

## 1403 RECOMMENDATIONS FOR NON-RESIDENT YOUTH

Chapter: **Juvenile Justice Field Services**

Section: **Investigations**



New Hampshire Division for Children, Youth and Families Policy Manual  
Policy Directive: Approved:

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John F. Duffy, Acting DJJS Director

Related Statute(s): [RSA 169-A](#); [RSA 169-B](#); [RSA 169-D](#); [RSA 170-A](#); and [RSA 170-G:4 XVIII](#).

Related Admin Rule(s):

Related Federal Regulation(s): [Rules and Regulations for Administration of the Interstate Compact on Juveniles](#).

Related Form(s):

Bridges' Screen(s) and Attachment(s):

Finite and costly services, placements and programs purchased by DJJS are intended for use by the children who are residents of this state. It is the belief of DJJS that each other state, including its communities and resident families, has the responsibility to meet the needs of its own children.

### Purpose

This policy establishes the criteria and requirements for court recommendations submitted by the Department of Health and Human Services (DHHS), Division for Juvenile Justice Services (DJJS), for those youth who are not residents of New Hampshire.

### Definitions

**"Non-Resident Youth"** means those minors and children who become subject to court proceedings in New Hampshire pursuant to RSA 169-B ("delinquent children") or RSA 169-D ("children in need of services" or "CHINS"), but who are not residents of this state, or whose NH residence ended prior to, during or shortly after the implementation of NH court proceedings.

**"Purchased Services"** are those services, placements and programs for which the court issues an order creating liability for DHHS to pay expenses pursuant to RSA 169-B:40 or RSA 169-D:29, and that are certified for payment by DHHS pursuant to RSA 170-G:4, XVIII.

**"Receiving State"** means the state in which the juvenile will reside and be supervised following an interstate transfer of supervision.

**"Sending State"** means the state in which the juvenile was adjudicated and where court jurisdiction remains.

### Policy

I. When the court refers a non-resident youth to DJJS, the juvenile probation and parole officer (JPPO) shall be aware of, and conform to applicable provisions of the following:

A. Case Law: [In re: Ryan G., 142 NH 643 \(1998\)](#), 707 A.2d 134.

B. Statutes:

1. RSA 169-A (*Interstate Compact on Juveniles*);

2. RSA 170-A (*Interstate Compact on the Placement of Children*);
  3. RSA 169-B:19-c and RSA 169-D:17-c ("Court Order for Services, Placements, and Programs Required for Minors From Certain Providers Qualified for Third-Party Payment");
  4. RSA 169-B:40 and RSA 169-D:29 ("Liability of Expenses and Hearing on Liability"); and
  5. RSA 170-G:4, XVIII (certification of providers of services, placements and programs paid for by DHHS).
- C. Rules: Association of Juvenile Compact Administrators (AJCA) *Rules and Regulations for Administration of the Interstate Compact on Juveniles*.
- D. DJJS Policies:
1. ["Interstate Transfer of Supervision"](#);
  2. ["Out-of-State Residential Placement"](#); and
  3. ["Use of District Court Dispositional Review Panel"](#).
- II. Pursuant to the *Interstate Compact on Juveniles*, Article VII (d) [in RSA 169-A:2]: ". . . the sending state shall be responsible under this article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state."
- III. Pursuant to the AJCA *Rules and Regulations for Administration of the Interstate Compact on Juveniles*, Rule 4-105, §5: "The sending state shall be financially responsible for the treatment services required by the sending state. The initial referral shall clearly state who will be responsible for purchasing treatment services for the juvenile sex offender."
- IV. Pursuant to AJCA *Rules and Regulations for Administration of the Interstate Compact on Juveniles*, Rule 5-1-1, §1: "When a juvenile is under the jurisdiction of a court for a sex-related offense and an interstate referral is made, the sending state shall include a copy of the juvenile's current risk assessment . . ."
- V. Pursuant to RSA 170-G:4, XVIII, DHHS is required to certify providers that are paid for by the department "based upon standards of quality and performance and . . . the need the state may have for such service, placement or program." DHHS is limited in its capacity to certify providers of services, placements and programs in all other states where non-resident youth may be returned to reside and receive such services.
- VI. The JPPO shall not submit dispositional recommendations for non-resident youth to the court that are inconsistent with the preceding case law, statutes, rules or policies.
- VII. Notwithstanding the provisions of RSA 169-B:22 and RSA 169-D:18, the JPPO shall not submit recommendations to the court to join a "legally liable school district" when the school district is in a state other than NH. The jurisdiction of NH courts is limited to joining only NH school districts as parties.

- VIII. Except in emergency or short notice situations where time prohibits, the JPPO shall review all dispositional recommendations for non-resident youth with, and obtain prior approval of the unit juvenile probation and parole supervisor (JPPS), before submitting the recommendations to the court.
- IX. Notwithstanding policy section VIII above, the JPPO shall obtain prior approval of the DJJS Field Services Bureau Chief or designee regarding any recommendations for purchased services, placements or programs, except for those that are required as a matter of law or rule as identified herein; such approval shall be documented in writing and entered into the case record.
- X. Except as provided for above, recommendations from the JPPO regarding non-resident youth who have been adjudicated delinquent or CHINS by a NH court are limited to one or more of the following dispositional options, as appropriate or required:
- A. Return of the juvenile to his/her parent, custodian, guardian or adult relative pursuant to RSA 169-B:19, I (a), or RSA 169-D:17, I (a);
  - B. "Conditional release" pursuant to RSA 169-B:19, I (d), or RSA 169-D:17, I (a)(2), supervised by the receiving state as required by Article VII of the *Interstate Compact on Juveniles*;
  - C. Payment of a fine to the court pursuant to RSA 169-B:19, I (b), or RSA 169-D:17, I (c);
  - D. Restitution to the victim pursuant to RSA 169-B:19, I (b), or RSA 169-D:17, I (c);
  - E. Uncompensated public service ("community service") pursuant to RSA 169-B:19, (h), or RSA 169-D:17, (d);
  - F. Commitment for minority to DHHS at the Sununu Youth Services Center pursuant to RSA 169-B:19, I (j); any subsequent parole must be supervised by the receiving state pursuant to Article VII of the *Interstate Compact on Juveniles*;
  - G. A current risk assessment for a juvenile who is under the jurisdiction of a court for a sex-related offense and for whom an interstate compact referral is being made for supervision of the juvenile's conditional release or parole; and
  - H. When appropriate and available, community-based programs and services in the receiving state that:
    - 1. Assess no service fees to the client or referring agency;
    - 2. Are payable in the first instance by the family directly to the provider, including payment by a juvenile from his or her own resources;
    - 3. Permit the juvenile to earn all or a portion of any fees;
    - 4. Are totally or partially reimbursable using insurance, Medicaid or other third party funding for which the family is eligible;
    - 5. Are totally or partially reimbursable from scholarships, stipends, subsidies or a sliding fee schedule for which the child or family is eligible; or

6. Are payable by any combination of the above.

**Procedures**

- I. Upon receipt of a court referral of a non-resident youth, the JPPO:
  - A. Reviews the court documents;
  - B. Reviews applicable laws, rules and policies identified in this policy; and
  - C. Notifies the unit JPPS and seeks supervisory guidance regarding dispositional options to be considered.
- II. When authorized by the court order, the JPPO conducts a background investigation consistent with DJJS policy regarding "[Pre-Dispositional Investigations](#)".
- III. The JPPO prepares and submits written recommendations to the court; when an investigation has been conducted pursuant to procedures section II above, the recommendations are submitted in the format specified in DJJS policy regarding "[Pre-Dispositional Investigation Reports](#)".
- IV. When "conditional release" supervision is ordered by the court, or a committed juvenile is paroled by the NH Juvenile Parole Board, the JPPO adheres to the requirements of the *Interstate Compact on Juveniles*, *AJCA Rules and Regulations for Administration of the Interstate Compact on Juveniles* and DJJS policy regarding "[Interstate Transfer of Supervision](#)", including preparation and submission of required forms and documentation.
- V. When an out-of-state placement of the juvenile outside of his/her own home is ordered by the court, the JPPO adheres to the requirements of the *Interstate Compact on the Placement of Children*, including preparation and submission of required forms and documentation.
- VI. If the court enters dispositional orders with which the agency disagrees, the JPPO adheres to the provisions of RSA 169-G and DJJS policy regarding "[Use of Dispositional Court Review Panel](#)".