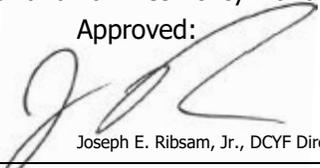


2580 REFERRAL FOR RESTORATIVE CONFERENCE	
Chapter: Prevention and Community Education	Section: Engaging the Community
 <p>New Hampshire Division for Children, Youth and Families Policy Manual Policy Directive: 19-05 Effective Date: March 2019 Scheduled Review Date:</p>	<p>Approved:</p>  Joseph E. Ribsam, Jr., DCYF Director
Related Statute(s): RSA 169-B , RSA 169-C , RSA 169-D , RSA 621 , and RSA 621-A Related Admin Rule(s): Related Federal Regulation(s):	Related Form(s): FORM 2580 Bridges' Screen(s) and Attachment(s):

Everyone deserves to be safe. The Division for Children, Youth and Families supports Restorative Conferences as a voluntary opportunity for individuals impacted by an offender's behavior to speak with equal voice. It is important to understand that the Restorative Conference focus on what the offender(s) did and how the behavior has affected others, however it is not a consequence and it is not about blame as the offender (s) has already accepted responsibility for the behavior. The focus is on: repairing the harm caused by the offender; building relationships and a sense of community for the offender to reintegrate into, instead of isolating from; and ultimately to prevent further conflict and recidivism.

Purpose

This policy defines how staff can refer an individual or family for a Restorative Conference and how referrals are managed.

Definitions

"**CPS**" means the Bureau of Field Services' Child Protective Services within DCYF.

"**DCYF**" or the "**Division**" means the Department of Health and Human Services' Division for Children, Youth and Families.

"**JJS**" means the Bureau of Field Services' Juvenile Justice Services within DCYF.

"**SYSC**" or the "**John H. Sununu Youth Services Center**" means the architecturally secure juvenile treatment facility administered by the Division for Children, Youth and Families for committed juveniles and detained youth, and for NH youth involved with the NH court system prior to their adjudication.

Policy

Restorative Conference Guidelines

- I. CPS, JJS, or SYSC staff may identify a child/youth or family that he/she believes would benefit from the use of a restorative conference when:
 - A. The child/youth or family is voluntarily agreeable to participating in a restorative conference; and
 - B. The child/youth or family meets the participant qualifications as follows:

1. The offender(s) in a restorative conference must accept responsibility for his/her actions/behaviors.
 2. A participant:
 - (a) Voluntarily agrees to participate;
 - (b) Feels safe and prepared to speak and/or hear about topic;
 - (c) Understands the purpose of the restorative conference and able to participate without judgment of other participants; and
 - (d) Understands that participation in a restorative conference is for the basis of rehabilitation and repairing harm. Confidentiality shall be afforded throughout the process preventing any shared information from being used for self- incrimination in further delinquency proceedings.
- II. Consideration of a restorative conference may be shared during treatment team meetings, Solution-Based Family Meetings, or Family Assessment and Inclusive Reunification (FAIR) meetings to review the purpose of restorative conferences and the child/youth or family's readiness for participation.
- III. A referral for a restorative conference shall be made by completing and submitting Form 2580 Restorative Justice Conference Referral Form.
- IV. All referrals for a restorative conference shall be reviewed by a Responsive Restorative Practice certified facilitator pursuant to policy 2581 to screen for appropriateness prior to approving the referral and scheduling a restorative conference.
- A. In certain circumstances during the screening of a restorative conference referral a participant may not meet the qualifications or may not be appropriate for a restorative conference and the referring staff will be notified that a restorative conference will not be scheduled or completed.
- V. The staff (CPS, JJS, or SYSC) who referred the child/youth or family, will:
- A. Provide the contact information for all anticipated participants to the Responsive Restorative Practice certified facilitator; and
 - B. Attend the restorative conference as a participant.

Practice Guidance

What do I do if a court orders a restorative conference for a youth or family?

- A restorative conference is a voluntary process; however, staff must comply with court orders. If a court orders a restorative conference, make the referral and the Responsive Restorative Practice certified facilitator will review it for appropriateness. You will be notified of the determination and if it is not appropriate, report back to the court that the referral was made but due to the voluntary nature of restorative conferences and the circumstances of the youth or family, a restorative conference would not be appropriate at this time.

How do I know if a youth or family are appropriate for a Restorative Conference?

- Consider:

- Has the offender admitted to offense?
- Has the incident adversely affected or harmed anyone?
- Is there a need to repair harm? and
- Does victim want to participate?
- If all 4 questions answered affirmatively, then a conference can be held. However, there are still factors that could weigh against holding a conference. In considering should you hold a conference, assess:
 - Adverse political climate;
 - Facilitators lack of experience;
 - Inappropriateness of a single conference to address long standing abuse; and
 - If the issue has already been addressed restoratively.

If I make a referral for a restorative conference and it is not approved what does that mean?

- A restorative conference is a process that requires participants to be emotionally prepared. A Responsive Restorative Practice certified facilitator will meet with participants to pre-screen and prepare them for a restorative conference. It is not uncommon in the screening process to identify that a participant is not at a point in which he/she is emotionally ready to participate.
- The facilitator may determine the participant is not age or developmentally-appropriate pursuant to the federal standard in SSA 475(11)(A) that qualifies activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity, or that are determined to be developmentally-appropriate for a specific child based on the developmental stages attained by that child with respect to his/her cognitive, emotional, physical, and behavioral capacities.
- If the key participants are not appropriate at the time of the referral, the referral will not be approved but this does not mean that a referral cannot be made again when the participants have had time to work through the barriers that kept them from being ready to participate.