

West Virginia Department of Health and Human Resources

Youth Services Policy

BUREAU FOR CHILDREN AND FAMILIES

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SECTION 1 – INTRODUCTION AND OVERVIEW

1.1 Introduction

This policy sets forth the philosophical, legal, practice, and procedural issues which currently apply to Youth Services in West Virginia. This material is based upon a combination of requirements from various sources including but not limited to: social work standards of practice; accepted theories and principles of practice relating to services for troubled children; Chapter 49 of the Code of West Virginia; case decisions made by the Supreme Court of Appeals; and, the Adoption and Safe Families Act. Youth Services is a specialized program which is part of a broader public system of services to children and families.

1.2 Philosophical Principles

Philosophical beliefs about children and families involved with the Juvenile Justice System are the single most important variable in the provision of quality Youth Services. Thoughts about families, our interactions with them, the decisions made independently and with families and children, and how the community is involved to assist them are determined in advance by what is believed.

The most basic and powerful influence of helping in Youth Services is expressed by consistently applying professional beliefs and values. The following philosophical principles represent the social work orientation to Youth Services.

- Youth Services is child centered, and family focused. The aim is to strengthen the functioning of the family unit, while assuring adequate protection for the child, family, and community.
- All Youth Services interventions should be directed by helpfulness.
- Juvenile offenses are multifaceted problems which affect the entire community. A coordinated, multi-disciplinary effort which involves a broad range of community agencies and resources is essential for an effective Youth Services program.
- It is best to keep children with their parents when safety can be controlled.
- The public has a right to a safe and secure community.
- Whenever an offense occurs then an obligation by the juvenile offender occurs.
- Families have a right to be involved in the casework process.

Effective intervention requires that Youth Services respond in a non-punitive, noncritical manner and offer help in the least intrusive way possible. Children and families shall be treated with dignity and respect by the child welfare staff and all providers of service working with them. It is the Child Welfare System's responsibility to ensure the rights of children and families being served are protected. In doing so, child welfare workers shall not assume all children in care are heterosexual, cis-gender or gender-conforming and will treat Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex (LGBTQI) Youth with respect and competence. They will also adhere to state and federal laws related to LGBTQI Youth.

All professionals in state and local child welfare systems have an obligation to understand and adhere to the federal laws that protect the families and children in the communities they serve. Decisions made by child welfare workers should be made without intentional or unintentional discrimination. This includes discriminating on the basis of age, race, color, sex, mental or physical disability, religious creed, national origin, sexual orientation, political beliefs and limited proficiency in speaking, reading, writing or understanding the English language.

1.3 Mission & Purpose

The primary purposes of Youth Services interventions are to provide services which alter the conditions contributing to unacceptable behavior by youth involved with the BSS Department system; and to protect the community by controlling the behavior of youth involved with the Department. Through this purpose the BSS believes it will effectuate its mission to develop a proactive system which preserves safe and healthy families.

1.4 Roles

The child welfare worker has the following roles:

- Problem Identifier – The child welfare worker gathers, studies, and analyzes information about the youth and the family. The child welfare worker also offers help to families in which needs are identified for the child(ren), the family or the community and secure safety for all involved.
- Case Manager – In this capacity the child welfare worker assesses family problems and dynamics which contribute to the delinquent behavior and plans strategies to eliminate risk to youth, family, and

community. The result being to effect change in the family. The child welfare worker orchestrates all the planning for the family including referrals, services and follow-up activities related to the case and facilitates the use of agency and community systems to assist the child and family. The child welfare worker also reviews client progress, maintains accurate documentation and records, and advocates for the youth and family by supporting, creating, and promoting the helping process.

- Treatment Provider – The child welfare worker works directly with the youth and the family as a role model, encourages motivation, and facilitates problem solving and decision making on the part of the youth and the family.
- Permanency Planner – The child welfare worker in coordination with the Multidisciplinary Treatment Team (MDT) develops a detailed plan that addresses the permanency needs of the child. The child welfare worker is responsible for ensuring that the services provided to the child and families are in coordination with the child’s identified permanency plan. In addition, the child welfare worker must also have a concurrent permanency plan for which services are coordinated in case the primary permanency plan no longer becomes appropriate.

The child welfare supervisor has the following roles:

- Administrator - The child welfare supervisor makes decisions on specific case activities, case assignments and on relevant personnel matters. The supervisor also regulates the practice of child welfare workers who work with Youth Services cases and ensures the quality of practice. The child welfare supervisor serves as a link between child welfare workers and community resources and with administrative staff.
- Educator – The child welfare supervisor plans and carries out activities related to the professional development of staff.
- Coach – The child welfare supervisor motivates and reinforces staff in the performance of their duties.

1.5 Legal Basis

Youth Services stems from both a social concern for the care of children and from a legal concern for the rights of children. Although Chapter 49 of the West Virginia Code does not contain the term Youth Services it is clear from the statutes that the BSS has a legal obligation to provide assistance to children and families involved with the Juvenile Justice System. The BSS has chosen the term Youth Services as the designation for the services provided to meet our obligations under the Juvenile Justice Statutes. These obligations are set out in Chapter 49 of the West Virginia Code. Excerpts from Chapter 49 regarding these obligations are included here. However, reference should be made to the entire Chapter and to Chapters 27, 48 and 61 which contain the statutes for Mentally Ill persons, Domestic Relations and Crimes and Their Punishments. The statutes may be found within the CCWIS or on the internet at www.legis.state.wv.us.

1.6 Definitions

This section contains several terms which are used frequently in Youth Services. The terms and definitions are taken from state statute or have been adopted by the Department as a part of the Youth Services program.

Abandonment: Any conduct that demonstrates the settled purpose to forego the duties and parental responsibilities to a child.

W. Va. Code § 49-1-201
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Adjudication: In juvenile proceedings, adjudication is when a Judge makes an official decision on if a juvenile has broken West Virginia Statute.	W. Va. Code § 49-4-711
Adjudicatory hearing: A judicial process designed to make a judgment on the existence or nonexistence of any conditions alleged in the juvenile petition. At all adjudicatory hearings held under this article, all procedural rights afforded to adults in criminal proceedings shall be afforded the juvenile unless specifically provided otherwise in chapter 49 of the Code of West Virginia. At all adjudicatory hearings held under this article, the rules of evidence applicable in criminal cases apply, including the rule against written reports based upon hearsay.	W. Va. Code §49-4-701(j) and (k)
Adult: A person who is at least 18 years of age.	W. Va. Code § 49-1-202
After-care Planning: Family-driven planning process designed to ensure success in living in the community. Planning should incorporate those elements necessary to transition from out-of-home care, or intensive community services, to the least restrictive means of sustainably meeting the child and family needs in their community.	W. Va. Code § 49-4-409
Age or Developmentally Appropriate: (A) activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and (B) in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.	
Bureau for Social Services (BSS): Is the DHHR agency responsible for the welfare of West Virginia Families and contains the Adult Protective Service (APS), Child Protective Services (CPS), and Youth Services (YS)	
Bureau of Juvenile Services (BJS): A bureau within the Division of Corrections and Rehabilitation.	W. Va. Code § 49-1-208
Case Plan: The Case Plan is a comprehensive document which directs the provision of all casework services including the services provided to the child and the family.	
Child welfare agency: Any agency or facility maintained by the state or any county or municipality thereof, or any agency or facility maintained by an individual, firm, corporation, association, or organization, public or private, to receive children for care and maintenance or for placement in residential care facilities, including, without limitation, private homes, or any facility that provides care for unmarried mothers and their children. A child welfare agency does not include juvenile detention facilities or juvenile correctional facilities operated by or under contract with the Bureau of Juvenile Services or any other facility operated by that division for the secure housing or holding of juveniles committed to the custody of the division.	W. Va. Code § 49-1-206

Community-based: A facility, program or service located near the child’s home or family and involving community participation in planning, operation, and evaluation and which may include, but is not limited to, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, alcoholism/substance abuse treatment, and any other treatment or rehabilitation services.	W. Va. Code § 49-1-206
Competent and competency: Refers to whether a juvenile has sufficient present ability to consult with their lawyer with a reasonable degree of rational understanding and has a rational as well as factual understanding of the proceedings against them.	W. Va. Code §49-4-727
Competency attainment services: Services provided to a juvenile to assist the juveniles in attaining competency.	W. Va. Code §49-4-727
Court: The circuit court of the county with jurisdiction of the case unless otherwise specifically provided.	
Court Appointed Special Advocate (CASA) Program: A community organization that screens, trains, and supervises CASA volunteers to advocate for the best interests of children who are involved in abuse and neglect proceedings.	W. Va. Code § 49-1-207
Custody: The care, control and maintenance of a child which can be legally awarded by the court to an agency. Refers to the legal right to make decisions about children, including where they live. Parents have legal custody of their children unless they voluntarily give custody to someone else, or a court takes this right away and gives it to someone else such as a relative or a child welfare agency. Whoever has legal custody can enroll the children in school, give permission for medical care, and give other legal consents.	
Comprehensive Child Welfare Information System (CCWIS): A large customized statewide computerized Case Management System for all Child Welfare and Adult Service Programs. This system is in compliance with Federal requirements for a Statewide Automated Child Welfare Information System.	
Department or State Department: The West Virginia Department of Health and Human Resources (DHHR) and its five Bureaus; Bureau for Social Services (BSS), Bureau for Child Support Enforcement (BCSE), Bureau for Public Health (BPH), Bureau for Medical Services (BMS), and Bureau for Behavioral Health and Health Facilities (BHFF).	W. Va. Code § 49-1-208
Developmental disability: A severe and chronic disability that is attributable to a mental or physical impairment, including, but not limited to, neurological conditions that lead to impairment of general intellectual functioning or adaptive behavior.	W. Va. Code §49-4-727
Developmental immaturity: A condition based on a juvenile’s chronological age and significant lack of developmental skills when the juvenile has no significant mental illness or intellectual disability.	W. Va. Code §49-4-727

Duplicate Referral: More than one report has been received involving the same youth and incident.	
Emergency Shelter Care/ Residential Crisis Support: A form of short-term residential care for children which temporarily provides food, shelter, clothing and other necessary crisis intervention and stabilization services for children experiencing emotional, familial, or behavioral crises.	Legislative Rule § 78-3-3.70 W. Va. Code § 49-2-121
Evidence-based practices: Policies, procedures, programs, and practices demonstrated by research to reliably produce reductions in the likelihood of reoffending.	W. Va. Code § 49-1-206
Family Advocacy Support Tool (FAST): An assessment tool used to understand the complex needs of families and to identify safety threats.	
Family Reunification Services: Individual, group and family counseling, inpatient, residential or outpatient substance abuse treatment services, mental health services, assistance to address domestic violence, services designed to provide temporary child care and therapeutic services for families, including crisis nurseries and transportation to or from any such services, provided during fifteen of the most recent twenty-two months a child or juvenile has been in foster care, as determined by the earlier date of the first judicial finding that the child is subjected to abuse or neglect, or the date which is sixty days after the child or juvenile is removed from home.	W. Va. Code § 49-1-206
Foster Care Candidate: A foster care candidate is a child, under the age of 21, who is at imminent risk of foster care entry or re-entry, and who: <ul style="list-style-type: none"> a. has not been removed from their home and placed in foster care; or b. is not under the placement and care of the title IV-E agency and is residing with a relative or an individual with whom the child has an emotionally significant relationship characteristic of a family relationship (fictive kin); or c. has returned home on a trial home visit; or d. has returned from a foster care placement and is residing with their parent or a non-paid kinship relative caregiver; or e. has been adopted or is in a legal guardianship arrangement. 	
Human Traffics or Trafficking: To recruit, transport, transfer, harbor, receive, provide, obtain, isolate, maintain or entice an individual in furtherance of forced labor or sexual servitude.	W. Va. Code § 61-14-1

Human Trafficking Victim: A victim who has been forced, coerced, enticed, transported, isolated, harbored, obtained, or received for the purpose of debt bondage, sexual servitude, a commercial sex act, or forced labor.	
Incompetent: Due to developmental disability, intellectual disability, or mental illness, the juvenile is presently incapable of understanding the nature and objective of proceedings against him or her or of assisting in his or her defense.	W. Va. Code §49-4-727
Immediate Safety Threat: An instance or situation in which the safety of a youth, their family, or their community is at immediate risk of severe harm. Immediate safety threats are observable and presently occurring.	
Impending Safety Threat: An instance or situation where the safety of a youth, their family, or their community is in jeopardy of harm in the near future.	
Incorrigible: A term associated with “status offender,” used to describe a juvenile who habitually and continually refuses to respond to the lawful supervision by his or her parents, guardian, or legal custodian such that the juvenile’s behavior substantially endangers the health, safety or welfare of the juvenile or any other person.	
Individualized Educational Plan (IEP): A federally mandated plan for educational support services and outcomes developed for students enrolled in special education programs.	
Intake: The intake process consists of the documentation of information about the family, the reporter and the situation, and the supervisory steps to determine appropriate action with the family.	
Intellectual disability: means a disability characterized by significant limitations both in intellectual functioning and in adaptive behavior as expressed in conceptual, social, and practical domains.	W. Va. Code §49-4-727
Juvenile: Any person who has not attained the age of 18 years of age or is a transitioning adult. Once a juvenile is transferred to a court with criminal jurisdiction (49-4-710) he or she shall remain a juvenile for the purposes of the applicability of chapter 49 of the Code of West Virginia.	W. Va. Code § 49-1-202
Juvenile Delinquent: A juvenile who has been adjudicated as one who commits an act which would be a crime under state law or a municipal ordinance if it were committed by an adult.	W. Va. Code § 49-1-202
Legal Guardian: The person who exercises legal physical control, care, or custody of a child.	W. Va. Code § 49-1-204
Mental illness: A manifestation in a person of significantly impaired capacity to maintain acceptable levels of functioning in the areas of intellect, emotion, and physical well- being.	W. Va. Code §49-4-727
Multidisciplinary Treatment Team (MDT): The juvenile, the juvenile’s case manager (BJS and/or DHHR), juvenile’s parent or parents, guardian or guardians or custodial	W. Va. Code § 49-4-406

relatives, juvenile’s attorney, prosecuting attorney, school official, domestic violence advocate, probation officer, managed care case coordinator or any other person or agency who may assist in providing recommendations for the particular needs of the juvenile and family.	
Needs Assessment: An evidenced-informed assessment which identifies the needs a child or family has, which, if left unaddressed, will likely increase the chance of reoccurring. The Bureau has chosen the FAST as its needs assessment.	W. Va. Code § 49-1-206
Non-secure facility: Any public or private residential facility not characterized by construction fixtures designed to physically restrict the movements and activities of individuals held in lawful custody in that facility and which provides access to the surrounding community with supervision for juveniles.	W. Va. Code § 49-1-206
Pre-adjudicatory community supervision: Supervision provided to a youth prior to adjudication, a period of supervision up to one year for an alleged status or delinquency offense.	W. Va. Code § 49-1-206
Qualified forensic evaluator: A licensed psychologist or psychiatrist with the necessary education, training, and experience to perform juvenile competency evaluations, and who has been approved to render opinions for the court.	W. Va. Code § 49-4-727
Quarterly Review: For each child who remains in foster care as a result of a juvenile proceeding or as a result of a child abuse and neglect proceeding, the circuit court with the assistance of the multidisciplinary treatment team shall conduct quarterly status reviews in order to determine the safety of the child, the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to and safety maintained in the home or placed for adoption or legal guardianship. Quarterly status reviews shall commence three months after the entry of the placement order. The permanency hearing may be considered a quarterly status review.	W. Va. Code § 49-4-110
Reasonable and Prudent Parent standard: The standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.	W. Va. Code § 49-2-128
Res gestae: A spontaneous declaration made by a person immediately after an event and before the person has had an opportunity to conjure a falsehood.	W. Va. Code § 49-1-207
Residential Services: Childcare which includes the provision of nighttime shelter and the personal discipline and supervision of a child by guardians, custodians or other persons or entities on a continuing or temporary basis. It may include care and/or treatment for transitioning adults. Residential services do not include or apply to any juvenile detention facility or juvenile correctional facility operated by the Bureau of	W. Va. Code § 49-1-206

Juvenile Services, created pursuant to this chapter, for the secure housing or holding of juveniles committed to its custody.	
Reunification: A process of reconnecting children in foster care (or substitute care) with their families. When children can be safely reunified, this goal should be achieved in a timely manner, but without increasing the chance of re-entry into placement.	W. Va. Code § 49-1-201
Runaway: A term associated with “status offender,” used to describe a juvenile who has left the care of his or her parents, guardian, or custodian without the consent of that person or without good cause.	W. Va. Code § 49-1-202
Safety Plans: Temporary plans put in place to control or mitigate immediate and impending safety threats.	
Secretary: The Cabinet Secretary of the Department of Health and Human Resources	W. Va. Code § 49-1-208
Secure facility: Any public or private residential facility which includes construction fixtures designed to physically restrict the movements and activities of children or other individuals held in lawful custody in that facility.	W. Va. Code § 49-1-206
Staff-secure Facility: Any public or private residential facility characterized by staff restrictions of the movements and activities of individuals held in lawful custody in that facility and which limits its residents’ access to the surrounding community but is not characterized by construction fixtures designed to physically restrict the movements and activities of residents.	W. Va. Code § 49-1-206
Status offender: A juvenile who has been adjudicated as one: (A) Who habitually and continually refuses to respond to the lawful supervision by his or her parents, guardian or legal custodian such that the juvenile's behavior substantially endangers the health, safety or welfare of the juvenile or any other person (see also incorrigible); (B) Who has left the care of his or her parents, guardian, or custodian without the consent of such person or without good cause (see also runaway); or (C) Who is habitually absent from school without good cause (see also truant).	W. Va. Code § 49-1-202
Standardized screener: A brief, validated non-diagnostic inventory or questionnaire designed to identify juveniles in need of further assessment for medical, substance abuse, emotional, psychological, behavioral, or educational issues, or other conditions. <ul style="list-style-type: none"> ● Within the Division of Juvenile Justice including the Youth Report Centers, the Standardized Screener is the MAYSI-2. ● Within the Bureau for Children and Families the Standardized Screener is the FAST. 	W. Va. Code § 49-1-206
Transition Planning: A process by which supports and services necessary to ensure a smooth and seamless process of moving into or out of intensive supervision and/or foster care placement are identified and addressed in case planning.	

<p>Transitioning Adult: An individual with a transfer plan to move to an adult setting who meets one of the following conditions: (1) Is 18 years of age but under 21 years of age, was in custody of the Department of Health and Human Resources upon reaching 18 years of age and committed an act of delinquency before reaching 18 years of age, remains under the jurisdiction of the juvenile court, and requires supervision and care to complete an education and or treatment program which was initiated prior to the 18th-birthday. (2) Is 18 years of age but under 21 years of age, was adjudicated abused, neglected, or in custody of the Department of Health and Human Resources upon reaching 18 years of age and enters into a contract with the Department of Health and Human Resources to continue in an educational, training, or treatment program which was initiated prior to the 18th birthday.</p>	<p>W. Va. Code § 49-1-202</p>
<p>Truancy diversion specialist: A school-based probation officer or truancy social worker within a school or schools who, among other responsibilities, identifies truants and the causes of the truant behavior, and assists in developing a plan to reduce the truant behavior prior to court involvement.</p>	<p>W. Va. Code § 49-1-206</p>
<p>Truancy: In the case of 10 total unexcused absences of a student during a school year, the attendance director or assistant shall make a complaint against the parent, guardian, or custodian before a magistrate of the county.</p>	<p>W. Va. Code § 49-1-202 W. Va. Code § 18-8-4</p>
<p>Youth: A person who has not attained the age of 18 years. Youth may also be referred to as juveniles, teens, young people, or young adults.</p>	

1.7 Target Population

The target population for Youth Services includes youths under 18 years of age or between the ages of 18 and 21 if under the jurisdiction of the court, and one of the following apply:

- The youth is experiencing problems in the home, school, and/or the community to such an extent that the resulting behavior has the potential to become the basis for status offense or delinquency proceedings and intervention has been requested by the parent(s), guardian(s), custodian(s) or by the court to resolve the problem(s) without formal involvement in the juvenile justice system;
- The youth is under the auspices of the juvenile justice system and has been referred to the BSS for services;
- The youth is an alleged delinquent who has been referred for services or placed in the temporary legal and/or physical custody of the Department as an alternative to detention; and,
- The youth has been adjudicated as a status offender for a truancy offense prior to turning eighteen and the court case has not been resolved and dismissed from the court’s docket.

When a Youth Services case is opened, the child welfare worker may focus on the youth of primary concern. However, the child welfare worker must engage the entire family in the process related to the youth’s rehabilitation, including assessing the safety of all the children in the home on a regular basis. The child welfare worker must interview the youth’s siblings, parents, and other household members to ensure the well-being and safety needs of the household are being met and document appropriately. Include appropriate family members in case planning, which will assist in meeting the youth’s needs and reducing the risk the youth pose to themselves, their family, or their community.

1.8 Youth Services Casework Process

The Youth Services casework process is based on an analytical model for problem solving. This includes an assessment of youth, family, and community safety throughout the life of the case, choosing among alternative treatment strategies and continuously evaluating the effectiveness of selected strategies. The process is based on several principles:

- It is sequential, activities are ordered and continuous.
- The process is logical, based on reason and inference.
- It uses a unified, reflective coherence.
- The process is progressive, based on step-by-step procedures.
- Flexibility is critical due to the dynamic nature of worker-client interaction.

The casework process consists of several basic steps. The steps can vary depending on whether or not there is involvement of the court. In general, the process will proceed as follows:

- Intake
- Referral acceptance, screen out and refer the family to appropriate resources if necessary
- Completion of the Family Advocacy Support Tool (FAST) on all accepted referrals
- Development of a case plan
- Service provision
- Case evaluation
- Case closure

SECTION 2 - INTAKE

2.1 Introduction

Intake is the process by which reports about youth who may require the attention of the Bureau for Social Services (BSS) are made and the BSS determines whether the case will be opened for further assessment or “Screened Out” due to not meeting the requirements for intervention.

Youth Services intakes may come in many forms, the most common forms will be telephone referrals, prosecutor “diversion” referrals, or juvenile petitions alleging a youth is a status offender or juvenile delinquent. Each referral will be taken and entered, referrals from prosecutors for diversion and juvenile petitions must be accepted and assessed regardless of referral narrative.

During the intake process if there is any indication of abuse and neglect a referral must be made to Centralized Intake at 1-800-352-6513.

2.2 Statutory Requirements

[W. Va. Code § 49-4-704\(e\)](#) requires the circuit clerk or the Juvenile Probation Officer to notify the BSS, within two judicial days, whenever a petition alleging that a youth is a status offender, or a juvenile delinquent is filed in circuit court.

[W. Va. Code § 49-4-702](#) requires the BSS to assess and case plan for any youth referred by the prosecutor for informal resolution through the “pre-petition diversion” process.

Another form of petition may result from a domestic violence petition filed pursuant to [W. Va. Code § 48-27-403](#) by or on behalf of the youth's parent, legal guardian, or other person with whom the youth reside that results in the issuance of an emergency protective order naming the youth as the respondent shall be treated as a petition

arising under [W. Va. Code § 49-4-701, et seq.](#), alleging the youth is a juvenile delinquent. The statutes do not specify the form that the notification must take. It is assumed that practice may vary from circuit to circuit.

2.3 Information Gathering

When gathering information from the referent the child welfare worker, in general, will:

- Interview the reporter, probing for information in all areas and clarifying information and attitude conveyed by the reporter and whenever possible, recording exactly what the reporter says.
- Ask the referent questions in a non-leading and open-ended manner.

When interviewing the referent, the child welfare worker will attempt to specifically gather information identified in the Comprehensive Child Welfare Information System (CCWIS.) This information includes:

- Reporter's demographic and contact information, unless they choose to remain anonymous, and reasons for making a referral.
- Demographic information about the youth, the family, all members of the household and any absent parent; the caregiver's last name will be identified as the case name.
- Determine other individuals, or collateral contacts, who may be able to contribute further information.
- Determine whether the referent is aware of previous involvement with Youth Services or Child Protective Services.

If the source of the referral is a petition from a Juvenile Probation Officer, the notification date and hearing screens become mandatory. Referrals from Juvenile Probation Officers must be assigned immediately for assessment.

The child welfare worker must conduct a CCWIS records search for prior or current social service cases the youth and/or family may have been in or are currently involved. This will provide more information to support the child welfare worker's recommendation to accept the case for Youth Services or to screen out the referral.

2.4 Screening Decision and Response Time

Screening is the term used to describe the process by which the child welfare supervisor reviews the information gathered at intake and decides what actions should be taken regarding the referral. The actions to be taken may depend in part on who made the referral; for example, a prosecutor making a pre-petition diversion referral or a Juvenile Probation Officer referring a juvenile petition (See Section 2.5 Mandatory Cases).

The first step in the screening process is to determine if the information gathered at intake is enough to support the need for Youth Service involvement. If it is not, then the child welfare supervisor may contact the referent personally or direct the child welfare worker to do so. Reasons for screening out a referral may include:

- Blatantly false report;
- The youth in question is 18 or older;
- Insufficient information to locate the family;
- The family does not live in West Virginia;
- The referral is not appropriate for Youth Services but appears to require Child Protective Services involvement only. These referrals must be made to Centralized Intake at 1-800-352-6513;
- The youth is not within the target population.

If in the opinion of the worker the youth is not presenting a risk to themselves, their family, or the community, then the worker may recommend to screen-out the referral and refer for services. Referrals may be made to a non-paid community service provider. An appropriate referral may also be made to a provider who accepts Medicaid or private insurance for behavioral/mental health needs.

If the report is a duplicate referral and the case is already being, or has been, appropriately addressed, then the child welfare worker must find and associate the referral to the current or closed case. A referral which contains new allegations or is similar to a previously assigned referral and meets the eligibility criteria for Youth Services, must be accepted and associated to the assigned referral.

If the child welfare worker recommends accepting the referral, the child welfare worker will need to find and associate any previous referrals or cases and determine how to dispose of the current referral. The child welfare worker may recommend to:

- Open a new case if the youth meet criteria for Youth Service involvement and there is no prior involvement with the BSS;
- Connect to an open case.
 - Youth Service cases will be assigned secondary to a CPS case.
- Connect to a closed case and reopen.
 - Reopening a closed CPS case requires the case type to be changed to Youth Services.
- Connect to a Screened-Out referral and open a case.

Finally, the child welfare worker will submit to the appropriate supervisor for approval. If the child welfare supervisor agrees with the recommendation the child welfare supervisor will approve and the case will be assigned for Initial Assessment with the appropriate response time.

Response time is the time a child welfare worker is given to make face-to-face contact with the youth and their family from the time the referral is received. Assigned Youth Service Initial Assessments require face-to-face contact with the family to be made within 14 days of assignment for the completion of the Initial Assessment. However, when referrals are received in the form of a juvenile petition, the worker must immediately begin attempting to see the youth and family. This will enable the worker to complete the required assessments and the proposed individualized case plan prior to the court hearing.

2.5 Mandatory Cases

Certain situations require the BSS to accept a referral and open a case. These situations include:

- Notification of petitions alleging a youth is a status or delinquency offender and will be assigned to circuit court.
- Pre-Petition Diversion referrals consistent with [W. Va. Code §49-4-702](#); and,
- Referrals from law enforcement requesting placement of the youth.

Referral from Juvenile Probation Officers

Juvenile Probation Officers (JPO) are required by statute to notify the Department when a petition alleging that a youth is a status offender, or a delinquent is filed, and it appears that the Department will become involved in providing services to the youth and the youth's family, which may include a program of treatment or therapy.

All referrals from Juvenile Probation Officers which meet these criteria will be accepted and assigned to a worker without exception.

A JPO or other court official may call and request that a child welfare worker be present for a hearing in front of a magistrate or circuit court judge, including detention hearings. In these instances, the supervisor will direct the child welfare worker to attend the hearing even if no advance notice is given.

If a youth charged with delinquency is transferred to adult jurisdiction, the court order should be documented, and the Youth Services intake reviewed for closure.

All situations are unique, however according to [W. Va. Code § 49-4-714\(b\)](#) following the adjudication of a delinquent youth, during the mandated dispositional proceeding, all parties are given an opportunity to be heard. The child welfare worker, agency representatives or any other person who may assist in providing recommendations for the needs of the family and the youth shall be given an opportunity to be heard by the court. If a youth is placed in the custody of the Department as a result of a hearing, then a case will be opened and assigned.

Pre-Petition Diversion Referrals

Before a juvenile petition is formally filed with the court, the court may refer the matter to a child welfare worker, probation officer or truancy diversion specialist for preliminary inquiry to determine whether the matter can be resolved informally without the formal filing of a petition with the court.

Referrals received from prosecutors requesting a case be opened for Pre-Petition Diversion must be accepted and assigned.

Referrals from Law Enforcement

[W. Va. Code § 49-4-705\(b\)](#) allows a law-enforcement officer to take a youth into custody absent a court order under certain limited circumstances:

- grounds exist for the arrest of an adult in identical circumstances;
- emergency conditions exist which pose imminent danger to the health, safety and welfare of the youth;
- the youth is a runaway;
- the youth is a fugitive;
- the youth has been driving under the influence of any amount of alcohol; or
- the youth is a named respondent in an emergency domestic violence petition.

If one of these circumstances exist and it is believed that the circumstances present an immediate threat of serious bodily harm to the youth if released or no responsible adult can be found into whose custody the youth can be delivered, then the Department must assist law enforcement with obtaining a temporary, emergency placement of the youth.

Any such notification should be considered a referral for Youth Services unless there is already an open case involving the youth. All such referrals should be sent to the child welfare supervisor as soon as possible after the information has been entered into the CCWIS.

2.6 Duplicate Referrals

The term “duplicate referrals” means that more than one report has been received involving the same youth and incident. Duplicate referrals may come from the same source as the original, adding more information to the first contact, or from a different source.

If the child welfare supervisor receives more than one referral from a concerned individual, or individuals, related to the same youth then the child welfare supervisor should consider the new information and decide whether it meets the eligibility criteria. The child welfare supervisor will decide whether to assign the case to a child welfare worker for follow up.

SECTION 3 – FAMILY ENGAGEMENT

3.1 Importance of Family Engagement in Youth Services

The importance of engaging the entire family to understand and solve the problems which have brought the youth to the attention of Youth Services cannot be understated. Truancy, incorrigibility, breaking curfew, and running behaviors are all symptoms of problems the youth is experiencing. Those problems affect the family unit and must be addressed by the entire family. Additionally, diligent efforts of the child welfare worker to identify and locate all relatives and fictive kin at the earliest contact with the family will be extremely helpful if the youth's behaviors or not controllable by the parent(s) or guardian(s). Utilizing a fit and willing relative or other supportive adult for short respite out-of-home interventions are preferred to placement of the youth in a foster care setting. The child welfare worker should use tools such as booklets, videos, and brochures, to educate the family on court and child welfare processes. Great care must be taken to ensure family members understand the traumatic and financial impact foster care placement will have on everyone involved.

3.2 Referral for Family Assistance

Stressors on families can come from many sources. Alleviation of some of those stressors may be achieved through addressing the financial, medical, and legal needs of the family through referrals for family assistance (TANF, SNAP, etc.), linkage to Affordable Care Act medical insurance or Medicaid, and referral to legal aid or public defenders. Providing this information to families demonstrates compassionate understanding of the larger issues which impact relationships and communication dynamics in the family unit.

3.3 Foster Care Candidacy

A foster care candidate is a child, under the age of 21, who is at imminent risk of foster care entry or re-entry, and who:

- has not been removed from their home and placed in foster care; or
- is not under the placement and care of the title IV-E agency and is residing with a relative or an individual with whom the child has an emotionally significant relationship characteristic of a family relationship (fictive kin); or
- has returned home on a trial home visit; or
- has returned from a foster care placement and is residing with their parent or a non-paid kinship relative caregiver; or
- has been adopted or is in a legal guardianship arrangement.

These children(ren) are considered at imminent risk of foster care entry, or re-entry, if at least one of the following conditions exist:

- The child has been abused or neglected or has been identified as unsafe and without intervention is likely to be removed.
- The child suffers a serious emotional, behavioral, or mental disturbance and without intervention will be unable to reside in their home.
- The child has committed a prosecutable offense in which the state has filed, or is considering filing, a juvenile petition and the planned out of home living arrangement is a foster care setting.
- The child is a runaway or homeless youth.
- The child is, or will be born, to a youth residing in foster care.
- The child is an adopted child(ren) or in a legal guardianship arrangement which is at risk of disruption.

When a child welfare worker is working with a Foster Care Candidate, workers must develop a case plan and utilize preventative services designed to mitigate the problems identified through the assessment to prevent removal from the home or re-entry into foster care. The BSS has chosen to use the Youth Service Case Plan, described in Section 6, as the case plan for all children who have not been removed from their home and children who have returned from a foster care placement to their home or the home of an appropriate kin/relative.

The parent(s) and caregiver(s) in the home will sign the case plan, acknowledging that they understand that should the family not be able to comply with the case plan and meet the goals laid out in it, their child(ren) may be removed from the home.

SECTION 4 – INITIAL ASSESSMENT

4.1 Introduction

The Initial Assessment process occurs once a Youth Service referral has been accepted. The response time indicated at intake will inform the child welfare worker of the maximum amount of time the child welfare worker has to make face-to-face contact with the referred family. When a youth is exhibiting unsafe or illegal youth behaviors, a child welfare worker will be dispatched for prompt assessment within 14 days or sooner, depending on the nature of the allegations within the referral and/or any required court hearing timeframes.

Initial Assessment begins with the preparation phase and continues through the completion of the FAST assessment tool. The phases of Initial Assessment are:

- Preparation
- Initial Family Contact
- Information Collection
- Immediate Safety Threat Assessment
- Safety planning, if applicable; and,
- Completion of the Family Advocacy and Support Tool (FAST) within 15 days.

The purpose of the Initial Assessment is to:

- inform caregivers of the allegation received regarding the youth's unsafe or illegal behaviors.
- conduct a structured, thorough information collection process that includes relevant family members.
- determine if illegal behavior has occurred, consistent with state statute; and,
- determine the necessary next steps to ensure youth, family, and community safety.

Anytime it is decided that a youth service referral for behavior must result in an initial assessment, the worker must ensure that they properly prepare for the visit. This will require information review and taking precautions to ensure the child welfare worker's safety.

4.2 Preparation

Initial contact with a family requires adequate preparation. The child welfare worker should review as much information as is available and reasonable given the required response time. Information may include past CPS/YS reports or known criminal history which can be obtained from the magistrate and circuit courts. Child welfare workers should contact the schools to check on school records for attendance and behaviors of youth. Child welfare workers should bring copies of the FAST interview guide and a blank safety plan. Workers should also

