

**COOPERATIVE AGREEMENT BETWEEN
THE DEPARTMENT OF JUVENILE JUSTICE, AND THE DEPARTMENT OF
HUMAN RESOURCES, DIVISION OF FAMILY AND CHILDREN SERVICES**

PARTIES TO THE AGREEMENT

This agreement is made and entered into by the Department of Juvenile Justice (hereinafter referred to as “DJJ”), the Department of Human Resources (hereinafter referred to as “DHR”).

PURPOSE OF THE AGREEMENT

The purpose of this agreement is to promote increased cooperation, coordination, and integration at the administrative and service delivery levels for the benefit of children and families within the purview of DJJ and DHR’s Division of Family and Children Services (hereafter referred to as DHR/DFCS.) It seeks to enhance the quality of services for troubled children in Georgia through improved coordination of resources between DJJ and DHR/DFCS. A framework is provided for the parties to enhance the level of collaboration and improve the quality of services delivered to youth and families.

BACKGROUND OF NEED FOR COOPERATIVE AGREEMENT

The parties to this agreement accept the following justifications of need for creation of this interagency cooperative agreement:

1. Research clearly confirms that children who are maltreated by their parents or caretakers suffer the immediate consequences of abuse and neglect. Additionally, these youth have a heightened risk of involvement in serious delinquent and other adolescent problem behaviors including substance abuse, teen pregnancy, low academic achievement and mental health problems.
2. Georgia’s juvenile court system is charged with serving the best interests of the children and families appearing before the court while assuring due process and public safety.
3. The parties have authority and/or mandates to provide services to the children or youth of Georgia and agree that clear communication is necessary to assist them in performing these services effectively and efficiently.
4. Both parties agree to operate under the principle that commitment of a youth to DJJ or placement of custody to DHR/DFCS does not relieve either party of ongoing responsibilities for a youth.

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TERMS OF AGREEMENT**

The agreement shall be effective for one year following the date of execution. The parties may renew this agreement for additional terms of one year. Such renewals shall be in writing and must be signed by both parties. At the time of each renewal, the parties shall review this agreement and shall make such changes as they may agree are appropriate. The agreement may be terminated by either party upon 30 day written notice to the other party in writing.

DEFINITIONS

For purposes of this Agreement:

1. Child in DHR/DFCS custody - a child who has been placed in the custody of DHR/DFCS by an order of the juvenile court pursuant to the Juvenile Court Code or by voluntary agreement.
2. Child under commitment to DJJ - a child who has been placed under the control and supervision of DJJ for purposes of treatment and rehabilitation by an order of the juvenile court.
3. Child - a person under 18 years of age or under commitment to DJJ or in custody of DHR/DFCS
4. Joint commitment/custody - occurs when a child is in the custody of DHR/DFCS and is committed to DJJ.
5. Detention Assessment Instrument (DAI) - a screening instrument utilized by DJJ and juvenile court staff to assist in detention decisions following the arrest of juveniles. The use of the instrument is mandated in DJJ policy.
6. Comprehensive Child and Family Assessment (CCFA) - a comprehensive assessment of the family prepared for all children who are placed in DHR/DFCS custody. The provision of such assessments is dependent upon their continued inclusion in DHR/DFCS policy.
7. Intake officers - DJJ or county juvenile court staff authorized by juvenile court judges to make detention decisions and process cases following arrest.
8. Independent Court - a juvenile court staffed with county funded probation and intake officers rather than DJJ staff.
9. Dependent Court - a juvenile court staffed completely or in part with DJJ probation and intake staff.

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10. Deprived child - a person under the age of 18, who has not been emancipated and who is a) without proper parental care and control, subsistence or education as required by law or other care or control necessary for the child's physical, mental or emotional health or morals; b) has been abandoned by his parents or other legal custodian; or c) is without a parent, guardian or other custodian. The parents of a deprived child must be unfit as a result of parental inability or misconduct. A youth is not deprived solely because his parent, custodian, guardian or family cannot be contacted or cannot provide him with transportation to his residence upon release from detention or a facility operated or placement provided by DJJ. It is understood that a child who has been abandoned as defined in DFCS policy is deprived.

AREAS OF AGREEMENT

Both parties agree in principal to continue to meet their obligations to children under their respective purview following the placement of custody or commitment of said youth to the other party.

1. DHR/DFCS will provide appropriate services, in accordance with DFCS Policy and Procedures, to all children and their families when they are involved in the juvenile court system as a result of delinquent or unruly behavior.
2. DJJ agrees to provide equivalent services to DHR/DFCS youth involved in the juvenile justice system equal to services rendered to other DJJ clients.
3. Both parties recognize that commission of a delinquent or unruly act by a youth does not automatically qualify the youth for detention or commitment.
4. Both parties agree that DHR/DFCS will seek custody of children and youth in accordance with DFCS Policy and Procedures.
5. Except as otherwise provided in this Agreement, before either DHR/DFCS or DJJ directly or indirectly initiates or anticipates legal action through the courts which impacts the other agency, prior notice must be given to the agency and a joint staffing must be held. In accordance with this provision, DJJ and its employees will not suggest to a juvenile court or court employees or to participants in juvenile court proceedings that a youth should be placed in DHR/DFCS custody. Likewise, DHR/DFCS and its employees will not suggest to a juvenile court, court employees or other participants in a juvenile court proceeding that a deprived youth be placed on probation or committed to DJJ.
6. For the purpose of placement planning for children who are in the custody of DHR/DFCS and also committed to DJJ, the Departments and the Court shall share with each other all information concerning individual children subject to applicable federal and state laws.

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PROCEDURES FOR JUVENILE OFFENDER INTAKE & DETENTION DECISIONS**

1. Upon a child's arrest, a designated intake officer provided by DJJ or an Independent Juvenile Court receives the Juvenile Complaint Form and establishes jurisdiction of the Court.
2. The designated intake officer will determine the detention or release of the child. To promote greater consistency in the detention assessment and decision-making process, the DJJ Detention Assessment Instrument (DAI) will be used as a guideline in making all intake and detention decisions.
3. If the child is not in the custody of DHR/DFCS and is to be released, the intake officer should immediately contact the parent or legal guardian. In the event that the parent or legal guardian refuses to receive the child, a Child Protective Services (CPS) complaint will be made with DHR/DFCS immediately. Through investigation, DHR/DFCS will determine if substantiated abuse or neglect exists, in accordance with DHR/DFCS response time policy.
4. If after exhausting all efforts to locate and notify the parent or legal guardian within a reasonable timeframe as specified in the local MOU (not to exceed 8 hours), the intake officer will make a CPS complaint to DHR/DFCS. Attempts to locate a parent or guardian should include, and when the intake officer is a DJJ employee, shall include: a) telephone calls to the child's place of residence and to mobile (cell) telephones of household members provided by the child or found in DJJ records; b) calls to all relatives of the child known to DJJ or whose names are provided by the youth, including, but not limited to, work telephone numbers; and c) and when intake occurs during normal working hours, a visit to the residence of the child if at all feasible in an effort to locate the parent or guardian or to obtain information concerning the parent or guardian's whereabouts. All such attempts to locate the parent or guardian will be documented and such documentation shall be provided to DFCS if a referral to DFCS is necessary.
5. The designated intake officer will make a report to the local DHR/DFCS county department Child Protective Services (CPS) Intake Unit between the hours of 8:00 a.m. – 5:00 p.m. – Monday through Friday. If the incident takes place after 5:00 p.m. or before 8:00 a.m., or on the weekend, and/or holiday, the DJJ case manager will make contact with the DHR/DFCS on-call case manager in accordance with local practices.
6. Following a referral from the intake officer under the provisions of numbers 3 and 4 above, DHR/DFCS will investigate to determine whether abuse or neglect has occurred, in accordance with DHR/DFCS policy. If deprivation is present, DHR/DFCS will request that a Special Assistant Attorney General (SAAG) seek an order for custody of the child pending the 72-hour deprivation detention hearing. In these cases, DHR/DFCS will assure that the child is removed from detention within 8 hours after the youth is placed in DHR/DFCS custody unless the child is deemed appropriate for secure detention by the DJJ assessment process. Upon issuance of the detention (safekeeping) order, the

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DHR/DFCS case manager will provide written notification to the juvenile designated intake officer of the scheduled hearing date and time.

7. If the child is in DHR/DFCS custody, the designated intake officer will notify the county DHR/DFCS office which has custody of the child by telephone immediately, and file a detailed report as soon as possible (and not later than 24 hours after the youth is detained) as specified under the local MOU. The designated intake officer will document the date and time of notification and to whom they spoke at DHR/DFCS. DHR/DFCS shall respond to this referral within a reasonable time frame as specified in the local MOU.
 - a. DJJ will provide case expeditors to monitor the use of secure detention and facilitate the placement of appropriate youth in non-secure detention alternatives. DHR/DFCS case workers will work in concert with DJJ case expeditors on all joint custody/commitment cases.
 - b. When children score in the low range (2-7) on the DAI, youth are not normally deemed appropriate for detention. In these cases involving non-committed youth under DHR/DFCS custody, DHR/DFCS will assume primary responsibility for placement coordination, ensuring that the child is removed from secure detention within 8 hours. DHR/DFCS will also present the child for the delinquency probable cause hearing and any additional court hearings and staffings. DJJ will assume responsibility for placing committed youth in these circumstances.
 - c. In cases involving joint custody youth who score in the medium and high range (8 +) on the DAI, DJJ will assume primary responsibility for placement coordination, and will present the child for the delinquency probable cause hearing and any additional court hearings and staffings.
8. DJJ detention review committees meet at various intervals in all jurisdictions to evaluate cases for possible release and expedite court procedures. DHR/DFCS personnel will participate in these meetings, attending in all instances when interagency cases are reviewed. The case expeditors will identify joint custody/commitment cases and provide notice of such meeting to DHR/DFCS 5 days before the meeting time or if such notice is impossible, notice shall be provided as soon as the meeting is scheduled. In no case shall a meeting be scheduled to occur less than 24 hours before the DHR/DFCS case manager is notified of the meeting, without the agreement of both parties.

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**CASE MANGEMENT AND COORDINATION RESPONSIBILITIES FOR
COMMITTED YOUTH RETURNING TO THE COMMUNITY FROM YDC OR
OTHER LONG TERM PLACEMENT**

1. If the child is committed to DJJ, or is leaving a residential placement or a facility operated by DJJ and is not in DHR/DFCS custody:
 - a. DJJ will take primary responsibility for arranging the return of a youth to his family or guardian after a DJJ placement has ended. In all such cases DJJ will perform due diligence in arranging discharge placements to the child's parents, guardians or relatives, to allow the child to return to a home-like environment.
 - b. In the event that the parent or legal guardian cannot be found after diligent search by DJJ or refuses to receive the child upon release from a Youth Development Center or other DJJ placement, after DJJ has exhausted all efforts to place the youth with his or her family, a Child Protective Services (CPS) complaint will be made to DHR/DFCS. (DJJ will make this determination during its aftercare planning process, which normally begins a minimum of 60 days before release.) Through investigation, DHR/DFCS will determine if deprivation exists, in accordance with DHR/DFCS policy.
 - c. DJJ must notify DHR/DFCS in the parents/guardians county of residence if it has been unable to arrange discharge to the child's family or guardian within 60 days of the projected discharge date or as soon thereafter as DJJ has knowledge of such circumstance, whichever is first. All pertinent case information must be shared with DHR/DFCS at the time DJJ makes the CPS report. In addition, a report concerning the efforts DJJ has made to find such a placement for the youth will be provided not later than 20 days before the child is to be released, except in exceptional circumstances. It is anticipated that these procedures will apply primarily to youth who can function within a regular family environment.
 - d. DHR/DFCS will assist with the case as a DFCS diversion case to locate the parent or legal guardian, and will assign a case manager to assist DJJ in planning for the release of the youth. The assigned DHR/DFCS case worker will attend all staffings scheduled by DJJ case manager/monitor. DJJ will notify the DFCS case manager of each staffing five business days before it is held.
 - e. At the expiration of an initial two-year commitment order to DJJ, a CPS referral to DFCS will not be made for the purpose of obtaining continued treatment in a treatment program at DFCS expense. . If, at the end of an initial two-year commitment to DJJ, a youth's treatment needs prohibit him from returning to the community and he/she continues to require treatment or rehabilitation in accordance with O.C.G.A. Section 15-11-70, DJJ acknowledges its ability and responsibility to provide the child with continued treatment and rehabilitation in accordance with law.

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- f. If the child enters DHR/DFCS custody, the DJJ Case Manager will attend all scheduled Family Team Meetings “FTM” and Multidisciplinary Team Meetings “MDT”. DFCS will notify the DJJ case manager five days before the FTM or MDT meeting.
2. If the child is a joint custody case:
- a. DJJ will assume responsibility for providing a secure or non-secure residential placement for the youth until he/she is determined to be appropriate for release from a DJJ placement. DJJ will be responsible for providing a discharge plan for the child to be effective upon release. Consistent with the discharge plan, upon discharge from a DJJ residential placement, DHR/DFCS will assume primary responsibility for placement, with DJJ support and assistance.
 - b. Within 10 days of commitment to DJJ, the DJJ assessment and classification specialist shall convene a Screening Committee for the purpose of recommending placement. In joint custody commitment cases, the DJJ assessment and classification specialist or JPPS shall provide the DHR/DFCS county director a minimum of two working days notice, in writings (fax or e-mail) to include the date, time and location of the screening committee meeting. The DHR/DFCS case manager or designee shall attend.
 - c. DHR/DFCS and DJJ case managers shall visit children in residential placements in accordance with existing policy. DHR/DFCS and DJJ case managers shall conduct joint visits when possible and will provide one another with prior notification of scheduled visits. DHR/DFCS and DJJ must participate in all case plan reviews, utilization review and planning meetings for the release or relocation of children from any DHR/DFCS and DJJ placement and/or case termination.
 - d. If a decision is made by a Local Interagency Team to refer a case to state agency officials for therapeutic placement assistance, the DHR/DFCS case manager shall complete the requisite paperwork in consult with the DJJ case manager, for so long as this team continues to operate for this purpose.
 - e. DHR/DFCS will retain custody of the youth and will not petition the court for a release from custody. This provision does not obligate DFCS to file a petition for custody or a motion to extend custody. Likewise, DJJ is not required in joint custody cases to file a motion to extend a commitment order.
 - f. Both the DJJ case manager and the DHR/DFCS case manager must attend all FTM, court actions, and other staffings and screenings.

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- g. Both the DJJ case manager/monitor and the DHR/DFCS case manager must visit the child in placement in accordance with agency policy.
 - h. As soon as a release/discharge date for the child is scheduled, DHR/DFCS and DJJ case managers must consult and reach agreement on placement planning.
 - i. In instances where youth placed in residential treatment programs are committed to DJJ and in the custody of /DFCS, each party, unless otherwise agreed, will assume 50% of the costs for such placement, except when the youth is placed in a DJJ facility. DJJ will continue to provide its share of the cost of placement for such youth for the entire term of the commitment of the child to DJJ
 - j. Both parties agree to provide a minimum of 90 days notice of the anticipated expiration of commitment/custody orders or the anticipated discharge of youth from a placement due to clinical outcome achievement.
 - k. Both parties agree to accept mental health diagnoses and treatment recommendations for individual youth developed by the other agency.
 - l. If the child is in joint custody and his/her two-year commitment to DJJ is nearing expiration, DJJ will convene a joint staffing with DHR/DFCS within 60 days of the expiration of the commitment order to determine whether DJJ will submit a request to the committing juvenile judge for extension of the commitment order.
3. If a joint custody commitment, and the child is pregnant and gives birth while committed to DJJ, and in a DJJ placement:
- a. The DJJ case manager must work with the minor mother and her family/guardian to locate an alternative placement for the baby.
 - b. The minor mother must be involved in the team decision-making process to determine the best placement for the baby.
 - c. If the minor mother refuses the available placements or if no appropriate voluntary placement is available, DJJ case manager will contact DHR/DFCS to file a CPS report.
 - d. When the DHR/DFCS case manager substantiates deprivation, DHR/DFCS must place the baby in accordance with their placement policies and resources.
 - e. If possible, DHR/DFCS will try to maintain minor mother and child together in a placement resource.

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4. In the event that a child committed to DJJ is subsequently found deprived, and a Comprehensive Child and Family Assessment (CCFA) is scheduled. DHR/DFCS shall provide DJJ five working days a notice by fax, e-mail or mail of the date, time and location of any conferencing, FTM, MDT meetings. The DJJ JPPS or designee must attend all meetings.

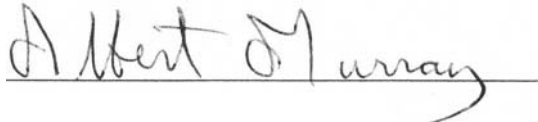
ADDITIONAL AREAS OF AGREEMENT

The local parties to this agreement will:

1. Develop county/regional memorandums of agreements governing the implementation of this agreement, and establishing specific procedures for handling joint custody cases. These will address such issues as resource sharing, detention standards and practices, and interagency case management policies.
2. A joint committee will be established at the state level to refine the agreement, provide guidance to local committees and address contentious cases falling within the purview of the agreement.

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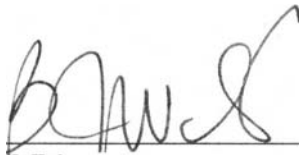
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COMMISSIONER,
DEPARTMENT OF JUVENILE JUSTICE

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DATE (04-28-06)



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COMMISSIONER,
DEPARTMENT OF HUMAN RESOURCES

4-28-06
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Possible additional statements:

******Discrepancies from the original signature page dated April 28, 2006
are the result of electronic scanning******