

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES	
Subject: PROBATION	Policy Number: 40
Number of Pages: 5	Section: XIV
Attachments: A. Probation Contract	Related Standards & References:
Effective Date: April 1, 2018 Reviewed March 1, 2019 Reviewed March 15, 2020	Approved:  James Maccarone, Director

I. POLICY

It is the policy of Mississippi Department of Human Services, Division of Youth Services that any juvenile adjudicated “delinquent” or adjudicated “child in need of supervision” who is placed on probation status will be supervised by the Community Services Section, Youth Services Counselor for a period of time specified by the Judge.

Any youth adjudicated “delinquent” or “child in need of supervision” who is placed on probation by the Youth Court under Miss. Code 43-21-605, along with his or her parent(s) or guardian(s), will enter into a probation contract with the Community Services section of the Mississippi Department of Human Services, Division of Youth Services.

II. DEFINITIONS

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

Probation: A disposition which allows a youth under the court’s jurisdiction to remain in his/her community under the supervision of a youth services counselor, under certain terms and conditions set forth by the court.

Delinquent Child: means a child who has reached his tenth birthday and who has committed a delinquent act.

Child in Need of Supervision: A child who has reached his seventh birthday and is in need of treatment or rehabilitation because the child:

- i. Is habitually disobedient of reasonable and lawful commands of his parent, guardian or custodian and is ungovernable; or

Subject	Policy	Page
Probation	40	2

- ii. While being required to attend school, willfully and habitually violates the rules thereof or willfully and habitually absents himself therefrom; or
- iii. Runs away from home without good cause; or
- iv. Has committed a delinquent act or acts.

III. ROLE OF YOUTH SERVICES COUNSELOR

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

- Provides social histories and dispositional recommendations to the court, 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.
- Reports on youth's behavior and progress while under probation supervision and provides counseling and support to aid in youths' rehabilitation.
- Provides access to supervision, leadership, and programs for troubled youths and/or youths in the juvenile justice system.
- Initiates correspondence to the youth and families and to the courts.
- Develops and maintains relations with the court and the community.
- Serves as a witness in court, providing testimony that describes facts in clear, neutral fashion.
- Responsible for matching locally available services and supports with identified criminogenic needs.
- Performs related or similar duties as required or assigned by the agency.

Subject	Policy	Page
Probation	40	3

IV. PROCEDURE

A. Required Explanations at Initial Meeting

The Community Services Section, Youth Services Counselor is to discuss the probation contract in detail including special conditions with the youth and parent(s) or guardian(s) at the initial probation meeting. The Youth Services Counselor will explain to the youth and parent or guardian the following using youth friendly language suitable for children's developmental stage, age, education and cognitive abilities:

- If the youth fails to follow the rules of the court's order that the Youth Services Counselor will be responsible to report the violation to the court.
- If the youth comes back to court charged with a violation, the youth has a right to challenge the charge and has a right to be represented by counsel.
- During the Revocation Hearing, the Youth Services Counselor will be making a recommendation on how the case should be resolved or the consequences to be given.
- The recommendation will be based on what is in the youth's best interest and safety of the community, as derived from all background information.
- The potential consequences to the youth if probation is violated. Said consequences can range from an apology letter to earlier curfew to electronic monitoring to detention.
- How often he or she is expected to report for probation conferences.

During the initial visit, the 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 probation contract and the roles and responsibilities of the Youth Services Counselor, the youth, and youth's parents. The Youth Services Counselor will make reasonable modifications to practices and procedures for such disabilities. limited literacy or other limitations.

B. Explanation and Review of the Probation Contract

The probation contract must include any special conditions of the youth's probation. The special conditions will specify the actions that the youth must undertake and any deadlines for compliance. Specifically, it will state in the probation contract any places that the youth is not allowed to visit. The contract will further name any victims or other people identified by the court that the youth must not contact, talk to

Subject	Policy	Page
Probation	40	4

or send messages to by mail, phone, email, text messaging or through internet, through other people or any other way.

The probation contract must include language that explains the means to satisfy school attendance requirements if the youth has been suspended or expelled. The Youth Services Counselor will make sure that the youth, parent and guardian understand the options available for educational programs and alternative programs approved by the court.

The Youth Services Counselor will explain each provision in the probation contract to the youth, and the 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 Youth Services Counselor will ask the youth to initial in the first space by the provision if he or she understands. The Youth Services Counselor will initial in the second space to indicate that he or she confirms that the youth understood.

C. Probation Violation and Revocation Process

In determining when to complete a violation complaint questionnaire, request a custody order for detention, and/or file a request for Post Dispositional Review Hearing to revoke probation, Youth Services Counselors must be guided by the factors explained and outlined in Graduated Responses Policy 42. Before filing any of these requests, Youth Services Counselors must first try all appropriate less restrictive responses. The court's prosecuting attorney will determine whether to file a Petition to Revoke and schedule a Revocation Hearing unless otherwise specified by the Judge. The Youth Services Counselor's recommendation to the court for disposition, should the court determine that there has been a violation of probation, will also be guided by Graduated Responses Policy 42. Youth Services Counselors may not recommend detention or other incarceration for violations that are not detainable offenses unless all alternatives have been exhausted.

D. Monitoring and Supervision

The Community Services Section, Youth Services Counselor will monitor and supervise the youth by follow-up telephone or office visits according to Policy 41 Case Contact Standards.

Subject	Policy	Page
Probation	40	5

E. Case Closure

The Community Services Section, Youth Services Counselor will draft and file a motion to close a case if all terms and conditions are successfully completed. If the case is closed satisfactorily, the Youth Services Counselor will attach all supporting documentation to show proof of completion. The Youth Services Counselor will continue to monitor the case until the judge signs the motion to close. After the Judge signs the motion, the Youth Services Counselor will notify the youth and parent or guardian that the case has been closed. Upon completion of probation, the Youth Services Counselor will, with the court's permission, sign and date the probation contract indicating that the youth has met the terms of his or her probation and provide a copy of the signed contract to the youth and parent or guardian.