

# YOUTH JUSTICE STANDARDS

DIVISION OF SAFETY AND PERMANENCE

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Wisconsin Department of  
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## **YOUTH JUSTICE STANDARDS**

### **Introduction and Purpose - Wisconsin's Youth Justice System**

The vision for Wisconsin's Youth Justice (YJ) System incorporates a focus on prevention and diversion with the provision of accountability and services to youth and families to prepare them to thrive. The YJ system in Wisconsin is community based, designed to serve the greatest number of youth through local prevention and diversion services and reduce the number served out-of-home.

Because Wisconsin's YJ system is state supervised and county administered, counties determine and maintain the structure of their courts and the human services agencies providing YJ services. In 2016, DCF assumed responsibility for fiscal and programmatic oversight of Wisconsin's community-based youth justice (YJ) system. These responsibilities include training, maintaining data systems, development of standards, and capacity building through technical assistance. DCF has developed these standards in accordance with statutory authority under section 48.526(10), Wis. Stats. Chapter 938 of Wisconsin Statutes governs administration of the YJ system, including requirements that both courts and local human/social services agencies must follow. Standards do not include all statutory requirements.

## **SECTION 1: CASE PROCESS AND DOCUMENTATION**

### **Introduction:**

The following standards support best practices related to case process, documentation of referrals, intake decisions, court decisions and case closure.

## I. Documentation of Referral and Intake Information

### I.A. Receipt of Referral.

All referrals received by a county agency under [Wis. Stat. s. 938.24](#) shall be documented as a Youth Justice Referral in eWiSACWIS within 3 business days of the date they are received.

### I.B. Transfer of Referral.

If a referral is transferred from one county to another during the intake process, the county that originally received the referral shall reassign it in eWiSACWIS within 3 business days of the decision to transfer. The agency conducting the intake inquiry under [938.24](#) shall then document further case management.

### I.C. Courtesy Supervision.

If a case requires courtesy supervision, staff in the receiving county shall have an assignment created for the case and the responsibility of courtesy supervision shall be indicated.

### I.D. Intake Recommendations.

All intake recommendations regarding whether to close case, enter into a Deferred Prosecution Agreement, or file a formal Petition made by a county agency under [938.24\(5\)](#) shall be documented in eWiSACWIS within 3 business days of the date they are made.

- All decisions to close case shall have a corresponding reason documented.

## II. Documentation of Court Decisions and Dates

### II.A. DA Decision and DA Decision Date.

The prosecutor's decision regarding whether to close case, enter into a Deferred Prosecution Agreement, or proceed with a formal Petition, and the date the decision was rendered, shall be entered within 20 business days of notification of the decision.

- If no notification is received, the decision shall be entered no later than 30 days from the date the intake recommendation was sent to the prosecutor. The date entered shall be the final day the prosecutor could have sent notification (20 days after intake recommendation was sent).

### II.B. Court Decision and Court Decision Date.

If the prosecutor files a petition, the court's decision whether to hear the case or recommend a Deferred Prosecution Agreement or Case Closure shall be entered within 20 business days of notification of the decision. Adjudication and disposition dates shall be entered within 20 business days of hearings.

## **III. Documentation of Supervision Decisions and Dates**

### **III.A. Initiation of Supervision.**

Offense-level Outcomes and Expiration Date(s) shall be entered within 20 business days of the date that a DPA is entered, or that documentation is received from court concerning the creation of a Consent Decree or Dispositional Order.

### **III.B. Extension of Supervision.**

Extended Expiration Date shall be entered within 20 business days of the date that a DPA is extended, or that documentation is received from court concerning an extension of a Consent Decree or Dispositional Order.

## **IV. Regular Review of Data Elements**

During ongoing case work, the case record shall be maintained to ensure demographics, contact information, addresses, and involvement status is current for all youth, parents, and/or guardians, plus other participants currently active in the YJ case. Data shall be reviewed for accuracy at least every six months.

## **V. Documentation of Conclusion of Youth Justice Work**

Date County Supervision Ended shall be entered, contact information shall be reviewed and confirmed, and the “Completed” checkbox shall be marked complete within 30 days of the date that a DPA is completed, or a Consent Decree or Dispositional Order expires or is terminated.

## SECTION 2: YOUTH ASSESSMENT SCREENING INSTRUMENT

### Introduction

The Youth Assessment Screening Instrument (YASI) measures a youth's level of risk, needs, responsibility factors, and strengths to guide early decision-making and assignment of case resources, as well as assist in the development of targeted case plans. The YASI looks to identify both the dynamic (changeable) and static (unchangeable) risk factors of youth to help professionals manage their caseloads and better structure and target services to youth with higher needs.

The YASI is an instrument specially designed for youth and assesses across ten domains that many years of research suggest are correlated with an increased likelihood of future re-referral for the same offense.

Legal History	Family	School	Community/Peer	Alcohol/drugs
Mental Health	Violence/ Aggression	Attitudes	Skills	Employment/ Free Time

YASI focuses on the factors that are most critical to promoting positive outcomes for youth. The information collected during assessment guides the creation of a case plan tailored to an individual's identified needs and strengths. The entire assessment and case planning process is informed by motivational interviewing and is designed to engage youth, provide them a sense of ownership over their case plan, and match supervision and intervention strategies with the youth's levels of risk and motivation.

### Why use a Risk Assessment tool?

#### Use of an assessment tool helps us be more targeted and effective

- Research on the use of validated assessments in youth justice has grown significantly in the last decade. Assessment tools are often described as the foundation of evidence-based practice.
- Youth justice professionals should not intervene more or less than is necessary. A validated assessment tool helps us match youth with the most effective level and type of supervision and services.
- Assessment tools assist jurisdictions with increasing the efficient use of resources, improving outcomes for youth and families, and increasing community safety.
- Research shows that youth who are scored as low risk by a validated assessment and are diverted from the YJ system recidivate at lower rates than comparable youth whose cases are formally processed through the court system. (Wilson & Hoge, 2012).

#### Use of an assessment tool informs and supports professional decision-making

- A risk, needs, and strengths assessment tool informs and supports professional decision-making; it does not replace it.
- Use of an assessment tool should not create a lot of additional work. In the long run, it should make caseloads more manageable. Youth who will not benefit from intervention will be screened out, while priority need areas for youth in need of YJ services will be highlighted to help identify areas of focus to promote positive behavioral change.

#### **Use of an assessment tool provides consistency across the state**

- Use of a statewide tool standardizes data collection on youth referred to the YJ system and provides a common measuring stick to assess state-level trends.
- Use of a statewide tool provides a common language across counties and stakeholder groups.

### **Incorporating the YASI in county practice**

To complete a YASI assessment, semi-structured interviews are conducted to gather information needed to score items included in CaseWorks software. It is best practice to interview youth, their family, and any other appropriate collateral contacts. Collateral information can come from the school, family members, or other resources/contacts that the youth or family identifies. Releases of information should be obtained before speaking with any collateral contacts.

In general, all youth referred for delinquency who have no competency or capacity concerns should be assessed with a YASI Pre-Screen prior to a petition being filed and all youth brought before juvenile court should be given the YASI Full Assessment prior to disposition. In the latter instance, results from the YASI will serve as a guide for recommendations for the dispositional court report. All youth placed on supervision will assist their case worker via the feedback process to develop a case plan informed by the results of their assessment.

Youth who generally **should not** have a Pre-Screen administered include the following:

- **Youth referred for truancy.** While the YASI has been validated for use in delinquency cases, it has not been validated for use with truancy. As truancy is a status offense and is not a strong predictor of future delinquency, it is recommended counties use a validated needs assessment tool for truancy referrals. Although not required, if a JIPS referral results in an adjudication, a worker may administer the YASI Full Assessment to support dispositional recommendations and case planning. However, particular attention should be given to the youth's identified needs, rather than their risk level. (See also Standard VII.(3) and VII.(4).)
- **Youth with capacity or competency concerns.** When a YJ professional has concerns regarding a youth's competency (e.g. suspected cognitive disability, learning disability, young age) or capacity (e.g. suspected mental health crisis, intoxication, acute effects of a traumatic experience), the professional should not ask the youth to participate in the YASI assessment process. They should identify another time to complete the assessment when the youth either is deemed competent or well enough to participate in the interview. (See also Standard VI.(2)(b). and VIII.(f).)
- **Youth under the age of 10.** (See also Standard VI.(2)(a).)

In addition, because the YASI is primarily validated for delinquency, the Pre-Screen should not be administered to youth referred for JIPS cases (including truancy) unless the present referrals entail evidence of specific delinquent behavior, and then only optionally. (For these youth, the YASI may be primarily useful for case planning; see, e.g., Standard VII.(3) and VII.(4).)

Finally, for youth who deny referred offense(s), Pre-Screen items pertaining to the offense(s) should be scored neutrally, and the Full Assessment should not be administered until the youth admits or is adjudicated delinquent. (See also Standard VI.(1)(a).)

## Interview Practice Guidance

The assessment portion of the YASI is rooted in the principles of Motivational Interviewing (MI), an evidence-based approach to behavior change. MI is designed to facilitate the natural process of change, while also honoring autonomy, so a successful YASI interview is more than simply reading questions and recording answers. Instead, engage the youth in conversation encompassing the domains assessed in the YASI, and take notes sufficient to answer its questions once all the information is collected. The YASI Administration Guides and other materials provided during CaseWorks training can help a worker ensure they are covering all domains during the interview.

The following interview strategies can help to get you started:

- Whenever possible, ensure the interview with the youth takes place in a comfortable setting.
- Check in with the youth and provide opportunities for questions.
- Encourage the youth to correct you if you make an inaccurate statement.
- The administration of the assessment is most effective when the principles and techniques associated with MI, such as OARS (below), are utilized.
  - Open-ended questions**
  - Affirmations**
  - Reflections**
  - Summarization**
- Assessments that consist of 5-10 minutes of engagement, time for the assessment, and 5-10 minutes for closing the conversation are most effective.
  - Questions for engagement are open questions that invite the person to share their perspectives, presenting concerns, general experiences/views, and information about themselves.
  - Questions for closing the conversation are open questions that target change. Ask about the person's motivation or reasons for changing behavior, perceived importance for change, willingness, or readiness to change, how change could happen, or possible next steps.

## VI. Administration of the YASI Pre-Screen

- (1) The YASI pre-screen must be administered for delinquency referrals, post-referral, pre-petition for consenting youth who appear at the intake conference.
  - (a) No questions regarding the offense may be asked during the administration of the pre-screen if a youth is denying the charges. In this scenario, the YJ professional would answer offense-related assessment items neutrally and proceed with the remaining assessment items.
  - (b) Additional attempts to reach youth must be made when youth do not appear at the intake conference. Attempts shall be documented.
  - (c) If a youth is held in detention, attempts to administer the pre-screen via phone or in-person pre-petition must be made. Attempts shall be documented.
  - (d) An unwillingness or inability to complete the pre-screen does not mandate formal processing of the youth.
  - (e) If the intake recommendation does not align with a youth's risk level, the reason(s) for the override shall be documented and approved by a supervisor.
- (2) No portion of the YASI pre-screen may be administered in the following cases:
  - (a) The pre-screen should not be administered for youth under the age of 10.
  - (b) The pre-screen should not be administered if the youth's capacity to complete it is in question. The reason for the exception shall be documented.
- (3) If the referral is for a youth who has previously been on supervision, the most recent closing reassessment should be copied, carried forward, a new interview with the youth shall be conducted and a new Caseworks initial assessment<sup>1</sup> shall be completed.

## VII. Serving Youth Identified as Low Risk for Re-referral

- (1) Whenever possible youth identified as low risk for re-referral should not be recommended for a petition or a deferred prosecution agreement.
- (2) Youth identified as low risk for re-referral who are placed on a deferred prosecution agreement should not receive the full YASI assessment, unless the DPA is cancelled and a petition is filed. Then policy VII.(3) applies.
- (3) Youth at low risk for re-referral, who are petitioned, who have low protective scores and have not received another specialized assessment (e.g., mental health, sex offender, substance use disorder) shall receive the YASI full assessment to inform dispositional

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<sup>1</sup> The "new initial assessment" term is used in Caseworks software when a new assessment is created; not to be confused with CPS Initial Assessment.

recommendations and case planning.

- (4) Any obligations for youth identified as low-risk and low-strength shall include services focused on increasing youth strengths. Services shall be limited to only what is necessary to achieve the identified goals.
- (5) Youth identified as low risk for re-referral who have been placed on a consent decree do not need to be reassessed.
- (6) Youth identified as low risk for re-referral shall receive the fewest contacts possible to achieve the case plan objectives.
- (7) Youth identified as low risk for re-referral may be recommended for early termination of supervision at the discretion of the department.

## **VIII. Administration of the YASI Full Assessment**

- (1) The full assessment must be administered pre-disposition for all consenting delinquency referred youth determined to be at medium or high risk for re-referral. If court proceedings do not allow for the full assessment to be completed prior to disposition, the full assessment should be completed as soon as possible post-disposition to inform the case plan.
  - (a) No portion of the full assessment beyond the pre-screen questions may be administered if a youth is denying the charges until after the adjudication hearing.
  - (b) No portion of the full assessment may be administered to children under the age of 10.
  - (c) If a consent decree will be recommended by the prosecutor or defense counsel, prior to entering into the consent decree, a full assessment should be administered if there will be services recommended. If court proceedings do not allow for the full assessment to be completed prior to the consent decree being entered, the full assessment should be completed as soon as possible thereafter to inform the case plan if a case plan is determined appropriate in the youth's case.
  - (d) If a youth will admit to the charges or will plead no contest, the full assessment may be administered pre-adjudication.
  - (e) The full assessment should not be administered if the youth's capacity to complete it is in question. The reason for the exception shall be documented.
  - (f) If a youth's competency is in question, the full assessment may not be administered until the court determines the youth has been restored to competency.

(g) An unwillingness or inability to complete the pre-screen does not mandate formal processing of the youth.

(2) The full assessment must include interviews with the youth and, whenever possible, interviews with family/guardian.

(3) The full assessment must include a review of all relevant collateral information and, whenever possible, interviews with collateral contacts. Attempts to reach collateral contacts for interview shall be documented.

(4) The youth's priority need areas, protective factors and services recommended must be incorporated into the court report to aid in making recommendations. If court proceedings do not allow for these to be incorporated in the court report prior to disposition, they must be used to inform and develop the case plan with youth and family post disposition.

(5) When information gathered for the full assessment or the full assessment results indicate the possible need for another assessment (e.g., mental health, sex offender, substance use disorder), the youth should receive a specialized assessment administered by a qualified professional.

(6) If service recommendations do not align with a youth's risk level and priority need areas, the reason(s) for the override shall be documented and approved by a supervisor.

(7) Changes to a completed assessment shall be documented.

## **IX. YASI Case Planning**

(1) The case plan must be informed by the full assessment and address the youth's priority need areas.

(2) Services recommended in the case plan should be matched to the youth's priority need areas.

(3) The case plan must be created with the youth and family no later than 45 days after the disposition hearing.

(4) The case planning process shall begin with Feedback to the youth (and family when available) on the results of the YASI Full Assessment and mapping process.

(5) Using the Feedback Wheel as a template, Feedback to the youth shall include:

- the behavior that needs to change (i.e., offense or other problem behavior)
- all identified strengths or protective factors
- challenges (i.e., needs) as reflected in up to 3 priority domains and associated targets
- incentives for change identified by the youth
- invitation to the youth to identify where they would like to start

(6) Goals shall be developed collaboratively with the youth, framed in positive language, and

identify outcomes desired by the youth.

- (7) One or more measurable action steps shall be identified with the youth as the services, supports, or skills that will help attain each of the goals.
- (8) The case plan shall be submitted to a supervisor for review and approval.
- (9) The case plan shall be provided to the youth, family, and members of the team.
- (10) The case plan and documentation that the plan was received by the youth and family shall be maintained in the record.
- (11) The case plan must be modified based on the results of reassessment and updated when youth complete a service or achieve their goals.
- (12) Planned contacts made with the youth or family must be driven by the case plan for the purpose of evaluating the identified needs and strengths, services, and goals. All contacts shall be documented.
- (13) Youth shall receive the fewest contacts possible to achieve the case plan objectives.
- (14) Case plan goals and progress should be reviewed with the youth, family, and members of the team, no less than once per month and more often if warranted by supervision intensity, to ensure the action steps remain in focus. Reviews of goals and progress shall be documented. Recommendations for early termination of supervision should be considered when case plan objectives have been achieved.

## **X. YASI Reassessment**

- (1) Reassessment must occur at least every 6 months for youth at medium or high risk for re-referral.
- (2) Any major life events (death, divorce, family member incarceration, major incident, significant school events, etc.) should trigger a possible reassessment, pending a review with a supervisor to determine whether a reassessment is in fact necessary.
- (3) A reassessment must be completed if there is a motion to vacate the consent decree, a new petition is filed, or there is a question of whether the youth should be removed from the community.
- (4) The reason for reassessment shall be documented.
- (5) The final reassessment must occur at the time of case closure. The results of the final assessment shall not be the sole determinant for extending the court order.

## **XI. YASI Training Requirements**

- (1) All child welfare professionals who have oversight of or makes decisions in YJ cases

must receive YASI training on how to administer and utilize the YASI pre-screen and full assessment prior to independent administration.

- (2) Any supervisor who has oversight of or makes decisions in YJ cases must receive YASI training on how to administer and utilize the YASI pre-screen and full assessment prior to independent supervision of staff, including supervisor support training.
- (3) Any supervisor or child welfare professional who have oversight of or makes decisions in YJ cases must receive YASI training on how to utilize the case plan in conjunction with the results of the pre-screen and full assessment prior to creating a case plan with a youth and family.
- (4) All child welfare professional and supervisors who have oversight of or makes decisions in YJ cases must complete annual booster trainings in accordance with the options available through DCF and the Wisconsin Child Welfare Professional Development System.

## **XII. YASI Duties of the Supervisor**

- (1) A supervisor must provide consultation to workers administering the YASI pre-screen and full assessment (includes reassessment).
- (2) A supervisor must review the results of the pre-screen and approve recommendations for petitions to the court.
- (3) A supervisor must review and approve a full assessment prior to disposition.
- (4) A supervisor must review the case plan and recommended services.
- (5) A supervisor must review reassessments within 15 days of completion.
- (6) A supervisor must approve any recommendations for early termination of supervision.
- (7) All duties identified above performed by the supervisor must be documented.

## **SECTION 3: OUT OF HOME CARE**

### **XII.A. Out of Home Care**

The [Ongoing Services Standards](#) for Child Welfare Out-Of-Home Care Cases apply to Youth Justice Out-of-Home Care Placements.

## Youth Justice Related Concepts

**Adjudication:** Judicial determination (judgment) that a juvenile is responsible for the delinquency or status offense that is charged in a petition or other charging document.

**Best practice:** Strategies and programs demonstrated through research and evaluation to be effective at preventing or intervening in juvenile delinquency. Best practice models include program models that have been shown, through rigorous evaluation and replication, to achieve target outcomes. Model programs can come from many valid sources (e.g., OJJDP's Model Programs Guide, Blueprints for Violence Prevention, SAMHSA's National Registry of Evidence-Based Programs and Practices, OJP's CrimeSolutions.gov, and State model program resources).

**Delinquency:** An act committed by a juvenile that would be criminal if committed by an adult. The juvenile court has jurisdiction over delinquent acts. Delinquent acts include crimes against persons, crimes against property, drug offenses, and crimes against public order.

**Intake decision:** The decision made by juvenile court intake that results in a case being handled informally at the intake level or petitioned and scheduled for a hearing.

**Needs assessment:** Systematic process to acquire an accurate, thorough picture of a youth's strengths and areas of vulnerability. The process is utilized to identify and prioritize treatment goals, develop a treatment plan, determine the appropriate level of supervision, and allocate funds and resources for services.

**Permanency plan:** A plan designed to ensure that a child is reunified with his or her family whenever appropriate, or that the child quickly attains a placement or home providing long-term stability.

**Petition:** A document filed in juvenile court alleging that a juvenile is a delinquent or in need of protection or services and asking that the court assume jurisdiction over the juvenile or asking that an alleged delinquent be waived to criminal court for prosecution as an adult.

**Post-disposition:** The period following the imposition of a disposition ordered or treatment plan decided upon or initiated in a particular case by a juvenile court.

**Prevention:** Efforts that support youth who are "at-risk" of becoming involved in delinquent behavior and help prevent a juvenile from entering the juvenile justice system as a delinquent. Prevention includes efforts to prevent youth from penetrating further into the juvenile justice system after a juvenile has committed a delinquent act; these prevention efforts include arbitration, diversionary or mediation programs, and community service work or other treatment.

**Resilience:** The qualities and factors that may help an individual withstand many negative effects of adversity. These factors include self-esteem, healthy attachment and relationships, autonomy, environmental factors, and other factors that balance exposure to negative or traumatic events.

**Risk factors:** Conditions, variables, exposures, and behaviors associated with a lower likelihood of positive outcomes and a higher likelihood of negative or socially undesirable outcomes.

**Service:** Activities identified by a program through formal consultation with program staff designed to provide accountability, public safety, competency enhancement, reparation to victims and/or therapeutic treatment. Examples include: community service, restitution, counseling sessions, and course curriculum.

**Status offender:** A juvenile charged with, or adjudicated for, conduct that would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. Status offenses include truancy, curfew violations, incorrigibility, running away, and underage possession and/or consumption of alcohol or tobacco.

Youth Justice Standards  
Youth Justice Related Concepts

**Substance use and abuse:** Use and abuse of substances including, but not limited to, illegal drugs (e.g., heroin), prescription and nonprescription drugs, and alcohol. Sometimes referred to as alcohol and other drug (AOD) use and abuse.

**Targeted behavior:** Any behavior-related problems (e.g., aggression, substance abuse) that a program is designed to modify through appropriate interventions.

**Valid court order (VCO):** An order given by a juvenile court judge to a juvenile who was brought before the court and made subject to an order; and who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States.

**Youth advocacy:** Activities focused on improving services for and protecting the rights of youth affected by the juvenile justice system.

*This list was derived from OJJDP's juvenile justice glossary:*

<https://www.juvjustice.org/sites/default/files/ckfinder/files/juvenile-justice-glossary.pdf>

*Please reference Wisconsin Statute Chapters 48 and 938 for specific Wisconsin terms and definitions.*



## Wisconsin Department of Children and Families

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