

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
DIVISION OF YOUTH SERVICES**

<b>Subject:</b> <b>INFORMAL ADJUSTMENT</b>	<b>Policy Number:</b> <b>39</b>
<b>Number of Pages:</b> 7	<b>Section:</b> <b>XIV</b>
<b>Attachments:</b> <b>A. Informal Adjustment Agreement</b> <b>B. Informal Social History</b> <b>C. Informal Case Plan</b>	<b>Related Standards &amp; References:</b>
<b>Effective Date:</b> <b>October 15, 2017</b> <b>Reviewed November 1, 2018</b> <b>Revised March 1, 2019</b> <b>Revised March 15, 2020</b>	<b>Approved:</b>  James Maccarone, Director

**I. POLICY**

It is the policy of Mississippi Department of Human Services, Division of Youth Services that any juvenile who has entered an Informal Adjustment Agreement will be supervised by the Community Services Section, Youth Services Counselor for a period of up to six (6) months.

**II. DEFINITIONS**

As used in this policy and procedure, the following definitions apply:

Informal Adjustment Agreement: A written agreement between the Community Services Section, Youth Services Counselor, the youth and his/her parent(s), guardian(s) or custodian(s) that is in effect for up to six (6) months and outlines the terms and conditions of the Informal Adjustment. Entering an Informal Adjustment Agreement is completely voluntary, it is not an admission of wrongdoing, and it does not constitute an adjudication of delinquency.

**III. ROLE OF YOUTH SERVICES COUNSELOR FOR INFORMAL PROBATION**

The role of the Youth Services Counselor consists of the following duties and responsibilities:

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- Gives counsel and advice, referral to agencies that provide benefits, guidance or services with consent of the youth and parent(s), guardian(s) or custodian(s).
- Interviews youths and makes other necessary contacts.
- Confers with supervisor when the youth displays symptoms of serious mental illness that have not been addressed through treatment.
- Facilitates enrolling youth in individual and group counseling for troubled youths and/or youths in the juvenile justice system.
- Prepares and maintains files, documentation, legal documents, and various reports.
- Monitors youth's behavior and progress during the informal adjustment period.
- Provides access to supervision, leadership, and programs for troubled youths and/or youths in the juvenile justice system.
- Initiates correspondence to the student and families.
- Develops and maintains relations with the court and the community.
- Responsible for matching locally available services and supports with identified needs.
- Performs related or similar duties as required or assigned by the agency.

#### **IV. PROCEDURE**

##### **A. Required Explanations at Initial Meeting**

The Community Services Section, Youth Services Counselor is to discuss the Informal Adjustment Agreement in detail, including special conditions with the youth and parent(s), guardian(s) or custodian(s) at the initial informal adjustment meeting. The Youth Services Counselor will explain the counselor's role, the informal adjustment process and the youth's rights using youth friendly language.

The Youth Services Counselor will explain to the youth and parent(s), guardian(s) or custodian(s) the following using youth friendly language suitable for children's developmental stage, age, education and cognitive abilities. The Youth Services Counselor will review the information in the Informal Adjustment Agreement with the youth and the youth's parent(s), guardian(s) or custodian(s) and explain that:

- The purpose of the informal adjustment conference is to explain the opportunity for the youth to have the charges against him/her resolved without

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formal court involvement, to explain the requirements of an informal adjustment, to make sure the youth and family understand their rights, to learn about the circumstances that may have contributed to the youth's current charges, and to reach an agreement about the steps the youth and family must take in order to resolve the charges without formal court involvement.

- Information has been received that appears to place the youth under the court's jurisdiction.
- The youth has a right to be represented by counsel in the informal process or that the process can proceed without the presence of an attorney. The youth has a right to have counsel appointed, and if the youth, parent(s), guardian(s) or custodian(s) wishes to have counsel present, the conference can be scheduled for another time when counsel is available.
- The informal process is voluntary; participants may withdraw from the informal adjustment at any time.
- If the child and his parents, guardian or custodian agree to participate in an informal adjustment process, a delinquency petition will not be filed. The defense of a failure to provide a speedy trial is waived and a petition may be filed if the informal adjustment process is unsuccessfully terminated.
- The Community Services section, Youth Services Counselor will monitor youth on Informal Adjustment Agreement up to six (6) months with face to face visits at least every two months.
- The Community Services Section, Youth Services Counselor will review the youth's compliance with the conditions of the Informal Adjustment Agreement at each visit. The Youth Services Counselor will communicate to the youth and parent/guardian/custodian an assessment of the youth's compliance.
- The Informal Adjustment Process can be terminated in the following three ways: satisfactory, unsatisfactory or the court can close the case at any time.

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- The Community Services Section, Youth Services Counselor will terminate the Informal Adjustment Agreement as being completed satisfactorily if all terms and conditions are successfully completed.
  
- If the youth fails to follow the rules of the Informal Adjustment Agreement, the Community Services Section, Youth Services Counselor has an option to continue working with the youth on the Informal Adjustment Agreement if compliance with and completion of the Informal Adjustment Agreement is attainable, and the youth is willing to make earnest efforts to do so. In the event that said compliance and completion is unattainable, then the Youth Services Counselor may recommend that the case be terminated as an unsatisfactory completion of the Informal Adjustment Agreement.
  
- The Informal Adjustment Agreement conditions will be based on what is in the youth's best interest and safety of the community derived from all background information.
  
- The potential consequences if the Informal Adjustment Agreement is not followed will be explained to the youth and parent(s), guardian(s) or custodian(s). Said consequences can range from increasing face to face meetings, an apology letter to earlier curfew to recommending that the Informal Adjustment Agreement be terminated.

The Community Services Section, Youth Services Counselor must explain to the youth, parent(s), guardian(s) or custodian(s) that the following could cause termination of the Informal Adjustment Agreement; if the youth, parent(s), guardian(s) or custodian(s):

- Fail to participate in the informal adjustment process
- Request that the Judge hears the case
- Miss scheduled meetings without a good excuse.

During the initial visit, the Community Services Section, Youth Services Counselor will inquire about and try to recognize any disability that the youth or family may have which would impact their ability to understand the informal adjustment agreement and the roles and responsibilities of the Youth Services Counselor, the youth, and youth's parents. The Community Services Section, Youth Services

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Counselor will make reasonable modifications to practices and procedures for such disabilities, limited literacy or other limitations.

#### B. Specific Requirements in the Informal Adjustment Agreement

The Informal Adjustment Agreement must include language that describes the means for satisfying school attendance requirements. The special conditions will specify the actions that the youth must undertake and any deadlines for compliance. Specifically, it will be outlined in the Informal Adjustment Agreement any places that the youth is not allowed to visit.

The Informal Adjustment Agreement will further outline any victims or other people identified by the court that the youth must not contact, talk to or send messages to by mail, phone, email, text messaging or through internet, through other people or any other way. If the youth has been suspended or expelled, the Community Services Section, Youth Services Counselor will make clear what the youth's options are for compliance with school attendance requirements.

#### C. Confirming Youths' Understanding of the Informal Adjustment Agreement

The Community Services Section, Youth Services Counselor will explain each provision in the Informal Adjustment Agreement to the youth, and the Community Services Section, Youth Services Counselor will ask the youth to explain each provision in his or her own words. Once it is clear the youth understands each provision, the Community Services Section, Youth Services Counselor will ask the youth to initial in the first space by the provision if he or she understands. The Community Services Section, Youth Services Counselor will initial in the second space to indicate that he or she confirms that the youth showed understanding of the provision.

#### D. Informal Adjustment Unsatisfactory Release Process

If the Informal Adjustment Agreement is recommended by the Community Services Section, Youth Services Counselor for termination due to the youth's unsatisfactory completion, it must be evidenced by the failure of the youth to complete or abide by any of the conditions stated in the Informal Adjustment Agreement. It must be further evidenced by the youth expressing or showing that he or she is unwilling to abide by the condition or work toward completion.

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The Youth Services Counselor may refer a failed Informal Adjustment to the prosecutor utilizing protocol for their respective county. Also, the prosecutor may file a formal petition. The court may in its discretion choose to continue the Informal Adjustment Agreement and/or extend the Informal Adjustment Agreement period, or order that the case be closed.

The Community Services Section, Youth Services Counselor must explain to the youth, parent(s), guardian(s) or custodian(s) that the following could cause termination of the Informal Adjustment Agreement; if the youth, parent(s), guardian(s) or custodian(s):

- Fail to participate in the informal adjustment process
- Request that the Judge hears the case
- Miss scheduled meetings without a good excuse.

#### E. Monitoring and Supervision

Upon determining that a youth will be placed on informal probation, the Community Services Section Youth Services Counselor shall complete an Informal Probation Social History (Attachment B), which is an abbreviated version of the lengthier social history required for formal cases. Upon placing a youth on informal probation, the Community Services Section Youth Services Counselor shall complete an Informal Probation Case Supervision Plan (Attachment C), identifying one, but not more than three need areas and a plan to addresses those areas, if applicable. Need areas may be identified by interviewing the youth and parents in completing the informal probation social history. This will allow for more structured guidance in supervising informal probation cases.

The Community Services Section, Youth Services Counselor will monitor and supervise the youth for up to six months (unless the informal adjustment period is extended) by follow up telephone or office visits according to Policy 41 Case Contact Standards.

The Informal Adjustment Agreement may be extended up to an additional six-month period if the youth has not complied with the original requirements of the Informal Adjustment Agreement. To obtain the extension, the Youth Services Counselor must send the case to intake for a recommendation to be made to a judge to extend the case. Said extension is to be requested when the Youth Services Counselor has observed that the youth has not made earnest efforts to comply with the terms and

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conditions of the Informal Adjustment Agreement, or when the youth has not completed all the requirements but has made earnest efforts to get done.

#### F. Case Closure

The Community Services Section, Youth Services Counselor will terminate the Informal Adjustment Agreement as being completed satisfactorily if all terms and conditions are successfully completed. The Community Services Section, Youth Services Counselor will terminate the Informal Adjustment Agreement as unsatisfactory if any of the terms or conditions are not completed and the Youth Services Counselor has determined, according to the criteria outlined above, that the youth will not be offered an extension. The Informal Adjustment Agreement can be terminated without beginning a formal case in court.

Upon completion of the Informal Adjustment Agreement, the Community Services Section, Youth Services Counselor will sign and date the Informal Adjustment Agreement, indicating that the youth has met the terms of his or her Informal Adjustment Agreement and provide a copy of the signed Agreement to the youth and his or her parent, guardian or custodian.