

**Below is a summary of the Youth Services of Fremont County
juvenile offender intake process.**

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How Juveniles and Parent/Guardians come into to contact w/ Youth Services intake process:

1. A juvenile is cited by law enforcement (city, sheriff, county attorney) within Fremont County jurisdiction.
2. At the time of the citation the juvenile is given a notice they sign and advised to report to the Youth Services Office in either Riverton or Lander the next work day morning at 9:00 a.m. or to call to schedule an appointment.
3. The citation is docketed with a court date in Municipal or Circuit Court (misdemeanors) so that should the juvenile and parent not come to the Youth Services office for an intake interview and report, they must appear in court. Therefore, no one can fall through the cracks, so to speak, without a warrant being issued.
4. Should law enforcement file a juvenile offense report (felony?) with the County Attorney instead of citing the juvenile directly into court, the County Attorney has the discretion of filing a petition in Juvenile Court without an intake (or cite into Circuit Court) but most likely refers the matter to Youth Services for a written intake interview and recommendations before deciding how to best proceed with the case.

The Intake format and rationale:

1. Youth Services visits the police department / County Attorney before 8:30 a.m. weekdays and receives any new juvenile offense reports from the previous 24 hours.
2. Juveniles and their parents/guardians appear (or schedule) for the intake interview with the assigned juvenile probation officer.
3. The juvenile and parent are advised the purpose of the intake interview:
 - a. Advise the parent and child of what the allegations are and read the offense report to the parent and child together (parents often have not heard the official version of events).
 - b. Advise the parents and child if they do not agree with the report they do not have any obligation to discuss things further / should feel free to contact an attorney at any time / should feel free to plead not guilty and proceed through court.
 - c. Advise parents the intake report will be written and forwarded to the prosecutor with recommendations and we are meeting together to determine an appropriate course of action to be taken, advising the prosecutor has the discretion to e.g. divert the case; proceed through a court of lesser jurisdiction; dismiss in Mun./Circuit Court jurisdiction and file a juvenile petition.
 - d. If the child is cited for a drug or alcohol violation or they are involved in the commission of the offense or if the parent and/or child reveal drug and

alcohol issues they will be advised of the licensed evaluation process available to determine the level of substance abuse and mental health treatment needed and whether the child is appropriate for the Juvenile Drug Court (which requires a juvenile petition in District Juvenile Court) or other services. This is provided free of charge through the Ninth Judicial District Juvenile Drug Court contract with mental health in Fremont County.

4. The intake interview follows a regular written format and includes:
 - a. Identifying information – name, DOB, ht., wt., eyes, hair, POB,
 - b. Referral Source – law enforcement agency, charge, citation no. and date, interview date, arraignment date.
 - c. Attitude about the offense (they admit to the allegations, report with true and accurate, etc)
 - d. Youth's version of the offense (they write this themselves)
 - e. Restitution (if applicable)
 - f. Prior contact with law enforcement (arrests, convictions)
 - g. Previous involvement in other agencies e.g. DFS, counseling
 - h. Drug / Alcohol use history (any use, at what age, frequency etc.)
 - i. Education history, grades, attendance
 - j. Family Information (generic: names, addresses, siblings, contact info)
 - k. Family history information, parental interview - this is usually alone with parent and a time to get their take on things and what they would like see as process and outcome.
 - l. Work history of child
 - m. Strengths and interests
 - n. Personal history (where born, raised, moved, divorce, school change etc.)
 - o. It can be helpful to speak with the child alone (with parental permission) as they can often be more comfortable in disclosing or admitting things (substance abuse, etc.) without their parents present. These things are then shared with the parent and child before leaving the office (unless there are allegations of abuse which must be reported to DFS immediately).
 - p. Comments - summary and rationale in support of recommendations
 - q. Recommendations –
 - 1) Pre-court diversion
 - 2) Continue through court process for plea – the intake gives the prosecutor information of what would be an appropriate sentence e.g. substance abuse counseling; school attendance and grades, anger management counseling, restitution etc., should they plead guilty or be found guilty at trial.
 - 3) Dismiss the case in the court of lower jurisdiction and file a juvenile petition and/or file a juvenile petition with a juvenile drug court recommendation (they would already have a licensed evaluation which recommends this level of intervention and treatment).
 - The judge never sees the intake until there is a plea of guilt or finding of guilty.
 - Pre-court diversion is not used unless the juvenile admits his/her culpability, otherwise they need to plead

- not guilty and proceed through the court system.
- The Prosecutor (County or City) always maintains authority over the case at all times – violations are reported and an agreed upon course of action is taken e.g. (extend the pre-court agreement, include other sanctions in the agreement amendment, file and go to court).
- DFS reviews cases going to juvenile or circuit court and provides input to the county attorney.

Why go to this much Trouble and Effort:

1. In Wyoming there are no guarantees that a juvenile offender will receive appropriate treatment (accountability, responsibility, assessment, evaluation, family intervention and assistance, mental health and substance abuse, etc.) This is due to the layering of the court system for juveniles, the method of citing juveniles into adult misdemeanor jurisdictions solely by the arresting officer and geo/political jurisdiction. (See Burman Report regarding Wyoming Juvenile Justice).
2. The type (misdemeanor/felony) of offense (delinquency) and a paper revue often does not adequately indicate the needs of the child and family. Jurisdictions are limited in what services they can order or provide (pay for). We never know exactly what the issues are that need to be addressed until an investigation and information is gathered (primarily from the parent/guardian interview) before a course of action can be developed. The supervision of a Pre-court diversion can often times provide invaluable information even when it is not completed successfully. The failure of a Pre-Court diversion gives specific areas to be addressed in the appropriate court setting. The court time and resources are only used on the offender that needs to be there, either because the prosecutor deemed it appropriate initially, or because the juvenile has failed to take advantage of a Pre-Court opportunity. This can be because of factors beyond the juvenile's control such as family substance abuse, lack of supervision, domestic violence, learning disabilities, mental health issues, etc. The court is now in a much better position to address what the child and family issues really are and we can match system resources with these needs.
3. We are attempting to determine three things, Pre-Court Diversion, Change in Jurisdiction, and Focus on Accountability:
 - a. Is a juvenile deserving of a Pre-Court Diversion, because they have not had any or limited contact with law enforcement;
 - b. The child has multiple minor offenses but they (minor offense standing alone) may not rise to the level of the prosecutor's discretion for a juvenile petition. By using a Pre-Court Diversion we can then monitor services and if we are not successful and there is a second minor offense, the prosecutor is more likely to file a juvenile petition with multiple charges, a record of what did not work, and why juvenile court resources are needed.
 - c. Is the child and family, regardless of prior official record (or lack of one) in need of juvenile court services. This can be due to a number of issues that the courts of lower jurisdiction cannot address, e.g. Multi-Disciplinary

Team meetings, family issues to include substance abuse treatment, mental health treatment, child placement, etc.

- d. Is the child identified as an older chronic offender (perhaps close to 18) who has received services in the past and who's needs are more focused on accountability. This is the small proportion of juveniles who cause a disproportionate amount of problems in the community. A juvenile petition maybe unlikely due to their advanced age, and Municipal Court may not be appropriate due to the need for follow through on sanctions. Changing jurisdiction to Circuit Court may be the recommendations the prosecutor can justify.

The above process is designed to match children and families with the most appropriate services based upon their individual needs, not based upon the needs of the system. We are cognizant of the fixed resources in terms of docket and judicial time of the Juvenile Court and are attempting to provide services to children and families without further penetration into the system whenever possible (which is in most cases). The above provides a means to give a persuasive written argument based upon factual information, evaluation and assessment, parental input, school and other collateral sources, and of course the subjective experience of the juvenile probation officer.

Editorial

If, when Wyoming decides to reform the court system and place the original jurisdiction of children in the Juvenile Court, the above system or facsimile would remain invaluable. Juvenile offenders and families would still need to be screened and assessed, and the vast majority of them could be handled (be held accountable, responsible, and receive services) outside of the formal juvenile court process. The prosecutor would maintain discretion and review, agree, or adjust all case recommendations as he/she saw fit. The juvenile court would have an increase in cases, but not as many as the judiciary often anticipates. The state juvenile probation resources could develop some standards and provide some leadership for communities to use in the process and provide a steady funding formula in conjunction with the local resources already in place. Finally, the cases the juvenile court did receive would be there in a timelier manner and because that is where they belong.