’s Cabinet to make enhancements to the FINS-AP data collection system in order to provide relevant FINS referral data that can inform future FINS activities.
- The FINS Assistance Program should require data collection and reporting by all local FINS offices.
- The FINS Assistance Program should develop a basic set of required youth Informal FINS outcomes that will be tracked through additions to the existing FINS Assistance Program data bases in the Supreme Court.
- The FINS Assistance Program should use performance based contracting to allocate funds to local FINS offices.

The Commission’s detailed research and recommendations covering each area of the resolution are detailed in this report.

INTRODUCTION

The following report is submitted in response to Senate Concurrent Resolution 44 of the 2011 regular session which requests

... the Chief Justice of the Louisiana Supreme Court to create a Families in Need of Services Commission to study and issue recommendations regarding the governance, structure, target population and necessary legislation for a Families in Need of Services (FINS) system by submitting a report of its findings and recommendations to the Louisiana Legislature thirty days prior to the Regular Louisiana Legislative Session.

BACKGROUND INFORMATION

Families In Need of Services (FINS) became effective July 1, 1993 in all courts exercising juvenile jurisdiction pursuant to Children's Code Articles 726 through 791. According to Children's Code Article 726, FINS was created to define self-destructive behaviors by the child and conduct by other family members which contribute to the child's harm and which warrant court intervention in the family's life so that appropriate services to remedy the family's dysfunction can be identified. Children and families can be referred to FINS for any of the following behaviors:

- Child is truant or has willfully and repeatedly violated lawful school rules.
- Child is ungovernable.
- Child is a runaway.
- Child repeatedly possessed or consumed intoxicating beverages, or has misrepresented or deceived his age for the purpose of purchasing or receiving such beverages from any person, or has repeatedly loitered around any place where such beverages are the principal commodities sold or handled.
- Child committed an offense applicable only to children.
- Child under 10 years of age committed any act which if committed by an adult would be a crime under any federal, state, or local law.
- Caretaker has caused, encouraged, or contributed to the child's behavior under this Article or to the commission of delinquent acts by minor.
- After notice, caretaker willfully failed to attend a meeting with child's teacher, school principal, or other appropriate school employee to discuss child's truancy, the child's repeated violation of school rules, or other serious educational problems of the child.
- Child found incompetent to proceed with a delinquency matter.
- Child found in possession of handgun or semiautomatic handgun under circumstances that reasonably tend to exclude any lawful purpose.
- Child found to have engaged in cyberbullying.

The FINS statutes provide for both an Informal FINS process and a Formal FINS process. Each court is mandated to provide for an Informal FINS process by designation of a local FINS intake officer and is currently administered by the Louisiana Supreme Court. In 1995, the Supreme Court created the Families in Need of Services Assistance Program (FINS-AP) in order to administer the state general funds allocated by the legislature to support Informal FINS and to

assist local Informal FINS processes. The Formal FINS process is an involuntary judicial procedure initiated by the state requiring full due process protections which occurs under the jurisdiction of local courts and is not the primary focus of the FINS Commission.

The FINS Commission was supported through a grant awarded to the Children’s Cabinet by the MacArthur Foundation’s Models for Change Initiative. The MacArthur Foundation Models for Change Initiative has been active in Louisiana since 2007 issuing several grants across the state to support Juvenile Justice Reform initiatives. Several of these grants have specifically targeted FINS reform. The first grant was awarded to the Louisiana Supreme Court with the major objectives being to assess FINS operations statewide, and research, examine, and incorporate national best practices that could be implemented statewide. A statewide survey was conducted and the results were compiled and analyzed. Data reported by the Louisiana Supreme Court indicated that there were 11,269 referrals to Informal FINS in Louisiana in 2010. The most common referral source for Informal FINS statewide was schools (68.1%) and the most common reasons for referral were truancy (55%) and ungovernable behavior (28%). Two other grants were awarded to Calcasieu Parish and Rapides Parish to address their local Informal FINS models. These grants have resulted in both parishes implementing best practices in their Informal FINS processes that can be replicated by Informal FINS officers in other jurisdictions. Although jurisdictions have begun implementing local reforms, the FINS Commission was created to serve as a neutral, unifying body to study issues related to children and families involved in FINS across the state.

DESCRIPTION OF FINS COMMISSION

The FINS Commission was composed of six members. There were two co-chairs, *Karen Stubbs*, Deputy Assistant Secretary for Intergovernmental Relations, Communications and Training, Louisiana Office of Juvenile Justice, and *Karen Hallstrom*, Deputy Judicial Administrator for Children and Families, Louisiana Supreme Court. The remaining four members were *Tiffany Simpson, PhD.*, Executive Director, Louisiana Children’s Cabinet, Office of the Governor, *Evelyn Jenkins*, Administrator, Louisiana Department of Children and Family Services, *Donna Nola-Ganey*, Assistant Superintendent, Office of Federal Programs Support, Louisiana Department of Education, and *Jody Levison-Johnson*, Director, Coordinated System of Care/ at Louisiana Department of Health & Hospitals.

The FINS Commission studied strategies on how to more effectively address the needs of youth and families involved in the Informal FINS process. The goal of the Commission was to improve access to appropriate services for families involved in Informal FINS throughout Louisiana and keep youth out of the juvenile justice and child welfare systems. The Commission held a series of meetings to receive information about national and local models for FINS delivery and to invite public comment from stakeholders. The Commission stressed the importance of stakeholder involvement, allowing participants to actively engage in discussions with commission members as well as with local and national presenters during each meeting. In an effort to be inclusive of stakeholders across the state, meetings were streamed live via the internet and viewers were allowed to submit written comments following each meeting. Below is the schedule of the FINS Commission meetings:

Target Population	Friday, October 28, 2011
Due Diligence	Wednesday, November 9, 2011
Graduated Sanctions	Wednesday, November 9, 2011

Model Status Offender Program	Monday, November 14, 2011
Lead Agency	Friday, December 9, 2011
Data Elements	Friday, December 16, 2011
Summary Meeting	Thursday, January 5, 2012

STUDY ITEMS

(1) **“Lead Agency”**

Findings from National Models:

As noted in the American Bar Association publication—*Families in Need of Critical Assistance*¹—services to families and children in need (commonly referred to as “status offenders” and their families) traditionally reside with either juvenile justice or child welfare government agencies. Sometimes this has been a planned and thoughtful decision, sometimes it has evolved organically and at other times it has happened by default. There are also models where governance, regulation and oversight are shared. These functions are best assigned to an entity that has the capacity to engage based upon the families and the service delivery system and to maintain a focus on the intended outcomes.

Essential considerations on the capacity to function in the role of governance include:

- Authority in the law to govern
- An Adaptive Leader--can support change(s)/evolution
- A Technical Leader--knowledgeable about what it is governing and the population being served
- Has the resources, relationships, motivation, and advocacy for the role
- Has the credibility with stakeholders to govern
- Must accept accountability and may assume shared liability across systems for the population of focus

FINS COMMISSION RECOMMENDATIONS

- ❖ The Supreme Court FINS Assistance Program should remain the lead agency for the Informal FINS process. Over the last 17 years FINS-AP has provided support and guidance to local FINS offices and at this time is the best entity to carry out the governance, regulation, and oversight of services to youth and families in need. The Supreme Court is knowledgeable about the unique needs of youth and families referred to FINS, has the authority in the law, and the credibility with stakeholders to govern.

¹ Jessica R. Kendall, *Families in Need of Critical Assistance: Legislation and Policy Aiding Youth who Engage in Noncriminal Misbehavior iv* (ABA Center on Children and the Law ed., 2007).

(2) “Target Population”

Findings from National Models:

The process of defining and refining a population of focus positions an entity to clearly articulate the population they are serving with the particular sets of interventions and resources they employ. This process provides a framework to assure that the system is organized optimally to address the needs of the stated population of focus. States and localities which have embarked on the process of redefining their population of focus have benefited from collecting data on the characteristics and needs of their current population to help inform the development of their newly articulated population of focus for intervention. This process assists in mapping out what changes would need to be made to realize the reform changes while assuring young people and families have continuity of supports and services as changes are made. Often, these jurisdictions identify places where there is duplication in services because of lack of coordination between agencies and systems. Defining a clear population of focus will assist in identifying which agencies and systems should service which young people and families and develop mechanisms and protocols to accomplish this goal.

Examples of Target Populations from Model National Sites:

Florida: Youth 10 to 17 that are not involved in the child welfare or juvenile justice systems. This includes youth who have runaways, are habitually truant, are beyond the control of their parents, or who are at risk of abuse, neglect and/or delinquency.

Connecticut: Youth age 16 or younger who have runaway, are beyond the control of parent/guardians, have engaged in indecent/immoral conduct, are truant from school, who have overtly defied school rules, or are age 13 to 15 and have engaged in sexual intercourse with a person within 2 years of his/her age.

Findings from Local Louisiana Models:

Rapides Parish has focused on reforming its target population and eligibility criteria for Informal FINS. Their revised target population is based on the eligibility criteria articulated in the FINS statute but with a clear emphasis on leveraging services available through other systems if the child or family is already involved in or better served by that system. *Rapides* has experienced a drop in the intake population and length of stay for its clients allowing them to dedicate more resources to the clients they serve and without duplicating efforts between state agencies.

Rapides Parish Informal FINS Target Population and Eligibility Criteria: The youth must have been referred to Informal FINS for one or more of the grounds as defined in Article 730 within Title VII of the Children’s Code. The FINS office reviews background materials to ensure the *statutory* eligibility criteria are met (such as truancy records from school). If the youth DOES NOT MEET the statutory inclusion criteria, referrals to outside services are offered if available; the Informal FINS case is opened in the FINS-AP data collection system and then rejected. If the youth DOES MEET the statutory inclusion criteria, they are then screened against exclusion criteria (i.e. the youth is currently involved in the child welfare or juvenile justice systems): If the youth DOES MEET the exclusion criteria, the youth is referred back to the appropriate agency and the FINS case is officially not opened.

FINS COMMISSION RECOMMENDATIONS

- ❖ At its inception FINS was envisioned to include two processes: 1) The Informal FINS process – designed to serve as a voluntary intervention for children and families in need and 2) Formal FINS – an involuntary judicial proceeding initiated by the state requiring full due process protections and occurring under the jurisdiction of local courts. Currently, the FINS statutes that provide for both processes mostly address the formal system, often causing important distinctions between the two processes to be lost. Therefore, the FINS commission recommends that the Informal and Formal FINS processes be divided in statute. This new Informal FINS statute should be enacted with an emphasis on the voluntary nature of the program.
- ❖ Once divided, the Formal FINS target population should be narrowed to create a clearly articulated, concise, and unique target population for Formal FINS that is more in line with national best practices such as “Youth 10 – 17 years old, chronic truancy, running away, chronically acting out beyond the reasonable and lawful control of his/her caretakers, abusing drugs or alcohol, not currently involved in another system.”
- ❖ The FINS Assistance Program should develop a clear and consistent set of written criteria and protocols to determine whether a referred child/family is eligible for Informal FINS services or should be referred to another agency. This should be a uniform approach for every Informal FINS office across the state.
 - Criteria should include the determination that the presenting behavior rises to the level of status offending behavior, is consistent with the grounds for FINS as defined by statute, and is documented sufficiently. It should also address whether the needs of the youth and family who are not currently being served by another system *or* would be better served by another system.
 - Additionally, the criteria should also ensure that, when a child/family is referred by a state or local entity having responsibilities to provide services to the child/family, that the referring entity has taken appropriate steps before referring to Informal FINS, and provided documentation that these steps have been taken.
 - Exclusion criteria should also be addressed, such that children/families currently being served by the juvenile justice or child welfare systems are not accepted for Informal FINS; rather, the behaviors should be addressed as part of their ongoing treatment of the child/family within that agency.


(3) “Model Status Offender Program”

Findings from National Models:

Successful status offender program models around the country recognize that youth who engage in status offending behaviors come from a variety of backgrounds and are influenced by a wide array of contextual factors. These contextual factors may include having suffered childhood trauma, substance use, unmet or unidentified mental health needs, and unmet education needs. However, the vast majority of these youth are simply going through normal developmental

immaturity and/or brief crises at home or school. What is needed in these cases is, at most, brief intervention and time-limited support from an informal, voluntary system.

To develop improved interventions and services for youth who have committed a status offense and their families, interventions start with careful triage, then as necessary, screening and, if indicated by the screening tools, further assessment and case management with two overarching goals. First, model interventions seek to keep low risk youth out of the court system. Second, model interventions identify those youth and families with high needs and link them with appropriate services in order to avoid penetration into the juvenile justice system, including formal court processing. Services are rendered outside the court system by an agency or arm of an agency that is capable of addressing the unique needs of status offending youth and their families. The range of services provided by these agencies can be divided into three basic groups:

	ALL- Immediate Response	<ul style="list-style-type: none"> •Triage & Referral •Crisis intervention •Screening & Referral for Assessment •Brief Strategic Intervention
	SOME- Community-based Interventions	<ul style="list-style-type: none"> •Assessment •Mental Health Services •Substance Abuse Services •Family Based Therapies
	FEW- Interventions with Residential Components	<ul style="list-style-type: none"> •For a small minority (~1%) of cases whose needs warrant such

Each of these components is present to varying degrees in the model systems found in Connecticut, Orange County, New York, and Florida. These programs emphasize an expedited and timely response to family needs, voluntary services for the entire family (not just youth), interventions in the community, low use of formal processing, and low to no use of detention or out of home placement.

Referral & Immediate crisis response for youth and families

Most youth, displaying status offense behaviors do not need treatment other than time-limited brief crisis counseling and recommendations. An immediate response is critical to stem the possibility of unaddressed problems escalating; needs remaining unmet simply due to a lack of knowledge or access to resources; or families calling for police assistance in noncriminal matters out of desperation. All three models have standardized referral forms to initiate services. Orange County uses an on-line referral system. Florida and Orange County, NY allow for crisis calls via a 24 hour hotline. Orange County calls are triaged via a unified screening form. Florida primarily utilizes crisis calls with runaways to afford expedited access to shelter care facilities. Referrals are “triaged” outside of the court to determine eligibility (i.e. all three programs have established eligibility criteria) for services, and, in some cases, immediate crisis intervention.

All three systems have emergency service linkages at the point of triage as referrals are received. These include crisis response services that offer immediate attention for suicidal youth and

urgent family crises. Connecticut offers the additional option of mobile services that can go to the youth/family if necessary and Florida offers a more expanded service for mental health crises through mental health centers and crisis stabilization units that are available in more populous counties. Both Florida and Orange County, NY offer a 24-hour hotline and both of these hotlines are affiliated with available shelters/respite care programs that offer support for runaway/homeless youth and youth temporarily displaced from homes due to conflict.

Screening, Assessment and Appropriate Referral

All three systems have clinically standardized means to screen for youth/family needs and/or risks and make appropriate referrals for further assessment and/or services. Many of these screening tools are research-based and, if not, at least have a standardized structure that offers a consistent screen for each referral. These intake and screening processes take place after the initial triage has been performed and the referral is accepted. Youth whose status offense related behavior is not addressed in the initial referral, contact, and/or triage, receive screening to determine critical areas that may warrant further assessment and possible services.

Regardless of the screening and assessment processes, the status offender systems in all three states target engaging families and linking youth and families with appropriate, outcome driven, and often evidence-based, services. Whether the staff is trained to offer these services directly or maintain a role of case manager, there is a consistent philosophy across all three states to engage families and remove the obstacles for them to get into services when they are needed. The service component is consistently exhausted before any legal, court processes are even considered.

Provision of, or Referral to, Community-based Services

To most effectively serve youth and their families, all three models have given priority to services that offer young people the best chance of improving personal, family, school and/or community functioning. These services are community-based, are in the least restrictive setting, are often culturally-based, and are outcome driven. All three systems have services that target specific status offense behavioral need categories. Shelters for runaway youth and crisis services for mental health issues such as suicide have already been discussed above. The three model systems also have services that are either delivered directly or accessed via referral to address other specific needs.

When assessed needs warrant more intensive services, the three programs often rely on research driven or evidence-based practices (EBP). Better outcomes associated with EBPs include reduced rates of arrest; improved family functioning and school performance; reduced rates of out-of-home placements of youth; higher retention rates of participants with fewer program dropouts; decreased drug use and symptoms of mental illness; and cost effectiveness when compared to other interventions. Evidence-based programs also increase both provider and system accountability by directly linking services to treatment outcomes.

Community-based Interventions, for the subset of status offenders whose assessed needs warrant them, focus largely on skills development and problem solving strategies. Many are found in numerous lists including those of Blueprints for Violence Prevention, SAMSHA's National Registry for Evidence-based Programs and Practices, and OJJDP's Model Programs Guide. A few utilized in the three state models included Aggression Replacement Training

(ART), Brief Strategic Family Therapy (BSFT), Functional Family Therapy (FFT), Multidimensional Family Therapy (MDFT), Multisystemic Therapy (MST), and Wraparound services (including access to psychiatric care). Both the Connecticut and New York models rely heavily on the use of such Evidence Based Practices (EBPs). Connecticut has established the most extensive array of EBPs available to status offenders and their families.

Voluntary Participation

Connecticut, Orange County, NY, and Florida each operate status offender programs that are voluntary in nature. In these systems, families are not penalized with increasing sanctions if they choose not to participate in available services. Voluntary participation by children and families is enhanced when services are tailored to meet needs and when families are assured some level of confidentiality.

Findings from Local Louisiana Models:

While there is no “state” Informal FINS model that is uniform, there are a number of jurisdictions in Louisiana already working towards model programming for status offenders. Most notably, Rapides Parish has implemented a pilot Informal FINS program model (summarized below) for the Informal FINS office housed in the judicial system. Calcasieu Parish has implemented a service delivery model outside of the court system which includes a crisis response, triage and service linkage system for families after referral from the Informal FINS Office (Multi-Agency Resource Center). Both of these models create opportunities for timely access to services outside of the formal processes of the court and emphasize voluntary service attainment.

Highlights of the Rapides FINS pilot program:

- Expedited triage to determine eligibility, including the availability of walk-in referral
- Screening utilizing an objective, validated instrument (MAYSI-2) to determine if further assessment is needed
- Increased emphasis on engaging youth and families through the Interagency Service Committee (ISC) which is used to promote voluntary service attainment outside of the court process
- Access to mental health crisis response services as needed
- Increased FINS Officer role to be the catalyst to reduce barriers for families to obtain services
- Case monitoring of accepted FINS cases based on initial service attainment and reduction of referral behavior

FINS COMMISSION RECOMMENDATIONS

- ❖ Define an appropriate minimum level of intervention in Informal FINS provision following the Rapides Parish model.

- ❖ Ensure that all appropriate services and interventions are exhausted by other agencies already tasked with caring for these youth, such as education, child welfare, and juvenile justice
- ❖ Develop clinical screening and, when needed, assessment processes to identify needs. A series of triage questions should be formulated and an objective screening instrument adopted (ex. MAYSI-2) for all Informal FINS intake offices. Screening would be utilized when youth who are determined to be Informal FINS eligible are accepted into intake. Any screening practices established should be supported by a clear policy delineating required expedited, crisis response and a hierarchy of behaviors demanding immediate attention. Any resulting assessments and then indicated services should be clearly linked to target behaviors and needs, and youth outcomes should be monitored.
- ❖ Facilitate coordination of local Informal FINS offices with local Children and Youth Planning Boards to conduct resource mapping. This should include services available through the Louisiana Behavioral Health Partnership (LBHP), the Coordinated System of Care (CSoC), and other sources. Mapping should include availability of the basic service array needed for Families in Need of Services: crisis response, screening, assessment, linkages to existing services, and provision of a targeted community based services.
- ❖ Ensure the development of an array of basic services most youth who engage in status offending behavior and their family's need, particularly brief, strategic problem solving interventions, crisis response, and respite services. The immediate, voluntary intake, triage, and brief problem solving response by trained FINS workers is expected to address the majority of Informal FINS referral issues as demonstrated by similar processes in model programs. These activities in and of themselves are an intervention. However, when further assessment is needed, Informal FINS offices should refer families to access appropriate mental health. Substance abuse and educational assessments should be created.
- ❖ Ensure the ability for youth who have committed a status offense to be referred to agencies for specialized services when needed, including shelter care, mental health, substance abuse, and family therapies. Current survey research, has estimated that 37% of programs receiving state funds for juvenile justice related services receive referrals from Informal FINS. A revised Request for Proposal (RFP) process should be developed for these programs which includes emphasis on the use of evidence-based practices and enhanced monitoring of outcomes. In addition, access to available services from state agencies must be a priority.
- ❖ Establish timeliness and quality outcome thresholds including:
 - Number or referrals (% from known high need zip codes)
 - Number of triaged youth completing intake
 - Time from referral to intake
 - Type of risk areas identified (e.g. school, family, behavior, mental health)
 - Percentage of youth with three or more risk areas identified
 - Percentage of youth/families with an intake that access recommended program/services
 - Number and percentage of informal FINS cases open beyond 90 days

- Number and percentage of youth afforded respite care or runaway shelter, including length of stays
- Number and percentage of youth/families not petitioned to formal FINS annually
- Percentage of youth accessing programs/services that were not adjudicated delinquent within 6 months of FINS closure
- Percentage of youth remaining in their home and communities and out of institutions (does not include respite or shelter services in communities)
- Number of status offense only youth placed in detention (threshold should be 0)
- Number and percentage of youth accessing recommended programs/services not expelled from school

(4) “Due Diligence”

Findings from National Models:

Across the country there have been numerous reform efforts to decrease the number of children who are referred to status offender systems. Many of these reforms focus on due diligence efforts that can be strengthened within schools and other referring entities. In many states, like Louisiana, the majority of status offense referrals come from schools. The success of the due diligence reforms depends on 1) establishing sound policies, 2) effective implementation and enforcement of the policies, and 3) tracking results. Below we describe three successful models (2 national and 1 local) for decreasing referrals of youth to status offender systems.

Clayton County, Georgia: Clayton County, Georgia has, in the last decade, been leading the nation in decreasing the number of children referred out of school. Clayton County reduced the number of referrals from schools to law enforcement by bringing community members together to create a cooperative agreement that spelled out specific action steps. The need for reform was obvious: in the late 1990’s there were only 89 referrals per year from schools to law enforcement, by 2004, after placing school resource officers in the schools, there were 1400 referrals.⁶ This extremely high-referral rate and the negative impact of court involvement led a local judge to form a collaborative with community members, law enforcement, juvenile justice system professionals, local school system leaders and social service groups to create a cooperative agreement that would reduce the referrals of children from school to law enforcement.⁷

The resulting cooperative agreement includes *policy* that ensures that “misdemeanor delinquent acts,” like fighting, disrupting the public school, disorderly conduct, most obstruction of police, and most criminal trespass, do not result in the filing of a complaint unless the student commits a third or subsequent similar offense during the school year, and the principal conducts a review of the student’s behavior plan. Thus, youth receive warnings after a first act and referral to mediation or school conflict training programs after a second act. Furthermore, elementary school-aged youth cannot be referred to law enforcement for “misdemeanor delinquent acts” if

⁶ <http://www.stopschoolstojails.org/clayton-county-georgia.html>

⁷ Advancement Project, *Test, Punish, and Push Out: How “Zero-Tolerance” and High-Stakes Testing Funnel Youth into the School-to-Prison Pipeline*, 37 (January, 2010).

committed on school premises.⁸ The implementation of the cooperative agreement was successful because of initial and ongoing buy-in from the school district and other parties. The community agreed to abide by the cooperative agreement, and apparently did with great results. According to a Blue Ribbon Commission, among the reduced referrals (a more than 300% reduction in referrals) there was an 87% decrease in fighting offenses and a 36% decrease among other “Focus Acts,” which include disorderly conduct, obstruction of an officer, and disrupting a public school.⁹ There was also an 86% and 64% decrease in referrals for fighting and disruption of public school offenses, respectively, specifically for African American youth. Since the cooperative agreement was implemented, graduation rates also increased by 20%.¹⁰ Similar models have been instituted across the county, most notably in Jefferson County, Alabama, with similar success.

Denver, Colorado: Since 2003, Padres y Jovenes Unidos has led a campaign to change disciplinary policies and practices within Denver Public Schools (DPS).¹¹ The project began when parents and students raised awareness about the number of youth being referred out of school and decided to address the issue with Denver Public Schools. Padres y Jovenes Unidos brought together teachers, principals, parents and community members to revise Denver Public School policies in time for the 2008-2009 school-year. The revised policies required: 1) school officials to handle minor acts of misconduct, such as status offenses, within the school setting; 2) out-of-school suspension to be based upon serious misconduct, which excludes status offenses, and even for the most serious misconduct out-of-school suspension is discouraged; 3) schools to eliminate racial disparities in punishment; 4) data to be tracked and reported.¹²

The implementation succeeded because Denver Public Schools adopted the recommendations as official policy. Some of the results include a 68% reduction in police “tickets” within Denver Public Schools, and a 40% reduction in the use of out-of-school suspensions.¹³ The work also led to the creation of legislative task force to study school discipline. The task force has proposed a bill that would, among other things, distinguish minor violations from those that could result in a referral to law enforcement and add legal strength to the policy reforms.¹⁴

Findings from Local Louisiana Models:

Rapides Parish, Louisiana: Currently, Louisiana has no state wide model, however jurisdictions have endeavored to reduce the number of youth referred to the FINS system, and implemented best practice models. One of these is the reform work in Rapides Parish. Judge Patricia Koch led the way by bringing together the school board and superintendent with law enforcement and other juvenile justice actors to reform the policies and procedures of their Informal FINS

⁸ <http://www.stopschoolstojails.org/clayton-county-georgia.html>

⁹ Blue Ribbon Commission on School Discipline: A Written Report Presented to the Superintendent and Board of Education, 37 (available at <http://www.clayton.k12.ga.us/departments/studentervices/handbooks/BlueRibbonExecutiveReport.pdf>) (January 2007).

¹⁰ <http://www.stopschoolstojails.org/clayton-county-georgia.html>

¹¹ <http://www.stopschoolstojails.org/padres-jovenes-unidos-denver.html>

¹² Advancement Project, *Test, Punish, and Push Out: How “Zero-Tolerance” and High-Stakes Testing Funnel Youth into the School-to-Prison Pipeline*, 35 (January, 2010).

¹³ <http://www.stopschoolstojails.org/padres-jovenes-unidos-denver.html>

¹⁴ <http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1251744086285&ssbinary=true>

process. The new Informal FINS policies and procedures have diverted youth from the juvenile justice system in a variety of ways, including limiting school referrals, particularly for status offenses.

The policy reforms led to a 3-tiered approach in the Rapides school system requiring the following steps prior to a school referring youth to law enforcement: 1) the parent must be notified of the problem verbally and made aware that the student is at risk of being referred out of school, 2) the student must have been referred to either a Behavior Strategist, if a student receiving Special Education services, or to a Designated Disciplinarian. The individual working with the student must then complete a school exhaustion form and ensure that all possible measures were taken within the school prior to referral to Informal FINS, and 3) if criteria are met, an eligibility determination must be made by the school prior to referral.

The school board and superintendent were supportive of the reforms and closely worked with the court to implement these new policies and practices. Additionally, even after referral from schools or other entities, the Informal FINS Officer checks for the legal sufficiency of the all referrals to verify that the complaints meet the legal grounds for FINS (e.g. for truancy or other grounds). The FINS Officer also ensures that schools do not make referrals under the ground of “ungovernable” as this is not valid from schools. All of these steps must be accounted for on the Rapides Parish School Exhaustion Form (Appendix I).

The results in Rapides have led to: 1) reduction in out of school referrals, 2) fewer students referred to Informal FINS and 3) more students with disabilities staying in school longer. In terms of numbers, Rapides Parish expulsion rates decreased from 152 in the 2006-2007 to 59 in 2009-2010 school years and suspension rates decreased from 515 in the 2006-2007 school years to 333 in 2009-2010 school years. Additionally, data collected on Informal FINS referrals in Rapides parish shows the impact of these reforms. Across three years (2007-2009) in Rapides parish, there were 1095 referrals to Informal FINS and referrals decreased by 28% from 2007 - 2009. In Rapides, this decline was largely due to a 49% drop in school referrals.

FINS COMMISSION RECOMMENDATIONS

- ❖ FINS-AP should require local FINS offices to utilize a referral form documenting that all referring entities have utilized all appropriate and available resources prior to referring a child or family to Informal FINS similar to the Rapides Parish School Exhaustion Form (Appendix I).
- ❖ The Department of Education, in conjunction with the Children’s Cabinet, should pilot the FINS referral checklist in several parishes across the state. This form is completed by schools and documents steps taken by the school prior to referral to Informal FINS and requires that at least 3 measures be taken prior to referral (Appendix I).

(5) “Graduated Sanctions”

Findings from National Models:

Detention: In the last half century, policy makers, advocates, and stakeholders have debated the merit and utility of using detention for young people accused of status offenses. The prevailing trend nationwide has been to minimize or eliminate the use of detention for these young people.

There are a myriad of reasons why using detention for status offenders does more harm than good. Placing status offenders with more “deep-end” youth—those in the delinquency system—exposes them to negative peer influences that can often worsen, rather than improve, their behavior. Furthermore, the most up-to-date research in the juvenile justice field reveals that, aside from those youth who absolutely must be confined as a matter of public safety, treating kids at home and in their communities has much better behavioral outcomes than incarceration.

As a matter of federal law, youth charged with status offenses may not be placed in secure detention or locked confinement if a state is to receive any federal funding through the Juvenile Justice and Delinquency Prevention Act (JJDPA). The one exception to this rule is that when a judge makes an order in a formal status offense case—for example, ordering a youth to attend school—that child may be detained for violating the court’s order, as a matter of contempt. This policy has come to be known as the “Valid Court Order (VCO) exception” to the JJDPA, and is the primary means by which youth who have committed a status offense end up in local detention in states that comply with the JJDPA.

Alternatives to Detention and Court Process: First and foremost, the centerpiece of model status offender systems is that youth are served out of court, in the community, and with limited—if any—option of entering the juvenile justice system at all. This “closing of the front door” effectively eliminates the possibility of detention at the outset, as these youth are not even involved in a system with the authority to detain them. Instead, they are diverted to court/detention alternatives or connected to a range of community based services.

Graduated Responses: Jurisdictions that have moved away from placing youth in detention for committing a status offense have developed alternative ways to address non-compliance or technical violations. Recognizing that there are gradations in the type of violations young people under supervision commit, jurisdictions have developed local responses based on the severity of the behavior. If the violating behavior is less serious the response will also be less severe and vice versa. Model jurisdictions such as Portland, Oregon, Cook County, Illinois, and Santa Cruz, California, have helped limit penetration of both delinquents and youth who engage in status offending behavior further into the system by implementing these graduated response grids.

Findings from Local Louisiana Models:

There are no current statewide local detention standards regarding detention of FINS youth, and there is no statewide detention monitoring through the Louisiana Juvenile Detention Association (LJDA) or the Department of Children and Family Services (DCFS), the state agency who oversees licensing of other forms of out of home placements. However state legislation has mandated that detention standards be implemented in all Louisiana Detention Centers by January of 2013. Currently, each local detention center makes admission decisions without reference to state standards.

A number of jurisdictions around Louisiana however have voluntarily adopted the model approach of keeping status offenders and low risk delinquents out of detention. Some have done this for many years, as a matter of philosophy and principle.

- Calcasieu Parish, for example, has long strived to keep youth involved in FINS out of court, as well as detention. They have instituted an admission risk

- screening tool, prohibited the admission of low risk youth to detention, and promoted alternatives that are more appropriate, less costly, and more effective.
- Jefferson Parish also understands the importance of keeping status offenders out of detention. In 2007, Jefferson Parish developed a Detention Assessment Screening Instrument to be utilized at the point of booking by the Jefferson Parish Sheriff's Office which screens low risk youth out of detention. This assessment instrument provides a point score to youth who are arrested. Youth arrested for a status offense are not held in detention due to a low score on this risk tool.
 - Finally, in Rapides Parish, local stakeholders have worked to implement new practices and policies within the Informal FINS system that keep youth out of court, and thereby out of detention. In 2008, Rapides Parish also implemented a Detention Screening Instrument in collaboration with local law enforcement. Since involvement with Models for Change, overall detention admissions, and admissions for FINS offenses, have declined in Rapides Parish.

FINS COMMISSION RECOMMENDATIONS

- ❖ The Commission recommends upholding the newly drafted Juvenile Detention Standards which state that status offenders shall only be detained at a facility as provided by state law, upon violation of a valid court order or if they have violated a valid court order, and after provision of due process protections and consideration of less restrictive alternatives as required by the Federal Juvenile Justice and Prevention Act. While national best practices indicate that detention is an inappropriate sanction for status offenders, most communities in Louisiana lack the necessary alternatives to detention and graduated sanctions to make disallowing detention of youth who have committed status offenses feasible at this time.
- ❖ Alternatives to detention and appropriate graduated sanctions must be developed in collaboration with state agencies and local governments to increase the options for youth involved in the FINS system. The LJDA and DCFS should ensure that statistics related to FINS admissions are tracked as part of the newly drafted standards.

(6) "Data Elements"

Findings from National Models:

Overall, national models for status offenders programs emphasize having a data collection system that accomplishes two primary goals: 1) describe the population being served and 2) evaluate the success of the program.

Findings from Local Louisiana Models:

Currently, all Informal FINS programs receiving support from the LA Supreme Court, FINS Assistance Program are required to use the Supreme Court's web-based case management system data base. This system was designed to be an automated case management system. The purpose of the system was to provide local Informal FINS offices with the ability to document, manage, and track Informal FINS case activities from the initial complaint to case closure. This

includes key data related to Individual Family Service Plan Agreements (IFSPAs) and the services tied to IFSPAs.

Currently, the FINS-AP system has the capacity to run 13 standardized reports that describe the population referred to FINS, complaint information, status of complaints, and IFSPA information. Thus, FINS-AP tracks important court-related information on the Informal FINS population. At present, however, there is no custom query function that would allow local programs to develop their own, unique reports. FINS-AP also does not provide the opportunity to evaluate the success of the programs. In addition, because the system is limited to Informal FINS processing, data tracking new Formal FINS referrals and new delinquency complaints occurring after the youth is released from the FINS program cannot be tracked in FINS-AP.

In 2007, the National Center for Juvenile Justice reported that only 39 parishes were consistently using FINS-AP for case management services. At least three LA parishes (i.e., Caddo, Calcasieu, and Jefferson), for example, utilize additional case management systems that are able to produce customized reports and track information on program effectiveness.

FINS COMMISSION RECOMMENDATIONS

- ❖ The Supreme Court should work with the Children’s Cabinet to make enhancements to the FINS-AP data collection system in order to provide relevant FINS referral data that can inform future FINS activities. These enhancements should include the ability to capture information on youth referred to FINS as well as referrals made on behalf of these youth. This effort will result in a better understanding of the population of focus and their associated needs.
- ❖ The FINS Assistance Program should require data collection and reporting by all local offices that:
 - Adequately describes the Informal FINS population being served on state and parish levels
 - Adequately evaluates the effectiveness of Informal FINS in meeting its stated objectives
- ❖ Develop a basic set of required youth Informal FINS outcomes that will be tracked through additions to the existing FINS Assistance Program data bases in the Supreme Court
- ❖ The FINS Assistance Program should:
 - Develop and require the use of a clearly specified data collection policy for all Informal FINS offices that mandates the types of data collected
 - Develop the capacity to annually document and report this information
 - Use performance based contracting to allocate funds to local FINS offices

(7) “Proposed Legislation”

- ❖ Informal FINS should remain under the oversight of the FINS Assistance Program and appropriate statutory language should be enacted that focuses on the voluntary nature of the Informal FINS process.

- ❖ Currently, the FINS statutes that provide for both processes mostly address the formal system, often causing important distinctions between the two processes to be lost. Therefore, the FINS commission recommends that the Informal and Formal FINS processes be divided in statute. This new Informal FINS statute should be enacted with an emphasis on the voluntary nature of the program.
- ❖ Once divided, the Formal FINS target population should be narrowed to create a clearly articulated, concise, and unique target population for Formal FINS that is more in line with national best practices such as "Youth 10 – 17 years old, chronic truancy, running away, chronically acting out beyond the reasonable and lawful control of his/her caretakers, abusing drugs or alcohol, not currently involved in another system."

Additional Recommendations

- ❖ The FINS Assistance Program should consider the following policy and procedural changes that can be made to improve the Informal FINS processes:
 - The FINS-AP manual should be revised and updated to include guidelines for the Informal FINS target population, roles and responsibilities of Informal FINS officers, due diligence requirements prior to referral, and data collection policies.

SUMMARY OF RECOMMENDATIONS

(1) “The commission's study and recommendations shall address... the identification of the state entity or agency best suited to govern, regulate, and oversee FINS services throughout the state.”

- ❖ The Supreme Court FINS Assistance Program should remain the lead agency for the Informal FINS process. Over the last 17 years FINS-AP has provided support and guidance to local FINS offices and at this time is the best entity to carry out the governance, regulation, and oversight of services to youth and families in need. The Supreme Court is knowledgeable about the unique needs of youth and families referred to FINS, has the authority in the law, and the credibility with stakeholders to govern.

(2) “The commission's study and recommendations shall address... the refinement of a FINS target population that aligns with both national best practices and the unique needs of Louisiana's youth and families.”

- ❖ At its inception FINS was envisioned to include two processes: 1) The Informal FINS process – designed to serve as a voluntary intervention for children and families in need and 2) Formal FINS – an involuntary judicial proceeding initiated by the state requiring full due process protections and occurring under the jurisdiction of local courts. Currently, the FINS statutes that provide for both processes mostly address the formal system, often causing important distinctions between the two processes to be lost. Therefore, the FINS commission recommends that the Informal and Formal FINS processes be divided in statute. This new Informal FINS statute should be enacted with an emphasis on the voluntary nature of the program.
- ❖ Once divided, the Formal FINS target population should be narrowed to create a clearly articulated, concise, and unique target population for Formal FINS that is more in line with national best practices such as “Youth 10 – 17 years old, chronic truancy, running away, chronically acting out beyond the reasonable and lawful control of his/her caretakers, abusing drugs or alcohol, not currently involved in another system.”
- ❖ The FINS Assistance Program should develop a clear and consistent set of written criteria and protocols to determine whether a referred child/family is eligible for Informal FINS services or should be referred to another agency. This should be a uniform approach for every Informal FINS office across the state.
 - Criteria should include the determination that the presenting behavior rises to the level of status offending behavior, is consistent with the grounds for FINS as defined by statute, and is documented sufficiently. It should also address whether the needs of the youth and family who are not currently being served by another system *or* would be better served by another system.
 - Additionally, the criteria should also ensure that, when a child/family is referred by a state or local entity having responsibilities to provide services to the child/family, that the referring entity has taken appropriate steps before referring to Informal FINS, and provided documentation that these steps have been taken.

- Exclusion criteria should also be addressed, such that children/families currently being served by the juvenile justice or child welfare systems are not accepted for Informal FINS; rather, the behaviors should be addressed as part of their ongoing treatment of the child/family within that agency.

(3) “The commission's study and recommendations shall address...The inclusion of fundamental components of model status offender programs in the recommended Louisiana system, including, but not limited to: (a) Immediate crisis response mechanisms for youth and families (b) Screening, assessment, and appropriate referral to or provision of services that are tailored to meet the strengths and challenges of children and families. (c) Referral to or provision of evidence-based services that are community-based, meaning they are located in, or as close as possible to, the community in which the family lives and with which it identifies culturally. (d) Referral to or provision of services that are evidence-based, meaning they have been proven by research to work, or, alternatively, that are grounded in the same essential principles as evidence-based programs...”

- ❖ Define an appropriate minimum level of intervention in Informal FINS provision following the Rapides Parish model.
- ❖ Ensure that all appropriate services and interventions are exhausted by other agencies already tasked with caring for these youth, such as education, child welfare, and juvenile justice.
- ❖ Develop clinical screening and, when needed, assessment processes to identify needs. A series of triage questions should be formulated and an objective screening instrument adopted (ex. MAYSI-2) for all Informal FINS intake offices. Screening would be utilized when youth who are determined to be Informal FINS eligible are accepted into intake. Any screening practices established should be supported by a clear policy delineating required expedited, crisis response and a hierarchy of behaviors demanding immediate attention. Any resulting assessments and then indicated services should be clearly linked to target behaviors and needs, and youth outcomes should be monitored.
- ❖ Facilitate coordination of local Informal FINS offices with local Children and Youth Planning Boards to conduct resource mapping. This should include services available through the Louisiana Behavioral Health Partnership (LBHP), the Coordinated System of Care (CSoC), and other sources. Mapping should include availability of the basic service array needed for Families in Need of Services: crisis response, screening, assessment, linkages to existing services, and provision of a targeted community based services.
- ❖ Ensure the development of an array of basic services most youth who engage in status offending behavior and their family’s need, particularly brief, strategic problem solving interventions, crisis response, and respite services. The immediate, voluntary intake, triage, and brief problem solving response by trained FINS workers is expected to address the majority of Informal FINS referral issues as demonstrated by similar processes in model programs. These activities in and of themselves are an intervention. However, when further assessment is needed, Informal FINS offices should refer families

to access appropriate mental health. Substance abuse and educational assessments should be created.

- ❖ Ensure the ability for youth who have committed a status offense to be referred to agencies for specialized services when needed, including shelter care, mental health, substance abuse, and family therapies. Current survey research, has estimated that 37% of programs receiving state funds for juvenile justice related services receive referrals from Informal FINS. A revised Request for Proposal (RFP) process should be developed for these programs which includes emphasis on the use of evidence-based practices and enhanced monitoring of outcomes. In addition, access to available services from state agencies must be a priority.
- ❖ Establish timeliness and quality outcome thresholds including:
 - Number of referrals (% from known high need zip codes)
 - Number of triaged youth completing intake
 - Time from referral to intake
 - Type of risk areas identified (e.g. school, family, behavior, mental health)
 - Percentage of youth with three or more risk areas identified
 - Percentage of youth/families with an intake that access recommended program/services
 - Number and percentage of informal FINS cases open beyond 90 days
 - Number and percentage of youth afforded respite care or runaway shelter, including length of stays
 - Number and percentage of youth/families not petitioned to formal FINS annually
 - Percentage of youth accessing programs/services that were not adjudicated delinquent within 6 months of FINS closure
 - Percentage of youth remaining in their home and communities and out of institutions (does not include respite or shelter services in communities)
 - Number of status offense only youth placed in detention (threshold should be 0)
 - Number and percentage of youth accessing recommended programs/services not expelled from school

(4) “The commission's study and recommendations shall address...The implementation of due diligence requirements that schools and other agencies provide that diligent efforts have been made prior to referral, ensuring that referring agencies have attempted all appropriate internal interventions before referring to informal or formal FINS.

- ❖ FINS-AP should require local FINS offices to utilize a referral form documenting that all referring entities have utilized all appropriate and available resources prior to referring a child or family to Informal FINS similar to the Rapides Parish School Exhaustion Form (Appendix I).
- ❖ The Department of Education, in conjunction with the Children’s Cabinet, should pilot the FINS referral checklist in several parishes across the state. This form is completed by schools and documents steps taken by the school prior to referral to Informal FINS and requires that at least 3 measures be taken prior to referral (Appendix I).

(5) “The commission's study and recommendations shall address...alternative graduated sanctions and the possible elimination of detention for status offending youth, which have [*sic*] been well-established to expose status offenders to negative peer influences and other harmful circumstances that can often worsen, rather than improve, their behavior.”

- ❖ The Commission recommends upholding the newly drafted Juvenile Detention Standards which state that status offenders shall only be detained at a facility as provided by state law, upon violation of a valid court order or if they have violated a valid court order, and after provision of due process protections and consideration of less restrictive alternatives as required by the Federal Juvenile Justice and Prevention Act. While national best practices indicate that detention is an inappropriate sanction for status offenders, most communities in Louisiana lack the necessary alternatives to detention and graduated sanctions to make disallowing detention of youth who have committed status offenses feasible at this time.
- ❖ Alternatives to detention and appropriate graduated sanctions must be developed in collaboration with state agencies and local governments to increase the options for youth involved in the FINS system. The LJDA and DCFS should ensure that statistics related to FINS admissions are tracked as part of the newly drafted standards.

(6) “The commission’s study and recommendations shall address... the selection of baseline data elements and a data management system to collect and track outcomes, which is essential for both the success and the sustainability of reform.”

- ❖ The Supreme Court should work with the Children’s Cabinet to make enhancements to the FINS-AP data collection system in order to provide relevant FINS referral data that can inform future FINS activities. These enhancements should include the ability to capture information on youth referred to FINS as well as referrals made on behalf of these youth. This effort will result in a better understanding of the population of focus and their associated needs.
- ❖ The FINS Assistance Program should require data collection and reporting by all local offices that:
 - Adequately describes the Informal FINS population being served on state and parish levels
 - Adequately evaluates the effectiveness of Informal FINS in meeting its stated objectives
- ❖ Develop a basic set of required youth Informal FINS outcomes that will be tracked through additions to the existing FINS Assistance Program data bases in the Supreme Court
- ❖ The FINS Assistance Program should:
 - Develop and require the use of a clearly specified data collection policy for all Informal FINS offices that mandates the types of data collected

- Develop the capacity to annually document and report this information
- Use performance based contracting to allocate funds to local FINS offices

(7) “The commission’s study and recommendations shall address...Proposed Legislation for Implementation of Commission Recommendations.”

- ❖ Informal FINS should remain under the oversight of the FINS Assistance Program and appropriate statutory language should be enacted that focuses on the voluntary nature of the Informal FINS process.
- ❖ Currently, the FINS statutes that provide for both processes mostly address the formal system, often causing important distinctions between the two processes to be lost. Therefore, the FINS commission recommends that the Informal and Formal FINS processes be divided in statute. This new Informal and Formal FINS processes be divided in statute. This new Informal FINS statute should be enacted with an emphasis on the voluntary nature of the program.
- ❖ Once divided, the Formal FINS target population should be narrowed to create a clearly articulated, concise, and unique target population for Formal FINS that is more in line with national best practices such as ”Youth 10 – 17 years old, chronic truancy, running away, chronically acting out beyond the reasonable and lawful control of his/her caretakers, abusing drugs or alcohol, not currently involved in another system.”

Additional Recommendation

- ❖ The FINS Assistance Program should consider the following policy and procedural changes that can be made to improve the Informal FINS processes:
 - The FINS-AP manual should be revised and updated to include guidelines for the Informal FINS target population, roles and responsibilities of Informal FINS officers, due diligence requirements prior to referral, and data collection policies.

Families in Need of Service School Exhaustion Form
726 Washington St. Alexandria, La 71301 Suite 200

318-445-8084 _____ Fax: 318-445-7297

Child's Name: _____ Date of Birth: ___/___/___ Age: ___

Sex: ___ Race: Caucasian, African American, Hispanic/Latino, Asian, Native America Other: _____

Child's SS#: ___-___-___ School Attending: _____ Grade: _____

Special Education: (Y) or (N) Classification / Comments: _____

Legal Guardian(s): _____ Relationship: _____ Contact Phone: _____

Mailing Address: _____ City: _____ Zip: _____

Students Physical Address: _____ City: _____

Place of Employment: _____ Work Number: _____ Cell Number: _____

Article 730 Grounds from the Louisiana Children's Code: Allegations that a family is in need of services must fall in one or more of these following categories: Be specific as possible. School officials must use articles 730.1 or 730.8.

DATE: ___/___/___

___ 730.1 Minor child violate school rules and/or Minor is Truant.

Total Absent ___ Days Excused ___ (Please note: Suspensions are not excused absences / Letters from home do not excuse attendance)

___ 730.2 Minor child is ungovernable.

___ 730.3 Minor child is a runaway.

___ 730.4 Minor has repeatedly possessed or consumed intoxicating beverages, misrepresented age to purchase such beverages or repeatedly loitered around a place that sells such beverages.

___ 730.5 Minor child has committed an offense applicable only to children. (ex. Curfew, under age drinking)

___ 730.6 Minor child under 10 years of age committed an act that would be a crime if committed by an adult.

___ 730.7 The Caretaker causes, encouraged or contributed to the minor child's behavior.

___ 730.8 The Caretaker refused to attend a meeting with the child's teacher, school principal, or other employees regarding truancy, violation of school rules or other educational problems.

___ 730.9 Child incompetent to proceed with a delinquency matter under Article 832

___ 730.10 Child found to be in possession of a handgun

Additional Information: (Please describe behavior and tell us what services you think the child needs.)

Completed by: _____ Your Title: _____ Phone: _____

Possible Measures Taken: (at least 3 of these must be checked with 2 being behavior strategist/counselor and talked to parent)

- | | |
|--|------------------------------------|
| ___ Administrator's talked with student (Date: ___/___/___) | Number of ISS/Out Suspensions: ___ |
| ___ Called and talked with guardian (Date: ___/___/___) | 1. _____ |
| ___ Sent letter (Date: ___/___/___) | 2. _____ |
| ___ Home visit (Date: ___/___/___) | 3. _____ |
| ___ Had meeting with guardian (Date: ___/___/___) | ___ Child was expelled: |
| ___ Child talked to SRO (Date: ___/___/___) | Notes: _____ |
| ___ Turned in to Child Welfare Attendance Office (Date: ___/___/___) | _____ |
| ___ Counseled by School Counselor (Name: _____) | _____ |
| ___ Referred to Behavior Strategist (Special Ed.) | _____ |
| ___ Referred to School-Based Health | |
| ___ Referred to _____ (Date: ___/___/___) | |

++ Must attach: Discipline, Demographic and Attendance records ++ 8/11/2010ck

Appendix II

FINS Referral Checklist

The FINS referral checklist is designed to eliminate excessive and inappropriate referrals to the Families in Need of Services (FINS) Program. School officials should exhaust all available and appropriate in house resources prior to referring a student to FINS. This checklist must be completed by school personnel prior to referring a child to FINS and only after exhausting all available and appropriate in house attempts to rectify the problem.

Demographics

Please include all current demographic information.

All completed IEP's should be forwarded to the FINS office.

Note: It is the responsibility of the referring party to obtain all appropriate record releases, including a FERPA release of information as well as provide the required supporting documentation.

Type of Referral

Schools may only refer a student to FINS if the student is habitually truant (a student is considered habitually truant after the fifth unexcused absence or fifth unexcused occurrence of being tardy within any school semester), willfully and repeatedly violates school rules, or has a parent or guardian that has failed to attend school meetings.

Attendance: List specific dates of unexcused absences

Behavior: Provide documentation that the student has willfully and repeatedly violated school rules and regulations. Additionally, please include what interventions have been put in place by the school and documentation of the student's the results of these interventions. Data which documents the student's behavior in comparison to peers should be included (e.g. information from PBIS, office discipline referrals, etc.).

Parent Failure to Attend School Meetings: List specific dates of meetings that parents have failed to attend to discuss their child's truancy, repeated violation of school rules, or other serious educational problems of their child.

Note: The narrative portion for the type of referral should also include what efforts have been made to improve the problem as well as the results of each effort.

Actions Taken by the School

Please list the number of In/Out of School Suspensions during the current school year

Please list if the student has been expelled and the reason for expulsion

In house measures taken by the school

Please check the box corresponding to each in-house measure taken by the school prior to making a FINS referral. At least three boxes must be checked. One box must indicate that the person making the referral has talked to the parent or guardian either by phone or in person about the student's behavior. A second box must indicate that the student has been referred to the school counselor, or other school based mental health or behavior support personnel.

Note: The parent or guardian must be notified that a FINS referral will be filed prior to making the referral. Notification of an impending referral does not constitute as a measure taken by the school to rectify the problem, as a referral may only be made after all available and appropriate measures have been taken.

All available documentation supporting a course of conduct by the student must accompany the referral. It is the responsibility of the school to obtain necessary releases of information and provide all required documentation to the FINS office.

THE SCHOOL PRINCIPAL'S SIGNATURE IS REQUIRED FOR ALL REFERRALS TO FINS

A FINS REFERRAL MAY BE FILED ONLY AFTER THE SCHOOL HAS EXHAUSTED ALL IN-HOUSE ATTEMPTS TO RECTIFY THE PROBLEM

Date: _____
Student's Name: _____ Date of Birth: ____/____/____
Sex: _____ Hispanic/Latino Ethnicity: (Y) or (N)
Race: Caucasian African American Asian Native American Other: _____
School: _____ How Long: _____ Grade: _____
Special Education: (Y) or (N) Classification: _____ Date of Most Recent IEP ____/____/____
Parent or Guardian(s): _____ Relationship: _____
Home #: _____ Work #: _____ Cell #: _____
Mailing Address: _____ City: _____ Zip: _____
Student's Physical Address: _____ City: _____ Zip: _____
Name of Person Making Referral: _____ Title: _____
School Address: _____ Telephone: _____

TYPE OF REFERRAL

THE ABOVE FAMILY IS A FAMILY IN NEED OF SERVICES BECAUSE IT INCLUDES A STUDENT WHO IS (PLACE AN "X" IN THE APPROPRIATE BOX (ES)): NOTE: Appropriate documentation demonstrating a course of conduct by the child and/or family must accompany this form (e.g., evidence of interventions and outcome data).

- HABITUALLY TRUANT
- VIOLATES SCHOOL RULES
- PARENT OR GUARDIAN FAILED TO ATTEND SCHOOL MEETINGS

ATTENDANCE

LIST SPECIFIC DATES OF UNEXCUSED ABSENCES IN THE SPACE BELOW. DO NOT JUST REFERENCE THE INCLUDED ATTENDANCE REPORT IN THIS SECTION. (List any efforts made by the school to improve attendance as well as the results of those efforts.)

BEHAVIOR

IF THIS REFERRAL IS BASED ON THE STUDENT'S IN-SCHOOL CONDUCT RATHER THAN TRUANCY, PROVIDE DOCUMENTATION THAT THE STUDENT HAS WILLFULLY AND REPEATEDLY VIOLATED SCHOOL RULES AND REGULATIONS. THERE MUST BE A PATTERN OF DEFIANCE OVER TIME. A SINGLE INCIDENT IS NOT SUFFICIENT TO ESTABLISH THAT A STUDENT HABITUALLY VIOLATES SCHOOL RULES. (List all dates and provide a description of the behavior including steps that have been taken to remedy the issue(s) such as PBIS and/or other interventions and the results of those steps.)

PARENT FAILURE TO ATTEND SCHOOL MEETINGS

PARENT OR GUARDIAN HAS WILLFULLY FAILED TO ATTEND A MEETING WITH THEIR CHILD'S TEACHER, PRINCIPAL, OR OTHER APPROPRIATE SCHOOL EMPLOYEE TO DISCUSS THEIR CHILD'S TRUANCY, REPEATED VIOLATION OF SCHOOL RULES, OR OTHER SERIOUS EDUCATIONAL PROBLEMS. (List dates of all meetings the parent or guardian failed to attend and include steps that have been taken to remedy the issue(s) as well as the results of those steps.)

ACTIONS TAKEN BY THE SCHOOL

A School Building Level Committee (SBLC) meeting has been convened: (Y) or (N)* Date: _____

Actions taken by committee: _____

*If no, reason(s) meeting has not been convened: _____

Number of In School Suspension Program (ISSP) Placements during the Current School Year: _____

Number of Out-of-School Suspensions during the Current School Year: _____

The Student has been expelled: (Y) or (N) Reason(s) for Expulsion: _____

IN-HOUSE MEASURES TAKEN BY THE SCHOOL TO RECTIFY THE PROBLEM: (interventions must have been attempted prior to FINS referral; at least 3 of the following boxes must be checked; items with asterisks are required)

- * Called and talked with guardian (Date: __/__/__)
- * Referred for intervention to: (Check all that apply)
 - __ School Counselor (Name: _____)
 - __ School Psychologist (Name: _____)
 - __ Behavior Strategist (Name: _____)
 - __ School social Worker Name: _____
 - __ Other School Based Mental Health/Behavior Support Personnel (Title and Name: _____)
- Administrator/s talked with student (Date: __/__/__)
- Sent letter (Date: __/__/__)
- Home visit (Date: __/__/__)
- Had meeting with guardian (Date: __/__/__)
- Student talked to SRO (Date: __/__/__)
- Child Welfare Attendance Office (Date: __/__/__)
- Student is receiving targeted group/individual interventions (e.g. in Tier II or III of PBIS)
- Referred for Sp. Ed Evaluation (Date: __/__/__)
- Referred to School Nurse or School-Based Health Clinic
- Referred to outside community/private agencies
- Referred to _____ (Date: __/__/__)
- Referred for Section 504 Evaluation (Date: __/__/__)

Guardian must be notified of intent to file FINS referral prior to filing the referral.

Name of Guardian: _____ Date of Notification: _____

No FINS referral will be accepted without documentation establishing a course of conduct. Please check off those items which are included or will be sent.

- All special education evaluations on file (parental consent is required- IDEA§300.622 (a))
- All IEP's regardless of classification (parental consent is required- IDEA§300.622 (a))
- Behavioral records, including incident reports, suspensions, and referrals
- Attendance records as far back as available
- Elementary school records
- Report cards
- Health records (including reports from outside agencies)
- Collateral involvement (documentation provided by others)
- All supporting documentation for each measure attempting, including documentation outlining number of times each measure has been attempted

Parents are to be notified **prior** to filing the referral. The school is responsible for obtaining release of information forms. If records are incomplete, please include an explanation of why this is the case.

SIGNED (Principal of School, only)

PRINT OR TYPE NAME OF PERSON SIGNING

DATE SIGNED

Appendix III

Regular Session, 2011

ENROLLED

SENATE CONCURRENT RESOLUTION NO. 44

BY SENATOR MARTINY

A CONCURRENT RESOLUTION

To urge and request the chief justice of the Louisiana Supreme Court to create a Families in Need of Services Commission to study and issue recommendations regarding the governance, structure, target population, and necessary legislation for a Louisiana Families in Need of Services (FINS) system by submitting a report of its findings and recommendations to the Louisiana Legislature thirty days prior to the convening of the 2012 Regular Session of the Legislature.

WHEREAS, Title VII of the Children's Code, designated "Families In Need of Services" (FINS), contains provisions designed to help young people in families identified by specific misconduct on the part of the young people and their families so that appropriate services to remedy the family's dysfunction can be secured; and

WHEREAS, an "informal process" is included in Title VII which requires each court to appoint an intake officer to facilitate the establishment of a voluntary informal family services plan between the family and providers of needed services; and

WHEREAS, a body of research, practice, and legislation demonstrates the benefits and successes associated with treating status offenders in immediate, voluntary, and community-based services outside of the juvenile justice system.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the chief justice of the Louisiana Supreme Court to create a Families in Need of Services Commission to study and issue recommendations for a restructuring of FINS operations to improve access to appropriate services for FINS families throughout Louisiana.

BE IT FURTHER RESOLVED that the chief justice of the Louisiana Supreme Court shall determine the composition of the commission and appoint its members.

BE IT FURTHER RESOLVED that the chief justice of the Louisiana Supreme Court seek input from the Coordinated System of Care Governance Board, including the Department of Education, the Department of Children and Family Services, the Department of Health and Hospitals and the Department of Public Safety and Corrections, youth services, and the office of juvenile justice.

BE IT FURTHER RESOLVED that the commission hold its organizational meeting prior to August 1, 2011.

BE IT FURTHER RESOLVED that, as part of its study, the commission shall review nationally recognized state and local model status offender systems and programs in consultation with Louisiana Models for Change, the MacArthur Foundation, and other key stakeholders.

BE IT FURTHER RESOLVED that the commission's study and recommendations shall address, but not be limited to:

(1) The identification of the state entity or agency best suited to govern, regulate, and oversee FINS services throughout the state.

(2) The refinement of a FINS target population that aligns with both national best practices and the unique needs of Louisiana's youth and families.

(3) The inclusion of fundamental components of model status offender programs in the recommended Louisiana system, including, but not limited to:

(a) Immediate crisis response mechanisms for youth and families.

(b) Screening, assessment, and appropriate referral to or provision of services that are tailored to meet the strengths and challenges of children and families.

(c) Referral to or provision of evidence-based services that are community-based, meaning they are located in, or as close as possible to, the community in which the family lives and with which it identifies culturally.

(d) Referral to or provision of services that are evidence-based, meaning they have been proven by research to work, or, alternatively, that are grounded in the same essential principles as evidence-based programs.

(4) The implementation of due diligence requirements that schools and other agencies provide that diligent efforts have been made prior to referral, ensuring that referring

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agencies have attempted all appropriate internal interventions before referring to informal or formal FINS.

(5) Alternative graduated sanctions and the possible elimination of detention for status offending youth, which have been well-established to expose status offenders to negative peer influences and other harmful circumstances that can often worsen, rather than improve, their behavior.

(6) The selection of baseline data elements and a data management system to collect and track outcomes, which is essential for both the success and sustainability of reform.

(7) Proposed legislation for implementation of commission recommendations.

BE IT FURTHER RESOLVED that the commission submit a report of its recommendations to the Louisiana Legislature thirty days prior to the convening of the 2012 Regular Session of the Legislature.

BE IT FURTHER RESOLVED that the commission shall terminate on December 31, 2012.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the chief justice of the Louisiana Supreme Court.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES