

Department of Human Services 2009-11 Policy Option Package

Division Name: Addictions and Mental Health Division

Program Name: Children's Treatment System

Policy Option Package Initiative: Children are Safe and Healthy

Policy Option Package Title: Juvenile Fitness to Proceed

Policy Option Package Number: 264

Related Legislation: Legislative Concept – #676

Summary Statement:

This package will ensure the health and safety of Oregon juveniles who are declared unfit to participate in the courts by providing them with education, medication, treatment, and other restorative services. The Juvenile Fitness to Proceed package provides for restorative services when the courts have determined that a youth is unable to assist in his own defense. The services will be educational and delivered where the youth is residing, except in extreme circumstances. This POP responds to a LC that will require DHS to provide restorative services and develop training standards for evaluators, guidelines for evaluations, and provide the courts with a list of qualified evaluators.

1. WHAT WOULD THIS POLICY OPTION PACKAGE (POP) DO AND HOW WOULD IT BE IMPLEMENTED?

As a result of DHS Legislative concept, this package will provide resources to administer restorative services to youth who are unfit to proceed in a court process, develop qualification standards for persons who provide restorative services, develop training standards for evaluators and maintain and provide the courts with a current list of qualified evaluators. Restorative services are psycho educational and provide education and training for the court process. In some instances restorative services will include mediation and/or treatment to address a mental disease or defect. The work will be done by contracting with a provider to administer the court ordered services.

2. WHY DOES DHS PROPOSE THIS POP?

The legislative concept to provide statutory procedural guidelines for juvenile fitness to proceed will require DHS to administer restorative services to youth who are unfit to proceed. Usually that will consist of educational type services to teach youth about the nature of the alleged offense and the juvenile process. In some instances, restorative services will include medication or other treatment to address a mental disease or defect. Many of these services can be delivered to youth in their current living situation, but some will need to be removed from their placement to administer restorative services. It will also require DHS to develop qualification standards for persons who provide restorative services, develop training standards for evaluators, and providing the courts with a current list of qualified evaluators.

3. HOW DOES THIS FURTHER THE AGENCY'S MISSION OR GOALS?

This package furthers the agency's mission by providing the necessary services to ensure that the client's constitutional rights are protected, enabling them to become more independent, healthy and safe.

4. IS THIS POP TIED TO A DHS PERFORMANCE MEASURE? IF YES, IDENTIFY THE PERFORMANCE MEASURE. IF NO, HOW WILL DHS MEASURE THE SUCCESS OF THIS POP?

If funded, the proposal will allow for the establishment of a network of evaluators that will aid in making the decision as to whether or not a child is "fit" for trial. AMH will track the number of evaluators and the number of evaluations completed.

If a child is found unable to aid and assist in their defense, they will be referred to restorative services until fit for trial. AMH will track:

- The number of children receiving restorative services
- The results of those services (child stands trial or is referred to more appropriate services)

5. DOES THIS POP REQUIRE A CHANGE(S) TO AN EXISTING STATUTE OR REQUIRE A NEW STATUTE? IF YES, IDENTIFY THE STATUTE AND THE LEGISLATIVE CONCEPT.

Yes. Please refer to SB 320 in the 2007 legislative session. This legislative concept will be considered again in the upcoming legislative session.

6. WHAT ALTERNATIVES WERE CONSIDERED AND WHAT WERE THE REASONS FOR REJECTING THEM?

There were no alternatives considered as these services would be statutory in nature.

7. WHAT WOULD BE THE ADVERSE EFFECTS OF NOT FUNDING THIS POP?

Services would not be available to protect the legal rights of these youth.

8. WHAT OTHER AGENCIES (STATE, TRIBAL AND/OR LOCAL GOVERNMENT) WOULD BE AFFECTED BY THIS POP? HOW WOULD THEY BE AFFECTED?

None

9. WHAT ASSUMPTIONS AFFECT THE PRICING OF THIS POP?

This assumes that there will be approximately 35-40 youth per year at a cost of approximately \$7000.00 per case.

Implementation Date(s): 10/1/09

End Date (if applicable): Ongoing

- a. Will there be new responsibilities for DHS? Specify which division(s) and describe their new responsibilities. Yes. DHS would be required to administer a program to provide restorative services, develop qualification standards for persons who provide restorative services, and provide restorative services upon receiving an order from the court.**

- | | |
|--|--|
| <input type="checkbox"/> Administrative Services | <input checked="" type="checkbox"/> Addictions and Mental Health |
| <input type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Public Health |
| <input type="checkbox"/> Division of Medical Assistance Programs | <input type="checkbox"/> Seniors and People With Disabilities |

b. Will there be new administrative impacts sufficient to require additional funding? Specify which office(s) and describe how it will be affected. No

- | | |
|---|--|
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Payment Accuracy and Recovery |
| <input type="checkbox"/> Information Security/Privacy | <input type="checkbox"/> Investigations and Training |
| <input type="checkbox"/> Document Management | <input type="checkbox"/> Facilities |
| <input type="checkbox"/> Audit and Consulting | <input type="checkbox"/> Contracts and Procurement |
| <input type="checkbox"/> Information Services (computers) | <input type="checkbox"/> Budget, Planning and Analysis |
| <input type="checkbox"/> Financial Services (accounting) | <input type="checkbox"/> DHS Office of Communications |

c. Will there be changes to client caseloads or services provided to population groups? Specify how many in each relevant program.

There will be new services delivered to youth who are determined by the court to be unfit to proceed.

d. Will it take new staff or will existing positions be modified? For each classification, list the number of positions and the number of months the positions will work in each biennium. Specify if the positions are permanent, limited duration or temporary.

To administer a program of restorative services as well as develop the qualifications for persons who provide those restorative services, it will require a new staff position, OPERATIONS & POLICY ANALYST 2 (OPA2). This staff person will develop administrative, programmatic, and management structures necessary to meet the Department's new statutory requirements. They will formulate new policy and design an operational system for the provision of restorative services for youth. They will develop, maintain, and administer the provider contracts for these services. They will develop protocols for identifying qualified persons to conduct fitness to proceed evaluations, guidelines for conducting the evaluations and reports, and provide and maintain a list of evaluators.

- e. **What are the start-up costs, such as new or significant modifications to computer systems, new materials, outreach and training?**

Start up costs to do the training required is estimated at about \$200,000 for training, materials and outreach.

- f. **What are the ongoing costs?**

It is expected that there would be approximately 35-40 youth per year who would require restorative services. A rate of approximately \$7,000 per case; plus the cost of 1 FTE, (OPA2).

- g. **What are the potential savings?**

There are potential savings from having these services delivered in the youth's current placement instead of the Secure Adolescent Inpatient Program (SAIP) program. If statutorily driven demands increase for this level of care, DHS would be required to buy additional capacity at \$640.77/day. (increase on 1/1/09 to \$662.64).

- h. **Based on these answers, is there a fiscal impact?**

Yes

- i. **What are the sources of funding and the funding split for each one? Include grant names and fund type, such as "Medicaid, General and Federal Funds."**

General Funds