

	<b>JUVENILE JUSTICE SERVICES</b> Supervised Release and Discharge	<b>Effective Date: 11/01/09</b>
		<b>Issue Date: 11/01/09</b>
		<b>Revised Date: n/a</b>
	<b>Title: Release and Facility Discharge Procedures</b>	
Procedure #: P.7.8.15		

1. **ISSUING AGENCY:** Children, Youth and Families Department
2. **SCOPE:** Juvenile Justice Services
3. **STATUTORY AUTHORITY:** 32A-2-23.1 & .2 NMSA 1978 (8 NMAC 14.7)
4. **FORMS:**
  - SR Consideration Summary Face Sheet
  - SR Recommendation Report
  - Request for Release Consideration
  - SR TRD Notice
  - SR Agreement
  - FRP Decision Notice
  - FRP Certificate of Satisfactory Discharge
  - FRP Certificate of Unsatisfactory Discharge
  - FRP Notice of SR Revocation Hearing
  - FRP SR Revocation Hearing Questions
  - MDT Recommendation Report
5. **DEFINITIONS:**
  - 5.1. **AODA** is the Administrative Office of the District Attorneys, who is notified for purposes of victim notification of possible and actual release decisions.
  - 5.2. **Absconder** refers to a client on probation or supervised release that leaves the jurisdiction without permission, or an escapee or runaway from a placement.
  - 5.3. **Administrative MDT** is a special MDT utilized only to resolve complicated or contentious MDT issues. It is made up of the facility superintendent or designee, the Director of Behavioral Health or designee, the Health Services Administrator or designee, the Diagnostics lead psychologist or designee, the education associate superintendent or superintendent designee, the client's Transition Coordinator, and the lead Psychiatrist as needed.
  - 5.4. **Aftercare** refers to supervised release case management provided to clients released from juvenile justice facilities and treatment programs.
  - 5.5. **Arrest warrant** refers to a warrant issued from district court ordering that a client be taken into custody.
  - 5.6. **Case manager**, also known as the **classification officer**, refers to a department employee who provides direct case management and client advocacy throughout the client's commitment.
  - 5.7. **Classification officer (CO)**, also known as the **case manager**, refers to a department employee who provides direct case management and client advocacy throughout the client's commitment. The Classification Officer provides assessments of the client's risk, needs and strengths by which the Multi-Disciplinary Team will assign appropriate placement.
  - 5.8. **Client family baseline assessment** refers to a written report by a juvenile probation officer that identifies the client's delinquent history and the strengths and needs of the client and family.
  - 5.9. **Delinquent act** refers to an act committed by a juvenile that would be designated as a crime under the law if committed by an adult.

- 5.10. **Department** means the Children, Youth, and Families Department.
- 5.11. **Detention** refers to the temporary care of juveniles alleged to be delinquent who require secure custody in a facility certified for that purpose by the department (Section 32A-2-4 NMSA 1978).
- 5.12. **Facility** refers to a facility operated by, or on behalf of, CYFD's juvenile justice services for purposes of housing and providing care for clients committed to the custody of CYFD.
- 5.13. **Facility release panel (panel)** is the departmental secretary-designated releasing authority that considers juveniles for supervised release.
- 5.14. **Facility transition coordinator (FTC)** means a department employee who works with the client and the client's multi-disciplinary team, juvenile probation officer, classification officer, and regional transition coordinator to coordinate the client's care while in the facility and ensures that the required tasks of the client's supervised release or extension track are occurring in a timely manner.
- 5.15. **Final supervised release violation hearing** means a proceeding conducted by the department or its designated hearing officer, for the purpose of determining whether to revoke supervised release.
- 5.16. **Home study** means an assessment of the living environment where the juvenile offender may reside during the term of supervised release; the assessment is conducted by the department; specific strengths and weaknesses of the living environment are identified through the home study process.
- 5.17. **JJS** is Juvenile Justice Services, a division of the children, Youth and Families Department.
- 5.18. **JPO** is a juvenile probation officer.
- 5.19. **Juvenile public safety advisory board (JPSAB or Board)** will advise the department on release decisions and make recommendations regarding programs and facilities.
- 5.20. **Juvenile offender** means an individual committed to the custody of the department pursuant to the Delinquency Act, 1978 NMSA Section 32A-2-1 through 32A-2-32; the term "juvenile offender" in this regulation includes those individuals who are committed as youthful offenders and/or up to age 21.
- 5.21. **L:Drive** is a limited-access drive on the Departmental computer system where shared documents are stored.
- 5.22. **Multi-disciplinary team (MDT)** refers to the team that meets at the facility to develop, monitor, and revise client plans for placement and services. The team includes the client and family member(s), and case manager, behavioral health, education, medical, a security representative, the juvenile probation officer and a transition coordinator if assigned.
- 5.23. **MDT Recommendation Report** is the report provided to the FRP Chair on the 5<sup>th</sup> day of the month prior to the month a client will appear on a Release Consideration Meeting agenda that informs the panel members of the MDT's recommendation.
- 5.24. **Panel Chair** refers to the chairperson of the Facility Release Panel, who is the JJS Division Director/designee.
- 5.25. **Plan of care (POC)** refers to the plan developed at the first multidisciplinary team (MDT) meeting following placement at the facility and reviewed and updated at each subsequent MDT. The plan includes goals and objectives in all disciplines and is broadly available to all staff with client contact.
- 5.26. **Primary Review Date (PRD)** refers to the date by which a regularly scheduled MDT meeting must be held (no later than 7 months for a 1 year commitment, and no later than 19 months for a 2 year commitment), where a determination of whether a client is on a supervised release track or an extension track must be made.
- 5.27. **Probation** refers to a court-ordered sanction and disposition which places an adjudicated client under the supervision and care of a juvenile probation officer.
- 5.28. **Regional transition coordinator (RTC)** means a department employee whose duties may include coordination of community and aftercare services for a client.
- 5.29. **Release agreement** means the document stating the conditions of supervised release as established by the panel. The juvenile is required to agree in writing to the agreement conditions as a prerequisite to being placed on supervised release status.
- 5.30. **Release consideration meeting** means a proceeding conducted by the panel for purposes of deciding whether to grant, deny, defer or revoke supervised release.

- 5.31. **Retake warrant** refers to the document issued by the department, directed to law enforcement and department staff to detain a client alleged to have violated conditions of supervised release, and return the client to a secure facility.
  - 5.32. **Secretary** means the secretary of the Children, Youth and Families Department.
  - 5.33. **Supervised release** refers to the release of a juvenile, whose term of commitment has not expired, from a facility for the care and rehabilitation of adjudicated delinquent children, with specified conditions to protect public safety and promote successful transition and reintegration into the community. A juvenile on supervised release is subject to monitoring by the department until the term of commitment has expired, and may be returned to custody for violating conditions of release.
  - 5.34. **Supervised release plan** means the department's recommendation for the conditions the juvenile offender should be required to fulfill if released, and presents workable methods of dealing with the juvenile offender's problems and needs through community intervention.
  - 5.35. **Supervised release recommendation report** is the report prepared by the FTC/CO/designee to inform the panel of the juvenile's progress while committed through summaries of all the disciplines in the juvenile's plan of care and the plan for the juvenile if he or she is granted supervised release.
  - 5.36. **Victim notification** means notification to the district attorney of each district in the state of any supervised release of juvenile offenders pursuant to Section 31-26-12 NMSA 1978.
  - 5.37. **YFS** is Youth and Family Services, a division of CYFD
6. FACILITY RELEASE PANEL
- 6.1. The Facility Release Panel holds release consideration meetings at any of the department's facilities at least once per month to consider whether to grant release to juvenile offenders who are identified on the agenda. In addition to the regularly scheduled release consideration meetings, the panel may conduct special release consideration meetings upon recommendation of a facility or as a result of any circumstances that warrant review and consideration for release.
    - 6.1.1. The panel may at least once per year develop a schedule of release consideration meetings for the remainder of the year.
    - 6.1.2. The panel may rotate the location of the release consideration meetings between any of the department's facilities in Albuquerque and Las Cruces.
7. PRE-RECOMMENDATION PREPARATION
- 7.1. Central Intake will email the Initial MDT schedule to the JPSAB.
  - 7.2. Prior to or at the Initial MDT, the JPSAB Director/designee may conduct an initial assessment of the client.
    - 7.2.1. The Director/designee reviews Central Intake documents and diagnostic summaries available on the L: drive.
  - 7.3. Within 28 days of arrival to Central Intake the client will participate in an Initial MDT.
    - 7.3.1. The JPSAB Director/designee will attend the Initial MDT as part of the initial assessment of the client, unless the assessment has already been completed.
    - 7.3.2. The MDT shall provide the juvenile and their family with a Notice of Tentative Release Date at the conclusion of the Initial MDT, based on the juvenile's Client Family Baseline Assessment and other information presented at the meeting. If so warranted by the juvenile's behavior or for other good cause, the release date may be moved up and the panel may consider a juvenile for early supervised release.
      - 7.3.2.1. The JPO will provide an updated Baseline Assessment, including a home status review, to Central Intake prior to the Initial MDT.
      - 7.3.2.2. The MDT will communicate to the client that the Tentative Release Date may be changed dependent upon the client's behavior and co-operation with their Plan of Care.
      - 7.3.2.3. The Facility Transition Coordinator or Classification Officer (FTC/CO) will

create and maintain the Tentative Release Date and Agenda Report.

**7.3.2.4.** After the Initial MDT, the FTC/CO will record the client's Tentative Release Date into the Tentative Release Date and Agenda Report and will notify the client's family via a Notification of Tentative Supervised Release Date letter.

**7.3.2.5.** The FTC/CO will send the Tentative Release Date and Agenda report to the panel monthly.

7.4. At least monthly an MDT will be convened to discuss, among other things, the appropriateness and efficacy of the client's Plan of Care and placement.

7.5. MDT makes recommendations to the panel.

**7.5.1.** At any time after the Tentative Release date is determined, if the MDT agrees that the juvenile's behavior or other good cause so warrants, the release date may be moved up or back and the facility release panel may consider a juvenile for early supervised release or defer to a later date. If the Tentative Release Date is changed for any reason, the FTC/CO will change the client's Tentative Release Date in the Tentative Release Date and Agenda Report and will notify the client's family of the change via an updated Notification of Tentative Supervised Release Date letter.

**7.5.2.** The MDT members will all sign a Request for Release Consideration indicating the specific reason or the date change and their unanimous agreement.

**7.5.2.1.** If the decision to recommend is not unanimous but there is a quorum of at least 51% of the MDT members, then the MDT should present the request to the Administrative MDT for decision.

**7.5.2.2.** If the Administrative MDT elects to change the date, the FTC/CO will submit the change to the Tentative Release Date & Agenda.

7.6. All disciplines will provide detailed updates to the client's FACTS Progress Notes after each MDT.

7.7. After the client's Primary Review date MDT meeting is held, the FTC/CO will make any appropriate changes to the Tentative Release Date and Agenda Report and notify the client's parents/custodians if the MDT decides that a client on a release agenda should be extended and taken off the agenda or a client on an extension track should not be extended and added to the agenda,

7.8. By the 5<sup>th</sup> day of each month preceding the Supervised Release Consideration Meeting, MDT members must submit names of clients they wish to add to the agenda, along with the MDT Recommendation Report for clients already on the agenda and any new additions to the agenda, to the facility FTC/CO for inclusion on the proposed agenda.

**7.8.1.** The FTC/CO then forwards the names and MDT Recommendation Reports to the FRP Chair.

7.9. The panel, through the panel chairperson, may recommend a juvenile for placement on an agenda by contacting the juvenile's MDT and requesting that the juvenile be considered for recommendation for release.

## 8. ELIGIBILITY FOR SUPERVISED RELEASE

8.1. Policy is followed for supervised release eligibility.

## 9. CONDUCT OF RELEASE CONSIDERATION MEETINGS

9.1. Each FTC/CO emails the proposed agenda to the panel chairperson at least forty (40) days prior to the next regularly scheduled release consideration meeting dates.

9.1.1. The panel members have three (3) days to respond to the panel chairperson regarding the proposed agenda.

9.1.1.1. The panel cannot remove a client's name once recommended by the MDT or Administrative MDT.

- 9.1.2. If circumstances substantially change between the proposed agenda and the release consideration meeting, the MDT may reconsider the decision to recommend and defer the client for a future agenda.
  - 9.1.2.1. In order to reconsider, the MDT must unanimously agree that there are substantially changed circumstances that disqualify the client from consideration at that time.
  - 9.1.2.2. The MDT must present a detailed report to the panel that justifies the deferral.
  - 9.1.2.3. If the MDT is not unanimous, then an Administrative MDT will be convened to decide.
- 9.1.3. A client may appear on the panels' agenda by:
  - 9.1.3.1. The client's MDT may recommend the juvenile for release;
  - 9.1.3.2. The JPSAB may request to have a juvenile's name placed on the agenda after a denial of release, by completing a Request for Release Consideration form and forwarding it to the client's MDT, who then follows the procedures below for a client request; or
  - 9.1.3.3. The client may ask to be placed on the agenda by petitioning the panel any time sixty (60) days after commitment or after a denial of release;
    - 9.1.3.3.1. The panel will accept any reasonable request by the client to be placed on the Release Consideration Meeting agenda.
      - 9.1.3.3.1.1. A request is deemed reasonable when the client has obtained the written support of the majority of his/her MDT on the Request for Release Consideration form.
      - 9.1.3.3.1.2. The client's Case Manager may provide assistance in completing the Request for Release Consideration form.
      - 9.1.3.3.1.3. Each MDT discipline must complete the appropriate section of the Request for Release Consideration form indicating whether the client has satisfactorily completed his/her Plan of Care.
      - 9.1.3.3.1.4. The Case Manager forwards the completed Request for Release Consideration form to the panel.
      - 9.1.3.3.1.5. If the client is unable to obtain the written support of a majority of his or her MDT for a release consideration request, they may still submit the request to the panel chairperson with an explanation as to why the majority did not agree, and the panel chairperson may conduct an administrative (paper) review of the request or may place the client on the agenda.
    - 9.1.3.4. The panel, through the chairperson, may recommend that the MDT add client names to the agenda, unless there are special circumstances, in which case the chairperson may add client names to the agenda on his or her own, after stating the special circumstances.
- 9.2. The final agenda is prepared and approved by the JJS Director/designee.
  - 9.2.1 The JJS Director/designee emails the final agenda to the panel, the JPSAB, and the facilities at least thirty-five (35) days before the consideration meeting.
  - 9.2.1 The JJS Director/designee completes victim notifications pursuant to policy, state law, and the Memo of Understanding with the Administrative Office of the District Attorney (AODA).
  - 9.2.2 The JJS Director/designee notifies the New Mexico Public Defender's Office of the final agenda at the same time as the AODA notification is completed.
- 9.3. Once the agenda is finalized, the FTC/CO updates FACTS.
- 9.4. Each discipline that is responsible for completing progress notes or reports, supplemental reports, and/or that are represented on the Supervised Release Recommendation Report/Consideration Summary

shall provide their completed notes/reports by notifying the FTC/CO/ that their respective documentation is complete and on the designated L: drive no later than twenty (20) days before the Release Consideration Meeting that their client is scheduled to appear.

#### 9.4.1 Collaborative Documents

9.4.1.1 After the FTC/CO sends out notification of the finalized supervised release agenda, then each of the Classification Supervisors will create a folder in the designated L:Drive location (Lastname.Firstname.FACTS#) for each client they have on the agenda. The Case Managers will go to 'My Templates' in MS Word and open any collaborative documents such as the Supervised Release Recommendation Report (SRRR) and the Supervised Release Recommendation Report/Consideration Summary Face Sheet.(SRRRCSFS) and create a 'shell' in the client folder previously created in the L:Drive.

9.4.1.1.1 To create the 'shell' the Case Manager will open the template and complete:

9.4.1.1.1.1 Client's Name

9.4.1.1.1.2 FACTS #

9.4.1.1.1.3 Facility/Living Unit

9.4.1.1.1.4 Hearing Date

9.4.1.1.2 The Case Manager will then select 'Save As' the file name must be lastname.firstname.FACTS#.Report Acronym (e.g.: Doe. John.12345.SRRR. then from the 'Save As Type' drop down select Word Macro-Enabled Document. The Case Manager will do the same with the Supervised Release Recommendation Report/Consideration Summary Face Sheet (SRRRCSFS) and name it accordingly.

9.4.1.1.3 Each discipline will complete their respective portion of these collaborative documents with their approved information.

9.4.1.1.3.1 Staff will go to the designated L drive location and open the folder names Supervised Release Reports.

9.4.1.1.3.2 Select the appropriate client folder and open the collaborative document.

9.4.1.1.3.3 Between the Tool Bar and the document is a Security Warning, click on Option.

9.4.1.1.3.4 Select 'Enable This Content,' then select 'OK.'

9.4.1.1.3.5 Use the Tab button to move through the fields. (Do not move the cursor ahead through the fields.)

9.4.1.1.3.6 When done, 'Save' (Do not select 'Save AS').

9.4.1.1.4 If a particular discipline requires a staff member to have work reviewed and approved, this must be done prior to pasting it into the collaborative document. No later than twenty (20) days prior to the Release Consideration Meeting the Classification Supervisor will copy and paste the document into the appropriate client folder located on the designated L drive location. Then the Classification Supervisor will delete any duplicate files. By transferring the review file, the Classification Supervisor is signifying that these documents are complete, approved and finalized.

9.4.1.2 All Other Non-Collaborative Documents

9.4.1.2.1 After the FTC/CO sends out notification of the finalized agenda, then appropriate disciplines will go to 'My Templates' in MS Word and open any non-collaborative document(s) that they are responsible to complete. Until the document(s) is completed, finalized and approved (if required),

the staff will keep the documents saved to their respective H: drive. No later than twenty (20) days prior to the Release Consideration Meeting, the staff's supervisor will copy the completed, finalized and approved (if required) documents(s) to the appropriate client folder in Finalized Reports folder located in designated L drive location. These files must be named by the following convention:

lastname.firstnameFACTS#Document Acronym (e.g.:  
Doe.John.12345.SRA ).

9.4.1.2.2 The FTC/CO will verify that all reports in the designated L drive location folder have been moved and properly transferred to the finalized report folder and no folders remain.

- 9.5. The FTC/CO shall provide the panel chairperson with all Supervised Release Recommendation Reports at least fifteen (15) days before the release consideration meeting. The panel chairperson will notify the FTC/CO within three (3) days of receipt of the approval of the Reports.
- 9.6. No later than ten (10) days prior to the next Release Consideration Meeting, the FTC/CO will notify the panel members by email when the Supervised Release Recommendation Reports are approved and made available in the designated L:drive. For special supervised release hearings or for juvenile offenders who are added to the agenda, the panel receives the updated supervised release recommendation report as soon as practicable. The updated supervised release recommendation report must include all information required by policy.
- 9.6.1 Once the FTC/CO has notified the panel that the reports are on the L:drive, he or she will print copies of all of the documents on the L:drive related to release of the juvenile. The FTC/CO will put these documents, along with the documents required under 10.1.1 of this procedure, into a packet and promptly deliver it to the supervising JPO. In the event that the supervising JPO is not known, the FTC/CO shall deliver the packet to the Chief JPO for the region of the juvenile's release, and if that is not known, the Chief JPO for the originating region, who will ensure that the packet gets delivered to the supervising JPO. After the conclusion of the release consideration meeting, the JPO will access the final SDM reassessment and the closed-out POC via FACTS.
- 9.7. The victim or victim's representative may address the panel privately prior to the release consideration meeting.
- 9.8. If the juvenile or their family cannot attend the meeting, the client's Case Manager will coordinate the necessary arrangements for the availability of video or teleconferencing equipment.
- 9.9. When a client is scheduled to be considered for supervised release by the panel, the client, their parent/guardian/custodian, their RTC if assigned, and their FTC/CO shall appear before the panel. The client, with the support of their FTC/CO and RTC if assigned, shall inform the panel of the reasons why they should be released, including committing offenses(s), progress and treatment during their commitment, and future plans. The panel may ask questions of the client and/or their FTC/CO or RTC if assigned or parent/guardian/custodian. Other members of the client's MDT or support system may be requested by the panel to speak or answer questions, but will normally not be present during the Consideration Meeting, nor will other members of the public or facility.
- 9.10. Official minutes of release consideration meetings are prepared by staff designated by the panel, and will be made available ten (10) days after the meeting.
- 9.11. Any decision regarding supervised release shall be approved by a majority of the panel. If the action of the panel is not unanimous, the dissenting member may have the reasons for his or her dissent set forth in the official minutes of the release consideration meeting.
- 9.12. The panel may provide a decision at the Release Consideration Meeting immediately after meeting with the juvenile; however the panel has up to forty-eight (48) hours to announce their decision. The panel grants or denies release according to policy.

- 9.12.1 The timing of release will be determined on a case-by-case basis. In no case will a juvenile be released if they cannot immediately comply with general and special conditions of Supervised Release, and the panel shall defer the release of any juvenile who cannot immediately comply with any condition of supervised release, including but not limited to the condition that they remain under house restriction and/or direct parental supervision for the first weekend they are home and until their initial appointment with their JPO, who will then decide when to lift the restrictions.
- 9.12.2 If the panel decides to delay their decision and announce it at any time after the Release Consideration Meeting has concluded, the juvenile offender is informed of the panel's decision and of the general and special conditions of release by facility staff familiar with the client as designated by the Officer in Charge at the juvenile's facility, who also obtains a signed copy of the release agreement from the juvenile.
  - 9.12.2.1 The panel chairperson/designee will contact the facility Officer in Charge by email to officially announce the supervised release decision.
  - 9.12.2.2 The facility Officer in Charge will notify facility staff familiar with the client of the panel's decision.
  - 9.12.2.3 The client is allowed use of the telephone to notify his/her designated family member.
  - 9.12.2.4 In the event that the client will be going to an out-of-home placement, the Officer in Charge will provide notification to the placement.
- 9.12.3 When released, the juvenile offender must agree to and sign a written statement of the general and special conditions of release (the release agreement) in order for release to commence. The panel provides a copy of the release agreement to the juvenile at the release hearing, and mails a copy to the juvenile's parent, guardian or custodian within five (5) days, if release is granted.
  - 9.12.3.1 When released, a release consideration meeting decision notice is prepared, and a copy is provided to the juvenile.
  - 9.12.3.2 If a juvenile is not released the same day a decision to release has been made by the FRP, the Superintendent of the juvenile's facility shall be responsible for notifying the manager of the unit or lodge where the juvenile will be residing until released that the juvenile should be on 1:1 supervision until release to provide for the juvenile's safety.
- 9.12.4 If not released, the panel will provide the juvenile offender, their family, and their placement (if out of home) with a written statement of reasons for denial. A copy of the statement is mailed to the juvenile offender's parent, guardian or custodian within five (5) days after the decision is made to deny release.
- 9.12.5 The FTC/CO or case manager will enter the result of the Release Consideration Meeting in FACTS within seventy-two (72) hours of the panel's decision.
- 9.13 Special release consideration meetings are scheduled at the discretion of the panel as per policy.
- 9.14 The facility FTC/CO will enter the juvenile's community supervision plan and the term start and end dates in FACTS upon the juvenile's release.
- 9.15 The AODA is notified within 5 days of the panel's release decision for each juvenile on the agenda.

## 10. BEHAVIOR DURING THE SUPERVISED RELEASE PERIOD

- 10.1 The department supervises juveniles on supervised release. For juveniles who have not been assigned a Regional Transition Coordinator, the facility transition coordinator is responsible for providing the juvenile's JPO with the supervised release recommendation report and any other documentation required to properly transition the juvenile to supervised release.
  - 10.1.1 The documentation to be provided includes:
    - 10.1.1.1 Current behavioral health services;



- 10.1.1.1 Current Educational needs and strengths;
- 10.1.1.2 Current medical concerns, including medications;
- 10.1.1.3 Any cautionary concerns;
- 10.1.1.4 SDM scores;
- 10.1.1.5 Most recent POC;
- 10.1.1.6 Initial central intake assessment;
- 10.1.1.7 Interaction with primary caregiver during the term of commitment; and
- 10.1.1.8 Any other information the JPO requests or needs to assist the juvenile with transition.
- 10.1.2 If a change in placement has been made prior to release, it is the responsibility of the FTC/CO to notify the appropriate JPO offices.
  - 10.1.2.1 The facility FTC/CO will enter the juvenile's community supervision plan and the term start and end dates in FACTS upon the juvenile's release.
  - 10.1.2.2 The facility FTC/CO will e-mail, send or send notification that items listed in 10.1.1 have been posted to the L:Drive to the supervising and releasing JPO (if different) on or prior to the actual release date.
  - 10.1.2.3 When either or both the releasing and supervising JPO are present at the release consideration meeting, the FTC/CO will provide them with a packet containing the information required under 10.1.1.
- 10.1.3 Modification of release conditions.
  - 10.1.3.1 Policy is followed for changes to a Supervised Release Plan.
  - 10.1.3.2 If a JPO makes changes to a Supervised Release Agreement, he or she will email the panel chairperson that a Notification of Juvenile Supervised Release Program Change has been entered into FACTS under Placement/Services.
    - 10.1.3.2.1 The panel chairperson/designee will communicate approval or denial in the FACTS Case Activity Note.

## 11 VIOLATIONS OF SUPERVISED RELEASE CONDITIONS

- 11.1 The JPO reviews a complaint or information that a client violated a condition of Supervised Release and interviews the client, parent/guardian/custodian, and the complainant and other interested or involved parties (i.e., school officials, service providers).
- 11.2 The JPO completes the investigation within seven (7) working days of the receipt of the complaint or information, unless the client is in detention. Upon completion of the investigation, the JPO supervisor and/or Chief JPO must review and approve or reverse any recommendations submitted by the JPO.
- 11.3 The JPO records the results of the investigation in FACTS.
- 11.4 The JPO submits the results of the investigation to the Chief JPO/designee and the Chief JPO reviews the circumstances to ensure that the JPO does not initiate Supervised Release revocation based upon alleged violations of Supervised Release conditions that are a manifestation of the client's disability, unless the reviewing officer first finds that available appropriate behavior health services based in the community were utilized prior to initiating Supervised Release revocation proceedings based upon alleged violations of Supervised Release conditions that are a manifestation of the client's disability. A written finding must be entered in FACTS that appropriate and available behavioral health services in the community were ineffective prior to initiating Supervised Release revocation proceedings based upon violations of Supervised Release that are a manifestation of the client's disability.
- 11.5 The JPO informs the FRP chairperson when a client is alleged to have violated any general or special conditions of Supervised Release.
  - 11.5.1 If necessary, the client's Case Manager is contacted by the JPO and asked to convene an MDT to provide alternative plans and options to revocation.
- 11.6 The JPO and FRP chairperson confer regarding the appropriate course of action in each circumstance.

- 11.7 After all attempts have been exhausted by the JPO to work with the client to remain on supervised release in the community, including staffing the case with the panel and the field office supervisor or chief and requesting an MDT, then the JPO may proceed to the preliminary supervised release violation hearing pursuant to procedure.
- 11.8 If the violation of the condition of the Supervised Release decision constitutes an illegal act, the JPO conducts the investigation, completes a PI and transmits the recommendation, when statutorily necessary, for a petition for delinquency within twenty-four (24) hours for a client in detention.
  - 11.8.1 For violations of Supervised Release which constitute a prohibited act, the JPO determines whether to proceed with a Preliminary Supervised Release Revocation Hearing.
    - 11.8.1.1 Once it is determined that a Supervised Release Revocation Hearing is required, the JPO submits the PVR to the CJPO/designee. The Chief JPO/designee determines if an arrest warrant is necessary or if the Supervised Release revocation process should proceed without an arrest warrant.
    - 11.8.1.2 Arrest warrants for Supervised Release violators are initiated by the JPO office in the County from which the client was committed. The JPO submits the arrest warrant to the Court from which the client was committed for judicial signature.
    - 11.8.1.3 Once approval has been obtained, the JPO forwards a copy of the PVR and affidavit for arrest warrant to the FRP.
    - 11.8.1.4 Once the client is taken into custody, the JPO requests the appointment of a Hearing Officer from the YFS Deputy Director/designee.
  - 11.8.2 When a client is detained pursuant to an arrest warrant for Supervised Release violation, the client will have an opportunity for a review on the issue of the need for detention for an alleged violation of any condition of their Supervised Release, pending a preliminary Supervised Release revocation hearing or hearing before the FRP.

## 12 PRELIMINARY SUPERVISED RELEASE VIOLATION HEARING

- 12.1 Clients can waive the Preliminary Supervised Release Violation Hearing by signing the Waiver of Preliminary Hearing form in the presence of the JPO and his/her attorney or via video conferencing with the assigned attorney.
- 12.2 The Hearing Officer appointed by the YFS Director/designee conducts the Preliminary Supervised Release Violation Hearing, unless waived by the client, within fourteen (14) working days of appointment to determine probable cause that the client violated a condition of Supervised Release.
  - 12.2.1 Prior to the preliminary Supervised Release violation hearing the JPO provides the following information to the FRP.
    - 12.2.1.1 Notice of Preliminary Supervised Release Violation Hearing;
    - 12.2.1.2 Supervised Release Violation Report; and
    - 12.2.1.3 Notice of Rights.
- 12.3 If the Hearing Officer determines at the conclusion of the hearing that probable cause exists that the client committed a violation of Supervised Release conditions, the JPO obtains a Retake Warrant from the YFS Director/designee issued to the paroling facility to transport the client to the facility.
  - 12.3.1 The JPO provides a copy of the retake warrant to the detention facility holding the client.
  - 12.3.2 The Hearing Officer sends the FRP a copy of the Supervised Release- Violation Report, Supervised Release Violation Summary Report that includes testimony, facts and conclusions, and the Retake Warrant no later than ten (10) working days of the Preliminary Supervised Release-Supervised Release Violation Hearing.
  - 12.3.3 The Hearing Officer may make recommendations for the FRP's consideration at the final violation hearing.

- 12.4 If the Hearing Officer does not find probable cause that the client violated Supervised Release, the JPO continues the client on supervision under the final Supervised Release-supervised release decision and current Plan of Care.
  - 12.4.1 The Hearing Officer prepares a written decision, the Supervised Release Violation Summary Report or the report required by procedures established by CYFD/YFS of the hearing within five (5) working days of the hearing.
  - 12.4.2 The Hearing Officer transmits copies of the decision to the client, the client's counsel, the FRP and the JPO.
  
- 13 FINAL SUPERVISED RELEASE VIOLATION HEARING
  - 13.1 The final supervised release violation hearing is conducted by the panel pursuant to policy.
  - 13.2 The panel sends a request to the New Mexico public defender department to represent the juvenile, unless the juvenile has a private attorney.
  - 13.3 The panel notifies the juvenile, the juvenile's parent or guardian, and the juvenile's attorney of the hearing date at least ten (10) working days in advance via certified letter.
  - 13.4 At the final supervised release violation hearing, the juvenile is given a statement of their rights.
  - 13.5 The panel may accept or reject the hearing examiner's preliminary revocation recommendations and may enter any other disposition it deems appropriate.
  
- 14 FACILITY AND SUPERVISED RELEASE DISCHARGE PROCEDURES
  - 14.1 The JPO may make a request for discharge from supervised release, as per policy.
    - 14.1.1 The panel may, at their discretion, grant the JPO's request with or without the juvenile being present at the release consideration meeting.
  - 14.1 Facility request for discharge from commitment.
    - 14.1.1 The client's Case Manager will initiate the facility discharge notification and will email the panel chairperson.
    - 14.1.2 Once the panel chairperson determines what type of discharge to issue, a certificate of discharge is completed, signed, and given to the juvenile and a copy inserted into the juvenile's file.
    - 14.1.3 All victim notifications are completed in accordance with Section 31-26-12 (D) NMSA 1978.
  
- 15 RELEASE FROM CUSTODY
  - 15.1 The FTC/CO notifies each district attorney at least fifteen (15) working days before the client's release when a client is scheduled to be released from custody without supervised release or prior to supervised release.
  - 15.2 The MDT facilitator documents in FACTS the application and paneling of a client for placement in an aftercare residential or out-patient program.
  - 15.3 The facilitator documents and submits the recommendation of a client for the supervised release agenda to the Superintendent, who then presents the client to the facility release panel.
  - 15.4 As part of a community re-entry plan, the FTC/CO, through the Superintendent and in consultation with the RTC, requests and obtains an updated home study or placement study from the Chief JPO/designee of the District Office in the county of commitment or the county contemplated as the community of discharge.
  - 15.5 The FTC/CO, through the Superintendent/designee and in consultation with the RTC, may make recommendations for changes to the facility release panel regarding the hearing date for a client or for removal of a client from the facility release panel agenda.
    - 15.5.1 The Superintendent/designee obtains the change in hearing date or removal of a client (except for clients subject to review by the facility release panel after denial) from the facility release panel agenda by written notification from the facility release panel. The Superintendent/designee ensures the MDT facilitator is informed.

- 15.6 At the expiration of a client's legal commitment, the Superintendent/designee releases the client from the facility by administrative discharge. Staff completes the client release check out sheet, ensures that all documentation is complete and medications (if any) are provided, and arranges transportation for the client.
- 15.7 The Superintendent signs and forwards a Notice of Administrative Discharge for the record to the Chief JPO/designee.
- 15.8 The FTC/CO contacts the entity to whom the client is to be released to confirm who the receiving person will be, the date and time of the client's arrival, the paperwork that will be accompanying the client, and the medications, if any, that will be transported with the client.

**AUTHORIZED SIGNATURE:**



**APPROVED:** \_\_\_\_\_  
**Dorian Dodson, Cabinet Secretary**  
**Children, Youth and Families Department**

**History: New, 8/15/09**