



NH Department of Health & Human Services
Division for Children, Youth & Families

DCYF Standard Operating Procedure

1341.2 CONDITIONAL RELEASE-VIOLATIONS

Policy Directive: **22-45**

Effective Date: **July 2022**

Implements Policy: **1341**

Approved:

Joseph E. Ribsam, Jr., DCYF Director

This SOP defines how JPPOs inform the Court when a child violates their conditions of release.

Procedure

The following information is to support the implementation of the above referenced policy. This document shall not preclude staff from using their professional judgement based on individual circumstances, consistent with the requirements of the policy.

- I. When the JPPO determines that a child has violated their conditions of release, the JPPO submits the following information to the Court:
 - A. A written motion, including:
 1. The venue and court case number(s) of the case(s) for which the violation proceedings are being initiated;
 2. A title for the motion (for example: "Motion to Bring Forward for Violation of Conditional Release");
 3. The name of the child, captioned as follows:
 - (a) For delinquent cases: "In the interest of _____, a minor;" or
 - (b) For CHINS cases: "In the interest of _____, a child;"
 4. The child's date of birth;
 5. The date the child was placed on conditional release;
 6. The date the child signed the [Conditions of Release \(Probation\) Individual Plan](#) Form (NHJB-2986-F);
 7. The specific conditions alleged to have been violated, referencing the term violated, that includes, but is not limited to, the date, time, manner, individual who committed the violation, and place of the alleged conduct;
 - (a) When multiple violations are being alleged, each violation must be addressed separately, referencing the specific term violated;

- (b) Failure to separate multiple violations may result in the dismissal of all alleged violations if one count is dismissed;
 - 8. Appropriate recommendations; and
 - 9. A Certificate of Service statement identifying all parties of record and the date and manner that a copy of the motion was delivered to the parties.
- II. Technical violations and interventions are discussed with the Supervisor and reported at the next scheduled review hearing.
- III. When the alleged violation of conditional release results from the alleged commission of a felony, misdemeanor, or other law violation, and may potentially subject the child to further prosecution, the JPPO:
- A. Contacts the appropriate law enforcement agency to determine whether the alleged offense has been reported; and
 - B. Reports any available information regarding the incident and requests an investigation if the alleged offense has not been reported.
- IV. When the child's behavior poses an immediate or significant threat to the safety of the community or the child, a motion may be prepared and filed by the JPPO recommending that the Court issue a pickup, placement, or detention order (if eligible) for:
- A. The child to be taken into immediate custody;
 - B. The child to be brought before the Court; or
 - C. A hearing to be scheduled by the Court.
- V. When the JPPO is not the prosecutor, they are expected to work with the prosecutor to ensure that they have all discovery materials, the witness list, and all other relevant details needed for successful prosecution.
- VI. The prosecuting JPPO is expected to:
- A. Understand and adhere to the rules of the Court, rules of evidence, and general courtroom decorum;
 - B. Be familiar with applicable statutory and case law, including the NH Juvenile Code;
 - C. Prepare and provide discovery and the witness list to defense counsel;
 - D. Respond to defense motions;
 - E. Prepare necessary exhibits; and

- F. Demonstrate that the child has violated conditional release by preponderance of the evidence.
- VII. Following a true finding on a conditional release violation, the JPPO submits dispositional recommendations:
- A. If the Court issues new dispositional orders, the JPPO completes a new Conditions of Release and Individual Plan; and
 - B. Amends any corresponding documentation.

Frequently Asked Questions

Q1. How do I subpoena a witness?

- A When it is necessary to subpoena witnesses or documents, speak with your Supervisor or designee about the protocols specific to your jurisdiction.

Q2. Can I file a motion for contempt, or show cause, against a child or parent?

- A JPPOs are directed to consult with their Supervisor before initiating contempt or show cause proceedings.

Q3. What if a child being supervised in New Hampshire for another state violates the terms of their release?

- A Any concerns that a child placed through the Interstate Compact for Juveniles has absconded or is non-compliant with the terms of supervision must be addressed pursuant to policy 1595 ICJ Youth Absconder and Reporting Non-Compliance, Failed Supervision and Retaking.
- A Consult with the Deputy Compact Administrator for ICJ-specific questions.

Glossary and Document Specific Definitions

A - B C - D E - F G - I J - L M - N O - Q R - S T - V W - Z

Document Change Log

PD	Modification Made	Approved	Date