

**Title 13—Department of Social Services
Division 110—Division of Youth Services
Chapter 7—Juvenile Court Diversion**

PROPOSED RULE

13 CSR 110-7.010 Community-Based Diversionary Programs

PURPOSE: This rule establishes standards of eligibility and operation of Community-Based Diversionary Programs funded through grants from the Division of Youth Services pursuant to section 219.041, RSMo.

(1) The Division of Youth Services (DYS) is authorized under section 219.041, RSMo, to administer a Juvenile Court Diversion Grant Program (JCD Grant Program) for the purpose of assisting local units of government in the development and implementation of community-based treatment programs for the care and treatment of youth.

(2) The goal of the program is to support juvenile courts to serve youth on a local level so that youth may be afforded the necessary services through their local courts in order that they can remain in the community, rather than being exposed to a larger segment of the juvenile justice system.

(3) The Director of DHS may designate an employee of the division to act as the authorized representative of the division for the purpose of entering into and administering contractual services agreements between the division and a local juvenile court.

(4) The local juvenile court shall not supplant funds because of the implementation of the JCD Grant Program in accordance with section 219.041.8, RSMo.

(5) The standards for the JCD Grant Program shall be:

(A) Programs initiated with JCD Grant Funds shall be consistent with the evidence-based and promising-practices approach described in the Office of Juvenile Justice and Delinquency Prevention's Model Programs Guide and shall contain projects within one or more of the following focus areas:

1. School and education support programs, including day treatment services and other community-based programs, that provide educational and treatment services to youth to keep them productively involved in their local communities;

2. Counseling/treatment services, including sex offender treatment and supervision services providing community-based sex-offense specific treatment groups, parent support groups, and in-home therapy and supervision to pre-and post-adjudicated juvenile sex offenders;

3. Family support/preservation, including family therapy and support services, to assist youth in working through family issues and providing tools to resolve conflict;

4. Supplemental court services/supervision/gang prevention, including community-based supervision of assigned youth during the evenings and weekends when youth are at the greatest risk to engage in unproductive and unlawful behavior. This includes the monitoring of assigned youth to ensure that they are complying with the conditions of their community placement and

the provision of supportive services such as parent education, crisis intervention, mentoring and skill-building as needed; and it includes mentoring services by which volunteer mentors are recruited, trained, matched with troubled youth and supported in their work with them. Participating youth may be under either formal or informal supervision by the court during their time in the program;

5. Restorative justice services by which juvenile offenders are held accountable and educated as to the far-reaching impact of their behaviors; and

6. Private care diversion services designed for those youth who require structured residential services specialized in providing treatment for their complex needs. Under this program, youth are served in alternative living centers without committing them to the care and supervision of DYS.

(B) Projects shall fall within a general program description supported by organizations such as the Office of Juvenile Justice and Delinquency Prevention. Projects may provide for:

1. Educational services/tutoring;
2. School/court liaisons;
3. Day treatment/alternative schools;
4. Jobs/vocational training/job placement;
5. Recreational/after school programs;
6. Truancy prevention;
7. Suspension/expulsion alternatives;
8. Violence prevention;
9. Community group counseling;
10. Anger management;
11. Mental health services;
12. Substance abuse prevention;
13. Sex offender therapy;
14. Prevention education/treatment;
15. Mentoring/advocacy;
16. Family therapy;
17. Family support preservation;
18. Parenting skills;
19. Family mediation;
20. Teen court;
21. Electronic monitoring/intensive supervision;
22. Gang prevention/intervention;
23. Drug court;
24. Gang education;
25. Restitution program services;
26. Community service;
27. Victim mediation;
28. Community accountability program services;
29. Alternative residential placement;
30. Purchased residential care (foster/shelter); and
31. Other model programs providing probation, supervision, family support, or restorative justice services.

(6) For those projects where youth will be placed in residential care with a private contractor, the contractor must have and maintain a license in good standing from the Department of Social Services, Children's Division. The JCD Grant recipient must have a written agreement in place with each contractual residential care provider that requires the provider to notify the JCD Grant recipient within ten days of any change in the provider's licensing status. The JCD Grant recipient shall then notify DYS of any change in the provider's licensing status within ten days and shall arrange for alternative placement of the youth unless an express written waiver is provided by the DYS.

(7) Applications for the JCD Grant Program shall be made in writing by the local JCD Grant Program Planning Committee. Each application shall include a completed application form and a written report containing a program description, method of implementation, and a proposed budget of all projects proposed to be funded.

(8) The local juvenile court judge shall appoint a planning committee (JCD Grant Program Planning Committee) whose membership shall be representative of the community's population as required by section 219.041.3, RSMo. The JCD Grant Program Planning Committee shall consist of at least three and no more than seven members. Members may include the juvenile court judge or his/her designee, the juvenile officer or his/her designee, a representative from a local school district, or a parent of a child who has received services from the juvenile court. Other people may include the chief court administrator, school superintendent or his/her designee, or any local or community leader that focuses on the wellbeing of youth and their families and is supported by their local juvenile court. The committee shall actively participate in the formulation of plans for the proper expenditure of funds and shall cooperate and assist the juvenile court judge in the implementation of these plans. Members of this committee shall receive no compensation for their service on the committee.

(9) The local JCD Grant Program Planning Committee shall submit to the director a grant application form with a written report containing a program description, method of implementation, and a proposed budget of all projects proposed to be funded. The information provided shall list:

- (A) The specific services that will be provided through the use of the grant funds;
- (B) The exact parameters of these services;
- (C) The total amount of monies requested;
- (D) The apportionment of monies for each service;
- (E) The steps that will be taken to implement the program and the timeline for the full implementation of the program;
- (F) The number of youth to be served;
- (G) The description of the performance and the outcome measures that the grantee will use in evaluating the effectiveness of the program; and
- (H) The local juvenile court programming and commitment history, including program outcomes, effective utilization of funding, and diversion history.

(10) The recipient of a grant must permit the director of DYS or his/her designee to visit and inspect each project funded by the JCD Grant Program. The recipient of a grant must account for the monies, provide performance statistics and make the books and records of the program open

to DYS or the Department of Social Services for inspection and monitoring upon request. Upon a written recommendation from DYS for needed changes or improvements in a funded project, the grant recipients shall make the necessary changes to the project. The recipient of a grant must allow DYS to monitor all functions of programs developed with JCD Grant Funds. Juvenile court staff must assist and cooperate with division staff in monitoring programs and in determining if the program is operating according to the contractual agreement negotiated between both parties.

(11) When the director determines that there are reasonable grounds to believe that a grant recipient is not in compliance with the operating standards established by this regulation, the following may occur:

(A) The director may give thirty days written notice to the grant recipient that the director is terminating the grant;

(B) The director may give thirty days written notice to the grant recipient that the director is suspending all or a portion of any grant subsidy payment until the required standard of operation has been met;

(C) A revocation or suspension shall have immediate effect when the director has reason to believe the grant was obtained by fraud, trick, misrepresentation, or concealment of any material fact; the grant was issued by inadvertence or mistake and the grant recipient was not qualified to receive the grant; or the grant recipient has endangered the safety of a youth;

(D) Whenever the director terminates or suspends a JCD Grant, the notice will be sent via certified mail and the JCD Grant recipient who is aggrieved by the action may request an informal, administrative review before the director or the director's designee;

(E) The JCD Grant recipient must make a written request for an administrative review within ten business days of receipt of the notice of the termination or suspension. The grant recipient shall submit the grounds for error, along with any supporting documentation to the director;

(F) The director or the director's designee may then review the request based upon the written submission or, at the request of the grantee, hold an informal meeting to discuss the grantee's concerns. The hearing shall be informal, the rules of evidence will not apply, and there is no right to subpoena witnesses;

(G) At the sole discretion of the director, the director may allow the JCD Grant recipient an opportunity to cure any deficiencies in the standard of operation of the recipient's program pending the administrative review; and

(H) DYS shall be authorized to recoup funds from the JCD Grant recipient if DYS determines after an administrative hearing that funds were improperly expended.

Authority: sections 219.036, 219.041, and 660.017, RSMo. Original Rule filed: *November 30, 2018.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Legal Services Division-Rulemaking, P.O. Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*