

NOTICE OF ADOPTION- Effective March 29, 2023

Part 357 - Intake for Article 7

(Statutory Authority: Executive Law section 243, 255, 256; Family Court Act section 735 and 742; and Social Services Law section 34-a)

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Section 357.1 Definitions.

- (a) The term accountability measure refers to practices designed for youth to take responsibility for their actions. Such measures may include, but are not limited to apology letters, behavioral contracts, mediation, community service, restorative justice programs or projects, peer court and school attendance tracking.
- (b) The term case plan means the individual plan developed to provide diversion services to address the needs identified in the assessment. The plan shall include participation of the youth, parent(s) or other person(s) legally responsible for his/her care; and with input from the complainant and/or other service providers, as appropriate. The plan shall be developed to remediate the behavior which gave rise to the complaint. It shall address the identified risks and needs and shall incorporate protective factors.
- (c) The term client engagement refers to the effective delivery of probation services to medium and higher risk youth by identifying which stage of change the youth is in and determining his/her motivation to change. The probation officer successfully engages the youth and family through the use of various tools including, but not limited to , motivational interviewing, role playing, and skill building. Client engagement is a probation officer skill-based approach to building understanding and trust with the youth in a culturally competent and trauma informed way with the goal of empowering the youth to make sustainable changes in behavior and avoid continuing the pattern of problematic behavior.
- (d) The term complainant means the person or agency who seeks to file a petition, as described under Family Court Act (FCA) Section 733, including: a peace officer, acting pursuant to his/her special duties, or a police officer; the parent(s) or other person(s)

legally responsible for his/her care; any person who has suffered injury as a result of the alleged activity of a person alleged to be in need of supervision, or a witness to such activity; the recognized agents of any duly authorized agency, association, society or institution; or the presentment agency.

- (e) The term complaint means a written statement of essential facts constituting the alleged PINS behavior.
- (f) The term conference means the process of meeting with the parties in real time, either in-person, by telephone, or through videoconference, or other electronic media.
- (g) The term diligent efforts mean the sufficient attempts to engage the youth and family in the constructive resolution of the complaint through the provision of services that target the specific identified needs and behaviors which gave rise to the complaint. These efforts shall take into account available school, community, and cross-systems resources. The use of accountability measures, disciplinary actions and/or other sanctions: including curfews, and court ordered electronic monitoring without attempting the use of intervention services, shall not suffice in meeting the diligent efforts standard.
- (h) The term diversion services means services provided to children and families pursuant to FCA Section 735 for the purpose of avoiding the need to file a petition or direct the pre-dispositional placement of the child. Diversion services shall include: efforts to adjust cases before a petition is filed, or by order of the court, after the petition is filed but before fact-finding is commenced; and preventive services provided in accordance with Section 409-a of Social Services Law to avert the placement of the child into foster care, including crisis intervention and respite services pursuant to Family Court Act section 712.

- (i) The term evidence-based practice means practice that is demonstrated through data-supported research and evaluation to be effective in producing the desired outcome.
- (j) The term graduated responses means a system of incentives, sanctions, and/or referral to evidence-based services. The use of incentives/rewards should include, but not be limited to, encouragement by the probation officer, verbal praise, letter of recognition and easing of restrictions. The use of sanctions should include, but not be limited to, the imposition of progressively more severe or restrictive actions for continued non-compliance such as increased interventions and appearance at a departmental conference.
- (k) The term intervention service refers to a service delivered by the probation department or through a community-based service provider which targets dynamic risk factors related to the presenting complaint, such as cognitive-behavioral interventions, interactive journaling, skill-building, family-focused treatment, mental health and substance abuse treatment, school-based interventions, educational/vocational services, and other evidence-based programs and practices.
- (l) The term Manifestation Determination refers to a New York State Education Department (SED) mandated procedure. It is a review by the Committee on Special Education (CSE) to establish the relationship between the student's disability and the behavior subject to disciplinary action (which includes a PINS referral), and to determine whether the behavior is a manifestation of the disability.
- (m) The term no substantial likelihood means the probability that further or additional services will not resolve the underlying issues that resulted in the presenting problem because either: all appropriate services have been exhausted; the youth was not available

to participate in such services; or the youth or parent(s) or other person(s) legally responsible for his/her care did not engage in such services.

- (n) The term Person In Need of Supervision (PINS) means a person less than 18 years of age who does not attend school in accordance with Article 65 of the Education Law or who is ungovernable, or habitually disobedient, and is beyond the lawful control of the parent(s) or other person(s) legally responsible for his/her care, or other lawful authority, or who appears to be a sexually exploited child, but only if the child consents to the filing of a petition under this article pursuant to Penal Law Section 230.00. A pattern of behavior must be documented for complaints involving PINS behavior other than running away or staying away.
- (o) The term petition report means a written report, prepared by probation pursuant to the requirements of Section 357.9 of this Part.
- (p) The term positive youth development is an intentional, prosocial approach that engages youth within their communities, schools, organizations, peer groups and families in a manner that is productive and constructive; recognizes, utilizes, and enhances youth strengths; and promotes positive outcomes for youth by providing opportunities, fostering positive relationships, and furnishing the support needed to build on their strengths.
- (q) The term potential respondent means a youth who is the subject of a PINS complaint, and who meets the definition of PINS pursuant to FCA Section 712 and as defined in this Section.
- (r) The term pre-dispositional placement refers to the temporary care and maintenance of youths away from their own homes.

- (s) The term pre-diversion services means services to youth whose behavior meets the criteria for FCA Article 7 cases, where the potential complainant, youth and family are engaged in an attempt to address the underlying issues resulting in the presenting problem as an alternative to proceeding with a complaint at probation intake.
- (t) The term preliminary procedure means all efforts prior to the filing of a petition, including: providing an immediate response to families in crisis; identifying and utilizing appropriate alternatives to pre-dispositional placement; and other services to divert youth from being the subject of a petition in Family Court. Preliminary procedure includes probation intake and diversion services.
- (u) The term probation intake means the initial process of conferring with the complainant, potential respondent, the parent(s) or other person(s) legally responsible for his/her care, and any other interested person whose participation in diversion services would be, in the opinion of the probation officer, beneficial to the potential respondent for the purpose of avoiding the need to file a petition or directing the pre-dispositional placement of the youth.
- (v) The term protective factor means certain strengths or assets that have been demonstrated by research to reduce risk of negative outcomes.
- (w) The term referred for petition means the advisement by probation to the complainant that a petition may be filed, whether or not a petition is actually filed.
- (x) The term responsivity means applying interventions that are tailored to the unique characteristics of an individual youth. Intervention services are maximized when treatment and accountability measures consider the youth's personal characteristics such as age, sex, gender expression, mental health needs, cognitive skill, literacy, primary

language, and stabilization needs, and when services are provided in a culturally competent and trauma informed way.

- (y) The term risk and needs assessment means a validated protocol approved by the Commissioner of the Division of Criminal Justice Services to screen and assess a youth's risk for continuing in the presenting PINS behavior.
- (z) The term risk factor means a specific area of influence that increases the likelihood that a youth will engage in problematic behavior. Risk factors may be static (cannot be changed) or dynamic (can be changed).
- (aa) The term runaway means a youth whose whereabouts are unknown to the parent(s) or other person(s) legally responsible for his/her care.
- (bb) The term stayaway means a youth who has left home without permission from the parent(s) or other person(s) legally responsible for his/her care, and the youth's whereabouts are known, but he/she has indicated no intention to return.
- (cc) The term successfully diverted means a determination by probation that the risks and needs related to the presenting problem have been satisfactorily addressed and the complaint has been adjusted or the youth has received maximum benefit from the intervention(s).
- (dd) The term truancy refers to any intentional, unjustified, unauthorized, or illegal absence from compulsory education as defined in the New York State Education Law Article 65 Part 1.

#### Section 357.2 Objective.

The objective of preliminary procedure is to provide opportunity for assessment, case planning, and effective community-based services for non-judicial resolution of complaints.

#### Section 357.3 Applicability.

This Part contains all requirements for the provision of diversion services in matters pertaining to PINS, pursuant to FCA Section 735. These requirements apply to probation departments that have been designated as the lead agency by their jurisdiction to conduct preliminary procedure. Where probation has responsibility to provide a portion of preliminary procedure, the relevant section(s) of this Part shall apply.

#### Section 357.4 Jurisdiction.

Where the youth resides in one county but the acts giving rise to the presenting problem occur in another county, the complaint shall be made in the county where the acts occurred. The matter may be transferred directly to the county of residence. Where transferred, the receiving county shall accept the case for consideration of diversion services. Where diversion services are unsuccessful, the matter shall be returned to the originating county for referral to petition.

#### Section 357.5 General Requirements for PINS Preliminary Procedure.

- (a) Each probation director shall establish and maintain written policies and procedures regarding preliminary procedure services pursuant to their responsibilities as designated by the county, in accordance with the provisions of the Executive Law, the Family Court



Act, court order, and all other applicable laws, rules and regulations. These policies and procedures shall include:

- (1) Reasonable timeframes for the initiation of preliminary procedure;
  - (2) Criteria for determining standards of “diligent efforts” and “no substantial likelihood that the youth and family will benefit from continued services”; and
  - (3) Sharing resources wherever appropriate and feasible with other agencies and service providers, to effectively and efficiently implement preliminary procedure;
  - (4) Screening and assessments for risk of continuing in the problematic behavior and for the sexual exploitation of youth shall be done using state-approved instruments;
  - (5) Conducting a mental health screen with a state-approved instrument with the consent of the youth and parent(s) and/or other person(s) legally responsible for his/her care;
- (b) Probation shall provide intake and diversion services, which shall include diligent efforts to engage the youth and family in appropriately targeted community-based services. Such diligent efforts shall:
- (1) Be clearly documented in the case record;
  - (2) Be designed to provide an immediate response to families in crisis;
  - (3) Identify and utilize appropriate alternatives to pre-dispositional placement;
  - (4) Attempt to divert youth from being the subject of a petition in family court;
  - (5) Include screening and assessment using a state-approved risk and needs assessment instrument;

- (6) Include assessing for the sexual exploitation of youth using a state-approved instrument, ensure that youth identified as sexually exploited are referred to available and appropriate services including but not limited to safe house services in accordance with the Safe Harbour Act; and
  - (7) Include conducting a mental health screening at the initial conference using a state-approved instrument for cases opened for diversion services and where consent has been provided.
- (c) Where the youth is not attending school and is beyond the compulsory education age, a parental complaint may be made based on ungovernable behavior.
  - (d) Where the matter involves truancy and or ungovernable and/or habitually disobedient behavior in school and the youth is a special education student, probation shall gather information from the Committee on Special Education regarding the youth's behaviors and any relationship to the youth's disability. Probation may require a Manifestation Determination before accepting a school-filed complaint.
  - (e) For all school-based referrals, the probation director shall develop a procedure by which:
    - (1) Schools shall report the steps taken to improve the youth's attendance and/or conduct in school,
    - (2) Before accepting a school referral, the probation department shall determine that diligent efforts have been made by the school, taking into account the available school and community resources and the needs of the youth. Disciplinary actions alone shall not suffice as diligent efforts, and
    - (3) Where available, probation may refer the matter to an educational advocacy program.

- (f) Where the school district or local educational agency is not the potential petitioner the designated lead agency shall contact such district or agency to resolve the truancy or school behavior problems of the youth in order to obviate the need to file a petition or, at minimum, to remediate the education-related allegations of the proposed petition.

#### Section 357.6 Probation Intake.

Prior to commencing diversion services, probation shall review the complaint to determine whether it is within the scope of FCA Article 7.

- (a) Where the behavior meets the criteria set forth in FCA Article 7, pre-diversion services may be provided as an alternative to probation intake;
- (b) Where it is determined that the complaint is within the scope of FCA Article 7 and the complainant seeks preliminary procedure services, probation shall confer with any person seeking to file a petition, the potential respondent, family, and other interested persons concerning the provision of diversion services before any petition may be filed. This shall include:
  - (1) Offering community-based alternatives to pre-dispositional placement where appropriate and available;
  - (2) Scheduling and holding at least one conference with the youth and his or her family and the person or representatives of the entity seeking to file a petition under this article concerning alternatives to filing a petition and services that are available. Where feasible, such conference shall be held jointly with all parties present;

- (3) The use of effective client engagement skills such as motivational interviewing with the youth, and where practicable, his/her family;
- (4) Identifying the level of youth risk for continuing in the behaviors underlying the presenting problem using a state-approved risk and needs assessment. A youth presenting as low risk shall be considered for prompt termination of diversion efforts with minimal probation intervention services;
- (5) Providing, at the first contact, information on the availability of or referral to services in the geographic area where the youth and family are located to reduce the risk of continuing in the presenting behaviors and prevent the filing of a petition under this article; including:
  - (i) residential respite: availability of a residential respite program, for up to 21 calendar days, if the youth and parent(s) or other persons legally responsible for his/her care agree;
  - (ii) crisis intervention: availability of other non-residential crisis intervention programs such as family crisis counseling or alternative dispute resolution programs;
  - (iii) short-term safe house services: availability of safe house services when the youth has been identified as sexually exploited; and
  - (iv) informal respite: availability of a temporary location (usually the home of a family member or close friend) where the youth may stay during times of escalating/increased stress or conflict in the youth's primary residence;
- (6) Advising the youth and parent(s) or other person(s) legally responsible for his/her care of their rights and responsibilities, including the fact that they may be barred

from filing a petition where diversion services have been terminated because of their failure to consent to or participate in diversion services.

- (c) Where the complainant is a school district or local educational agency, probation shall review the steps taken by the school district or local educational agency to improve the youth's attendance and/or conduct in school and attempt to engage the school district or local educational agency in further diversion attempts, if it appears that such attempts will be beneficial to the youth.
- (d) Where the complainant states that the youth has run away or is staying away from home, the probation department:
  - (1) Shall gather information from the parent(s) or other person(s) legally responsible for his/her care regarding possible contact information, and what efforts have been made to locate the youth; and
  - (2) May attempt to contact a runaway or stayaway youth for the purpose of engaging the youth and family in diversion services; and
  - (3) Shall inform the parent(s) or other person(s) legally responsible for his/her care that they must file a report with police where it is determined that the youth's whereabouts are unknown; and
  - (4) May refer the matter for petition for the purpose of seeking a warrant where efforts to locate and engage the youth are unsuccessful.
- (e) Probation shall attempt to secure from the parent(s) or other person(s) legally responsible for his/her care all necessary consents for release of information regarding the youth, and shall further request from the school certain information deemed pertinent to the presenting behaviors. For school-based complaints, where parents refuse such consent,

probation may refer the matter for petition for the purpose of requesting a court order to direct either the parent or other person(s) legally responsible for his/her care to sign a release of information for school records or for the court on its own volition, to direct the release of information from school authorities. Where appropriate, probation may recommend that the school pursue an educational neglect report.

Section 357.7 Diversion Services.

- (a) In the provision of diversion services, probation shall:
  - (1) Provide written notice to the complainant that the case has been opened for diversion services;
  - (2) Make diligent efforts to provide diversion services in accordance with the general requirements of this Part;
  - (3) Target the underlying risk factors related to the presenting problem behavior(s) which gave rise to each complaint;
  - (4) Make referrals for service as needed, based on the results of a state approved risk and needs assessment instrument; and
  - (5) Prioritize resources to higher risk youth and target interventions to reduce dynamic risk factors.
- (b) In addition to providing community-based intervention services that target specific dynamic risk factors, probation shall work to effectively engage the youth and family in appropriate and available services that support positive youth development and lead to successful outcomes.

- (c) Electronic monitoring may only be used with probation director consent and upon specific court order. Absent directive from the Court for a specified time period, Probation shall ensure the cumulative application of electronic monitoring not exceed 90 days for each diversion case.
- (d) Probation may continue diversion efforts:
  - (1) Until the complaint is successfully resolved or the designated lead agency determines that there is no substantial likelihood that the youth and family will benefit from further services;
  - (2) After the filing of a petition where the designated lead agency determines that the youth and family will benefit from further attempts to prevent the youth from entering foster care.

Section 357.8 Assessment, Reassessment, Case Planning, and Client Engagement.

- (a) As part of diversion services, probation shall assess for risk and needs and utilize case planning tools and protocols, as approved by the Division of Criminal Justice Services, to:
  - (1) Identify youth who are at moderate or high risk for continuing in the behaviors underlying the presenting problem to address the priority areas for intervention;
  - (2) Complete a full risk and needs assessment at case opening and case closure for all medium and high-risk youth to ensure effective case planning and to measure change in dynamic risk and protective factors;
  - (3) Develop case plans based on assessment results that focus on the priority areas for intervention to address the presenting problem;
  - (4) Engage youth by providing evidence-based services through probation department

and/or community-based service providers; and

- (5) Advocate for the youth's timely commencement of services and work closely through on-going communication with the service providers to monitor a youth's participation and progress in completing the services that address the needs identified in the case plan. Document in the case file the youth's and family's progress in the services.
- (b) As part of assessment, case planning, and reassessment, probation shall use effective client engagement skills such as motivational interviewing with the youth, and where practicable, his/her family to:
  - (1) Develop a case plan within 30 calendar days of the initial conference with the youth and parent(s) or other persons legally responsible for his/her care that addresses:
    - (i) priority dynamic risk and need areas for intervention;
    - (ii) objectives that build on existing protective factors;
    - (iii) roles and responsibilities of the youth, parent(s) or other person(s) legally responsible for his/her care, probation officer, and other service providers;
    - (iv) intended outcomes for successful case closure;
    - (v) input from parent(s) or other person(s) legally responsible for his/her care and youth to identify any barriers to meeting case plan goals;
    - (vi) engaging medium and higher risk youth in cognitive-behavioral programming, where appropriate, and available, with services provided either through the probation department or a community-based agency;



- (vii) where available, referring youth to effective, community-based services to address the underlying issues resulting in the presenting problem;
  - (viii) referring to family-focused services, where appropriate, and available;
  - (ix) the appropriate level of intervention and contact based upon the youth's risk, needs and protective factors; and
  - (x) responsivity considerations.
- (2) Utilize the participation and/or services of community-based providers as appropriate.
- (i) the assessment and approved case plan may be shared and reviewed with active service providers
- (3) Include the youth, and the family, where practicable, in review of the assessment results and all case plans.
- (4) Review and update the case plan on an ongoing basis to document any changes in priority areas, goals, action steps, roles and responsibilities, and progress; case notes should reflect progress in meeting the goals included in the case plan.
- (5) Reassess all youth with open diversion cases within 60 calendar days of the initial case plan, and every 90 calendar days thereafter, to measure progress toward intended outcomes; and update the case plan in accordance with the results of reassessment; and
- (6) Reassess at case closing.
- (c) Probation will work to address the needs identified in the assessment and case plan. The probation officer shall use effective client engagement skills such as motivational interviewing and other engagement tools to assist the youth in identifying the behavioral

risks and understand how thinking/attitudes, associates and peers, chemical dependency, and other factors influence behavior.

- (d) Probation will work to effectively engage youth to ensure that higher risk youth receive more intervention, contact, and evidence-based services. Front-loading probation and community service interventions is essential to achieving positive outcomes for youth. The probation officer shall use graduated responses to encourage and/or support pro-social behavior.

#### Section 357.9 Petition To Court

- (a) A complaint may be referred for petition only after determining that there is no substantial likelihood that the youth and family will benefit from further attempts to remediate the behavior which gave rise to the complaint;
- (b) No petition may be filed by the parent(s) or other person(s) legally responsible for his/her care where diversion services have been terminated because of the failure of the parent(s) or other person(s) legally responsible for his/her care to consent to or participate in diversion services;
- (c) Where a parent refuses to cooperate with services in a school-referred PINS matter, an educational neglect report may be made regarding the parent(s) or other person(s) legally responsible for his/her care where there has been a pattern of illegal absences;
- (d) Where the matter involves truancy and/or ungovernable behavior at school and the youth is a special education student, probation shall not refer the matter for petition unless a Manifestation Determination hearing has been held by the Committee on Special Education (CSE) and the school has provided such documentation to the probation

department and the court that the student's behaviors are not related to the student's disability, thereby warranting court action;

- (e) Once a petition is filed, diversion efforts may continue pending court action in accordance with Section 357.7(d)(2) of this Part;
- (f) Where probation refers a matter for petition, it shall prepare a petition report to the court. The petition report shall be approved and signed by a supervisor or their designee. The report shall address all of the required elements for filing, including:
  - (1) Whether probation has diligently attempted to prevent the filing of a PINS petition; and
  - (2) Whether probation has assessed if the youth would benefit from residential respite services; and
  - (3) Whether probation has considered if alternatives to pre-dispositional placement are appropriate to avoid remand of the youth to pre-dispositional placement; and
  - (4) Whether the potential petitioner has complied with the requirements of preliminary procedure as set forth in FCA Section 735; and
  - (5) That probation has terminated diversion services because it has determined that there is no substantial likelihood that the youth and family will benefit from further attempts; and
  - (6) That the underlying issues of the complaint have not been resolved after attempting to engage the youth and/or family in services or been unable to engage the youth in services where such youth is a runaway; and
  - (7) Where probation has determined that the youth is a runaway whose current whereabouts are unknown, that the appropriate police agency has been notified,

and the parent(s) or other person(s) legally responsible for his/her care are seeking a warrant from the court; and

- (8) Where the potential petitioner is the parent or other person(s) legally responsible for his/her care, that there is no bar to the filing of the petition as the potential petitioner consented to and participated in diversion services; and
  - (9) Any previous actions probation has taken with respect to the case, and the documentation of diligent attempts to provide appropriate services; and
  - (10) Specific information regarding the unresolved issues related to the complaint; and
  - (11) A recommendation as to the feasibility of returning the case to probation diversion so that diversion attempts may be undertaken; and
  - (12) Attachment of any additional written records that support the complaint.
- (g) Pursuant to FCA Section 735(h), no statement made by the potential respondent to the designated lead agency, or to any agency or organization to which the potential respondent has been referred, may be admitted into evidence at a fact-finding hearing, or, if the proceeding is transferred to a criminal court, at any time prior to a conviction. This shall apply when such statements were made to the designated lead agency or to any agency or organization:
- (1) Prior to the filing of the petition; or
  - (2) Prior to the time the respondent has been notified that attempts at diversion will not be made or have been terminated; or
  - (3) Prior to the commencement of a fact-finding hearing if attempts at diversion have not terminated previously.

Section 357.10 Return From Court.

(a) Where pursuant to FCA Section 742(b) the court orders the youth and/or the parent(s) or other person(s) legally responsible for his/her care to participate in diversion services, probation shall thereafter notify the court when it either determines the case has been successfully resolved, or that there is not a substantial likelihood that the youth and/or the youth's family will benefit from continued diversion services.

Section 357.11 Pre-Diversion Case Designation Requirements and Criteria.

- (a) Pre-Diversion Services: this case designation shall apply where:
- (1) the youth has demonstrated a pattern of behavior that meets the definition of PINS; and
  - (2) the potential complainant does not file a complaint; and
  - (3) the potential complainant, youth and family were engaged in an alternative resolution of the presenting problem.

Section 357.12 Case Closing Requirements.

- (a) Cases where the goals of the case plan have been met shall be considered for successful case closure.
- (b) Progress made toward youth risk reduction shall be documented through reassessment prior to closing the case.
- (c) Probation shall promptly give written notice of case closure to the potential petitioner and the parent(s) or other person(s) legally responsible for his/her care of the potential respondent.

- (d) A finding by the designated lead agency that a case has been successfully diverted shall constitute presumptive evidence that the factual allegations have been successfully resolved and cannot be used in any subsequent petition.
- (e) All cases opened for diversion services shall be closed in accordance with one of the following case closing designations:
  - (1) Successfully Diverted: where satisfactory resolution of the complaint was achieved as the result of preliminary procedure. This shall include cases that were diverted either at the initial conference, or after a period of diversion services.
  - (2) Withdrawn: where the potential petitioner withdrew the complaint, for any reason, either before or during the provision of diversion services, the complainant shall be advised that the factual allegations may be used in making a future complaint.
  - (3) Terminated with No Bar To Petition: where the case has not been successfully diverted and the designated lead agency determines that diversion efforts have been exhausted and that there is no substantial likelihood that the youth and family would benefit from continued services. For parent(s) or other person(s) legally responsible for his/her care filed complaints, such closing designation shall also require documentation of consent and active participation of the parent(s) or other person(s) legally responsible for his/her care in diversion services;
  - (4) Terminated With Bar To Petition: such case closing shall be used for parent(s) or other person(s) legally responsible for his/her care initiated complaints that have not been successfully diverted because the parent(s) or other person(s) legally

responsible for his/her care did not consent to, actively participate in, or pursue diversion services.

Section 357.13 Case Record Keeping Requirements.

- (a) All preliminary procedure case records shall be kept in either paper or electronic format, or a combination of both.
- (b) Pre-Diversion Services: where pre-diversion services are provided in lieu of initiating preliminary procedure, it is not necessary to open an individual case file. However, at minimum a record of the following information shall be maintained:
  - (1) Youth name and date of birth;
  - (2) Date(s) of receipt of the complaint(s);
  - (3) Description of the pre-diversion services either referred to or directly provided, and any information regarding outcome(s).
- (c) Preliminary Procedure: where preliminary procedure was commenced, probation case records shall include the following, where applicable:
  - (1) Documents:
    - (i) Copy of the complaint;
    - (ii) Copy of letter to complainant advising of the initiation of diversion services;
    - (iii) All assessment and reassessments;
    - (iv) The initial case plan, and case plan updates that flow from the reassessments;
    - (v) A brief closing summary of progress toward achieving case plan goals;

- (vi) Copy of written notices to the complainant regarding the case closing and whether the complaint has been successfully resolved;
  - (vii) Documentation of notification to the parent(s) or other person(s) legally responsible for his/her care of the potential respondent regarding: the case closing; whether the complaint has been successfully resolved; and if there is any bar to petition by the parent(s) or other person(s) legally responsible for his/her care; and
  - (viii) Copy of the petition report in all cases where a petition is filed with the court.
- (2) Other Required Case Record Information:
- (i) Date(s) of receipt of the complaint(s);
  - (ii) Date(s) of conference(s) with the youth, parent(s) or other person(s) legally responsible for his/her care and complainant;
  - (iii) Documentation that the youth and parent(s) or other persons(s) legally responsible for his/her care were advised of their rights related to the diversion process;
  - (iv) Parent or other person(s) legally responsible for his/her care and youth acknowledgement of participation in diversion services;
  - (v) Summary of the reasons for any delay in developing an initial case plan;
  - (vi) Date(s) of any referral(s) for specialized assessment and treatment (i.e., educational, mental health, substance abuse, sexual victimization, or sexualized acting out behaviors);



- (vii) Documentation of services provided in accordance with the assessment and reassessment;
- (viii) Dates and types of contacts and any significant information, events, or actions taken;
- (ix) Date of case closing.