

# KENTUCKY COURT DESIGNATED WORKER PROGRAM

*Working Together for Kentucky's Youth*



## 2016 Annual Report





# Court system key partner in Kentucky's efforts to improve juvenile justice

With a common commitment to Kentucky's youth, the Administrative Office of the Courts formed a strong partnership with other state and local agencies during the initial implementation of Senate Bill 200, passed in 2014 to bring sweeping changes to how we treat our young offenders.

This teamwork allowed us to move quickly to enact juvenile justice reform. After executing a thoughtful plan in 2015, the Court Designated Worker Program maintained the momentum needed to build on its early progress.

The court designated workers' collaboration and hard work resulted in Family Accountability, Intervention, and Response Teams being established statewide by May 2016. This major milestone meant that young people in



*John D. Minton Jr. is chief justice of Kentucky*

all 60 judicial districts could have their cases reviewed by teams of professionals. The FAIR Team process strives to keep youth away from the formal court system by providing greater access to treatment and diversion programs.

FAIR Teams continue to be an important source of information on the services available in each community. Through case review and service referrals, FAIR Team members are increasingly able to identify what services are used most frequently, what services are not offered locally and the barriers that prevent

families from accessing services.

The ultimate goal is to provide better outcomes for youth and their families and I commend our dedicated CDWs for leading the way in juvenile justice reform.

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# Court designated workers seeing improved outcomes through juvenile justice reform

## Highlights for Calendar Year 2016

It is my pleasure to present the 2016 Court Designated Worker Annual Report. The Department of Family & Juvenile Services oversees the CDW Program for the Administrative Office of the Courts.

In 2016, CDWs continued to play a critical role in improving how Kentucky provides treatment services and diversion to young people who come into contact with the court system.

CDWs are on the front lines of carrying out juvenile justice reform as mandated by the 2014 passage of Senate Bill 200. One of their primary responsibilities was to establish a Family Accountability, Intervention, and Response Team in every judicial district in Kentucky, something they accomplished by May 2016.

After successfully completing the initial phases of implementation, CDWs began to focus on applying continuous quality improvement to their program operations and services. For example, they:

- Executed an inter-rater agreement process to ensure staff were consistently and reliably administering the needs screener given to young people during intake.



*Rachel Bingham is executive officer of the Department of Family & Juvenile Services at the Administrative Office of the Courts*

- Developed an online application through which FAIR Team members can securely log in and review case lists for upcoming FAIR Team meetings.
- Completed training on how to apply evidence-based practices with youth, such as the Principles of Effective Intervention and Graduated Responses.
- Collaborated with the Regional Interagency Councils and the Department of Juvenile Justice to host regional trainings for FAIR Team members on the Principles of Effective Intervention.
- Introduced implicit bias trainings to reduce the impact of disproportionate minority contact in the juvenile justice system.

In 2016, CDWs also conducted 11,115 status offense pre-complaints, entered 22,239 juvenile complaints, closed out 12,468 cases with a diversion agreement and assisted police with the release of 5,023 children taken into custody.

I'm proud of what the CDWs accomplished. Their commitment to providing effective interventions means that young people across Kentucky have the opportunity for a brighter future.

## Courts have enhanced record-tracking role under Senate Bill 200

Senate Bill 200 was passed in 2014 and requires the Court Designated Worker Program to produce an annual report offering a detailed analysis of the youth served by the program.

The 2016 CDW Annual Report is the fourth report prepared under this mandate. The data in this report comes from the CDWCMS, the electronic case management system used by the CDW Program.

The changes in reporting can be found in KRS 605.020, which was amended in part to read:

(6) (a) The Administrative Office of the Courts shall collect and track data, and provide an annual report to the oversight council created in KRS 15A.063 containing the following information:

1. The number and type of complaints received by each court-designated worker;
2. The outcome of each complaint, including whether a referral was made to the county attorney or the Department for Community Based Services;

3. The number of children committed to the Department for Community Based Services pursuant to KRS 620 who were originally charged with status offenses under KRS 630 or whose cases were amended from status to dependency, neglect, and abuse; and
4. Whether a child who successfully completed a diversion agreement was, within one (1) year following completion of the agreement, adjudicated a public offender or convicted in the adult court of a criminal offense.

# FAIR Teams implemented statewide in 2016

The Administrative Office of the Courts reached an important milestone in May 2016 when it met the goal of implementing Family Accountability, Intervention, and Response Teams in all 60 judicial districts in Kentucky.

That accomplishment represented a tremendous amount of effort from court designated workers as well as support from community partners throughout the state. It was also a turning point for juvenile justice reform in Kentucky, as it gave young people in every district access to the enhanced case management process available through the FAIR Teams.

Senate Bill 200, enacted in 2014, required the AOC to take the lead in creating multidisciplinary FAIR Teams, whose members represent the legal system, schools, treatment providers and juvenile justice agencies. Their purpose is to give young people an alternative to formal court through treatment services and enhanced case management plans.

FAIR Team members review diversion agreements and service referrals to ensure young people are receiving effective, community-based interventions to reduce their risk factors and address their needs.

In 2016, FAIR Teams held 1,358 meetings and reviewed 2,405 new cases. Of those cases, 2,142 were closed and became inactive with the CDW Program. More than 51 percent of the cases closed were handled outside of the formal court process, with 900 cases closed due to the successful completion of diversion and 188 cases referred to the county attorney and subsequently dismissed. An additional 1,054 cases (49 percent) were referred to the county attorney for formal court processing.

As a result of the screening, assessment and enhanced case management processes applied by the FAIR Teams, more cases were being handled out of court through successful diversion or dismissal.

Just two years into the implementation of juvenile justice reform, FAIR Teams were improving the lives of many young people by preventing them from becoming unnecessarily involved in the formal court system. Encouraged by this success, CDWs are committed to continuous quality improvement by completing training, seeking technical assistance, adopting evidence-based practices and improving the diversion process.

## Ongoing trainings prepare CDWs to better serve youth

The Administrative Office of the Court offered a variety of high-caliber training programs in 2016 to help court designated workers improve outcomes for youth on diversion. These trainings included:

**Regional Trainings.** CDWs took part in quarterly regional trainings that provided professional development opportunities on these topics: Targeting Key Risk Factors in Diversion, Principles of Effective Intervention and Cognitive Interaction Skills, Service Coordination in Diversion, Utilizing Graduated Responses in Diversion, Human Trafficking Protocol and the Impact of Domestic Violence on Children.

**Inter-Rater Agreement Process.** The inter-rater agreement process measured the level of agreement among individuals recording answers on a tool during the same interview to determine if all CDW staff were implementing the GAIN Diversion Short Screener as it was intended.

Regional supervisors, program coordinators and managers observed CDWs across the state to determine if they were implementing program tools with fidelity. The goal for phase one was for 25 percent of staff to agree on 75 percent of items and the goal for phase two was for 50 percent of staff to agree

on 85 percent of items. The phase three goal was for 75 percent of staff to agree on 95 percent of items and the ongoing goal is to maintain the phase three level of agreement.

**Implicit Bias/Cultural Understanding Trainings.** These trainings focused on current research regarding implicit bias and its effect on continuing institutional racism and disparate practices with minority youth and families. Participants were taught to recognize the importance of cultural awareness when working with families and children, and how cultural awareness may play a role in reducing disproportionate minority contact and disparities.

**School Pathways Initiative.** The Administrative Office of the Courts partnered with the National Council of Juvenile and Family Court Judges and the Court Improvement Program on this initiative, which involved courts and schools working together to keep youth out of the juvenile justice system. One of the goals was to educate community leaders about school-justice issues and how to reduce the number of youth who come into contact with the courts.

The NCJFCJ provided technical assistance and training to educate community leaders on this endeavor.

# About the Court Designated Worker Program

When a young person is in trouble, positive intervention can mean the difference between a bright future and one with challenges. In Kentucky, court designated workers process complaints against juveniles under age 18, giving CDWs the opportunity to help thousands of children and teens every year.

The Court Designated Worker Program began in 1986 when the Kentucky General Assembly established a statewide pre-court program. The program addresses complaints filed against juveniles prior to any action taken in formal court.

Every Kentucky county has the services of a CDW who is available 24 hours a day, seven days a week. The CDW Program operates under the direction of the Department of Family & Juvenile Services of the Administrative Office of the Courts.

The CDW Program ensures due process for juveniles by involving them in the complaint review process and explaining their rights under the law. They are also informed of the options for handling their case, whether informally through a diversion agreement or formally through the court system.

When appropriate, juveniles are diverted from the formal court system. Those who are eligible for diversion will not have a formal court record if they successfully complete the supervised educational and treatment-based program agreed upon in a pre-court contract, called a diversion agreement.

## Duties of a Court Designated Worker

CDWs are responsible for:

- Processing all public and status complaints on children under age 18.
- Assisting law enforcement in the custody process.
- Conducting preliminary investigations and interviews.
- Developing and supervising diversion agreements.

The CDW receives all complaints, which fall into two categories, status offenses and public offenses. Status offenses are non-criminal forms of juvenile behavior, such as running away from home, not attending school, tobacco and alcohol offenses, and exhibiting beyond-control behavior at home or at school. Public offenses are defined in the same terms as adult charges.

Anyone can file a complaint against a juvenile, including a police officer, victim, parent or school official. Juveniles who have a complaint filed against them are given the opportunity to meet with a CDW.

## Custody Instead of Arrest

Under Kentucky's juvenile justice system, children under age 18 are taken into custody instead of being arrested. CDWs assist law enforcement officials in finding appropriate placements, such as with parents or guardians, relatives or an emergency shelter. Detention may be authorized by a judge if there are concerns that a juvenile may reoffend, fail to appear for court or be a safety risk.

## Appropriate Placements

It is always the intent of the CDW to find the least-restrictive placement option. CDWs have five least-restrictive alternatives to consider when making placement decisions:

- Parent or custodial guardian, unless prohibited by the court for alleged abuse.
- Responsible adult, such as a relative, neighbor or friend of family.
- Emergency shelter.
- Crisis stabilization units, if applicable.
- Inpatient mental health assessment, if applicable.

## Diversion Agreements

The goal of diversion is to reduce further involvement in the court system. CDWs follow established criteria to determine if a juvenile is eligible to participate in a diversion agreement or if the case, by law, must be referred to formal court. If the juvenile is eligible and agrees to the informal process, he or she enters into a diversion agreement with the CDW.

The diversion agreement holds juveniles accountable for past actions and provides tools to manage current behavioral issues. These tools include:

- Prevention and education programs
- Service learning projects
- Community service
- Restitution
- Curfew
- School attendance
- Counseling
- Treatment

The CDW monitors juveniles throughout the diversion program, which helps ensure they are given the tools and skills necessary to make better decisions in the future.

When the juvenile successfully completes a diversion program, the case is closed and no formal court record is created.

# CDW Program by the Numbers

## Pre-Complaints

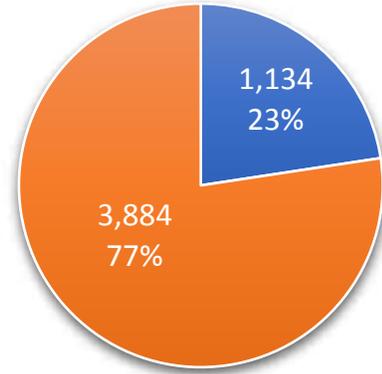
Court designated workers use the pre-complaint conference to coordinate a young person's case management and any prevention services prior to a complaint being filed.

During the pre-complaint conference, CDWs gather information that includes family history, behavioral issues, previous assessments or services, and assessments or services that may be beneficial moving forward.

At the pre-complaint stage, youth alleged to be beyond control of their parents will participate in the Diversion Short Screener, a tool to assist in determining potential needs. The pre-complaint conference is also a good opportunity to help families who simply need assistance connecting to a particular resource.

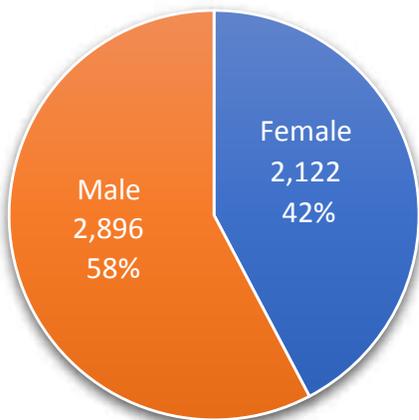
After the pre-complaint conference, the complainant will have the option to file a formal complaint or charge. That allows CDWs to provide more intense case management over an extended period of time to families who need a more formal intervention.

## Pre-Complaints That Became a Formal Complaint CY 2016



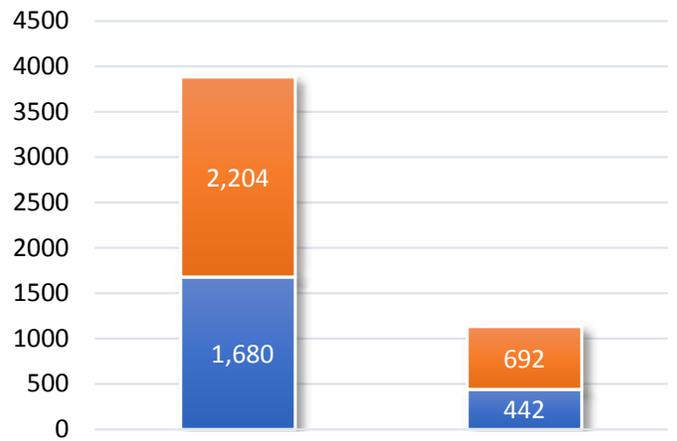
- No Complaint
- Pre-Complaints That Became a Complaint

## Pre-Complaints by Gender CY 2016



- Female
- Male

## Pre-Complaint Comparison CY 2016



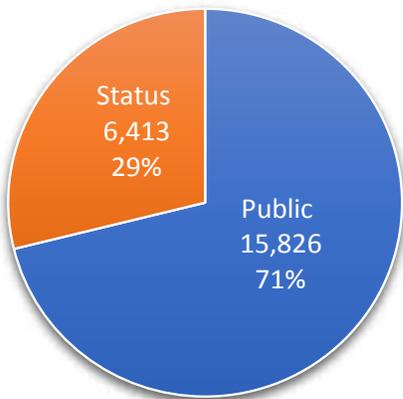
- Female
- Male

# CDW Program by the Numbers

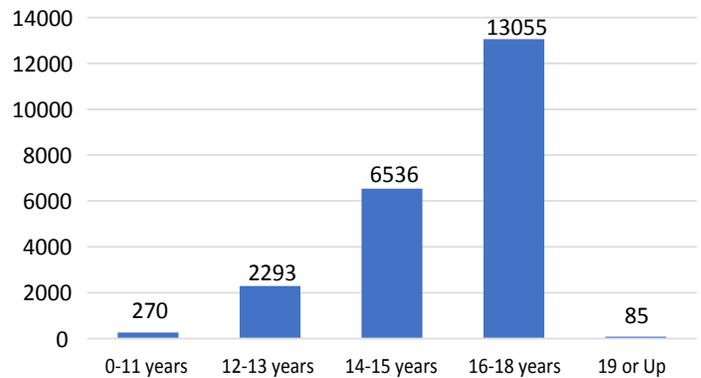
## Public & Status Complaints

Of the 22,239 complaints filed against juveniles in 2016, 71 percent were for public offenses and 29 percent were for status offenses. Thirty-nine percent of the complaints were school related and 61 percent were non-school related. Status offenses comprised 54 percent of school-related complaints. School-related complaints are those initiated by the school.

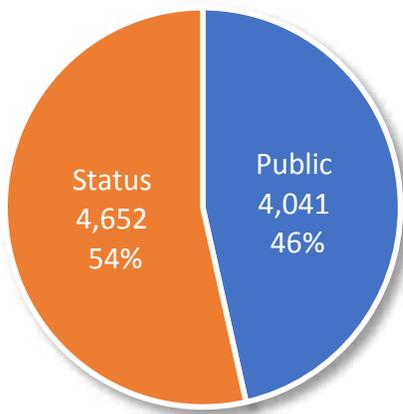
**Complaints Filed by Type:  
Public vs. Status Offenses  
CY 2016**



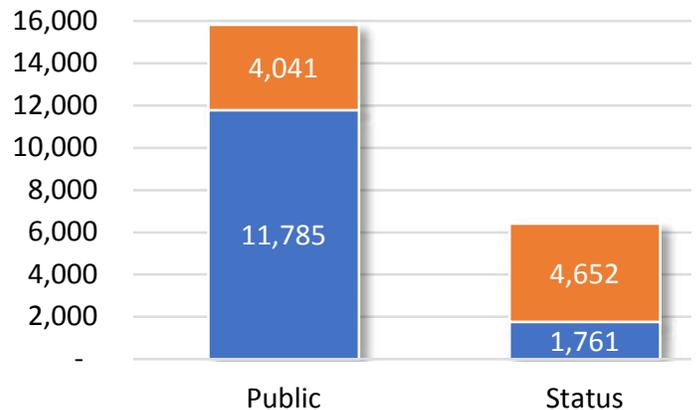
**Complaints Filed by Age  
CY 2016**



**School-Related Complaints  
CY 2016**



**School-Related vs.  
Non-School Related Complaints  
CY 2016**



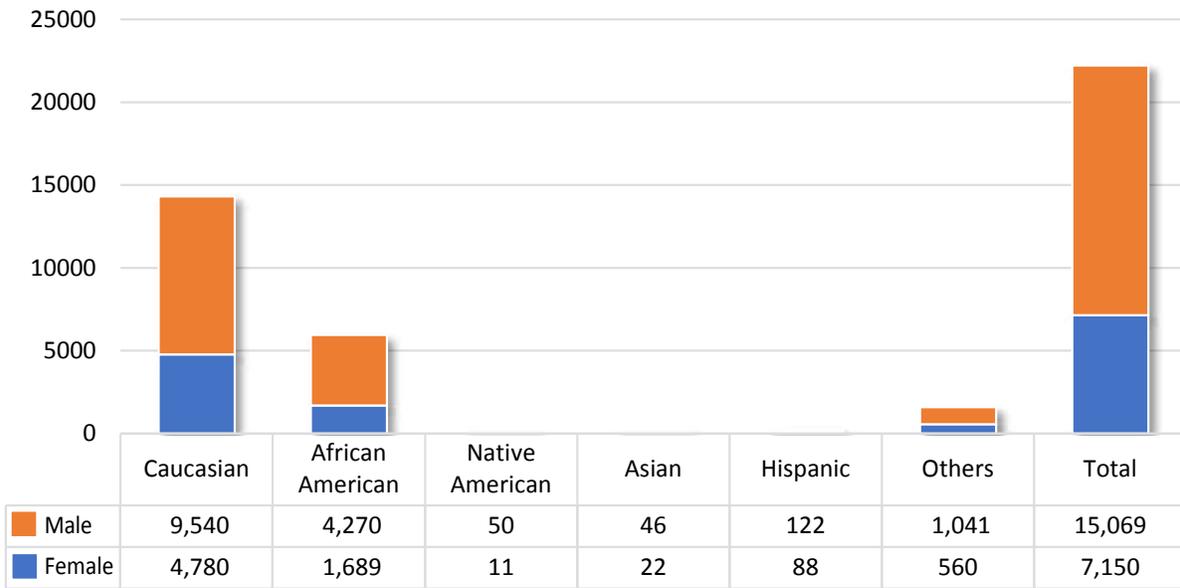
■ Non-School Related ■ School Related

# CDW Program by the Numbers

## Complaints by Race & Gender

Of the 22,239 complaints in 2016, 64 percent were filed against Caucasian juveniles and 27 percent against African-American juveniles. The remaining 9 percent of complaints were filed against juveniles who were Native American, Asian, Hispanic or another racial group not captured individually.

### Public & Status Complaints Filed by Race & Gender CY 2016



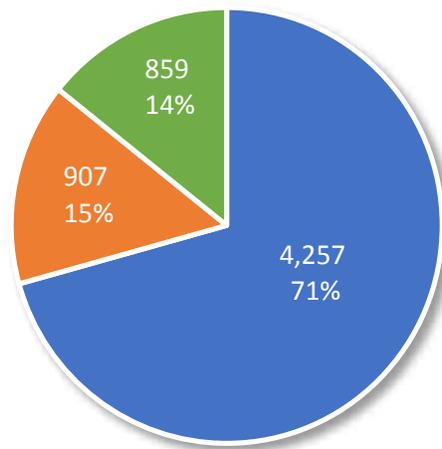
Note: 20 complaints with unknown gender are excluded.

# CDW Program by the Numbers

## Status Complaints Filed

There were 6,413 status complaints filed on juveniles in 2016. Of the three most common status complaints, 71 percent were for habitual truancy, 15 percent were for beyond control and 14 percent were for runaway.

### Status Offenses Within Complaints Filed CY 2016



■ Habitual Truant    ■ Beyond Control    ■ Runaway

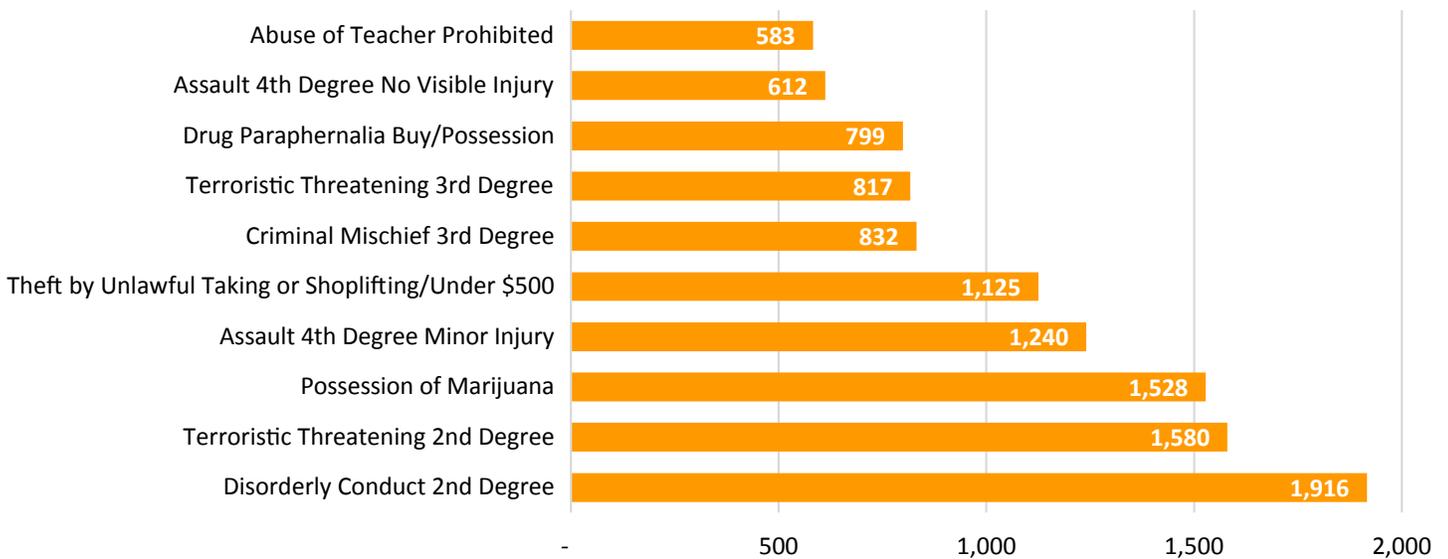


# CDW Program by the Numbers

## Public Complaints Filed

There were 15,826 public complaints filed on juveniles in 2016. Of the five most common charges, 17 percent were for disorderly conduct 2nd, 14 percent were for terroristic threatening 2nd, 14 percent were for possession of marijuana, 11 percent were for assault 4th minor injury and 10 percent were for shoplifting.

## 10 Most Common Public Offenses Filed With Statewide CDW Program CY 2016



## Restitution

The amount of restitution collected from juveniles depends on the number of cases involving theft, damage to property and medical expenses for the victim. Juveniles on diversion paid \$115,672 in restitution to victims in CY 2016.

## Restitution Collected Through Diversion

Calendar Year	Restitution
CY 2010	\$58,754
CY 2011	\$64,904
CY 2012	\$87,355
CY 2013	\$53,999
CY 2014	\$52,127
CY 2015	\$99,245
CY 2016	\$115,672
<b>Total</b>	<b>\$532,056</b>

# CDW Program by the Numbers

## Custody Outcomes for Public & Status Complaints

A juvenile can be taken into custody by a law enforcement officer who has probable cause to believe the child has committed an offense. The law enforcement officer may release the youth to a parent, relative, guardian or custodian upon his or her written promise to appear with the child in juvenile court. However, youth meet the criteria for detention if:

- There is reasonable belief the young person is unlikely to appear in court.
- Detention is essential to protect the youth or the community.
- The youth is charged with a serious offense.
- A parent, guardian or custodian cannot be located or is unwilling to take custody.
- The youth has a reasonable basis for requesting detention.

Once a young person has been taken into custody, a court designated worker will respond to the custody site and

determine if the child meets the criteria for detention. The CDW will contact a judge if the youth is eligible to be detained.

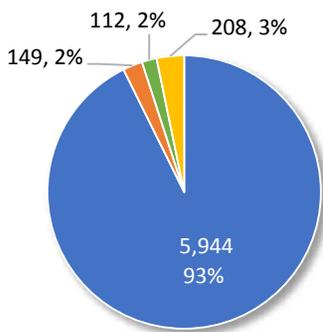
If the young person is held in a juvenile detention center, a detention hearing must be held after he or she is taken into custody. At the detention hearing, the judge:

- May dismiss the charges and release the youth if there is no probable cause he or she has committed an offense.
- May release the youth to his or her parents, guardians or custodians upon promise to reappear in juvenile court.
- May order continued detention if there is reasonable belief the youth is unlikely to reappear; if detention is essential to protect the youth or the community; if the parent, guardian or custodian cannot be located or is unwilling to take custody; or if the youth has a reasonable basis for requesting detention.

### Status Complaints

There were 6,413 status complaints on juveniles in CY 2016. Of the juveniles involved, 93 percent were not taken into custody, 2 percent were released by police officers, 3 percent were detained and 2 percent were released by the court designated worker.

### Custody Outcomes of Status Complaints CY 2016

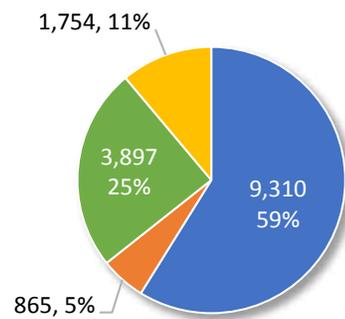


- Child Not Taken Into Custody
- Child Released by CDW
- Child Released by Peace Officer
- Extension of Detention

### Public Complaints

There were 15,826 public complaints on juveniles in CY 2016. Of the juveniles involved, 59 percent were not taken into custody, 25 percent were released by peace officers, 11 percent were detained and 5 percent were released by the court designated worker.

### Custody Outcomes of Public Complaints CY 2016



- Child Not Taken Into Custody
- Child Released by CDW
- Child Released by Peace Officer
- Extension of Detention

# CDW Program by the Numbers

## Diversion Agreements

In 2016, 7,862 public complaints and 4,606 status complaints were handled through diversion agreements. A diversion agreement is a contract, also called a case plan, that the CDW negotiates with the child.

The goal of the diversion agreement is to hold the child accountable for his or her behavior, secure services if

appropriate, and serve the best interests of the child while providing redress and restitution for his or her offenses without court action and without creating a formal court record.

Diversion agreements are customized to fit the individual needs of the child. The CDW draws upon community resources and a variety of tools and programs to resolve a complaint. Successful diversion agreements have produced a significant amount of money in the form of restitution.

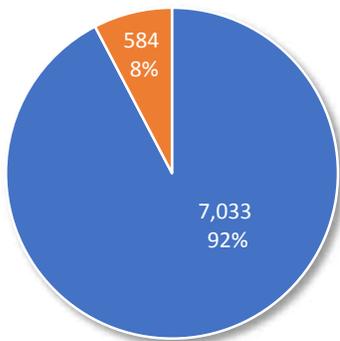
## Diversion Agreements Within Complaints Closed CY 2016

	Public	Status	Total
Complaints	7,862	4,606	12,468

## Successful Diversions

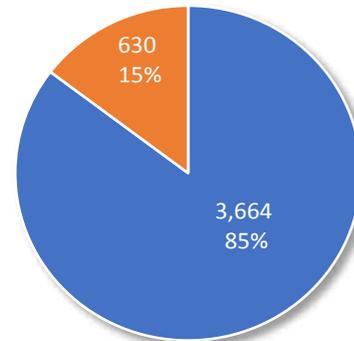
Of the 7,862 public complaints, 92 percent of the diversions were completed successfully. Status complaint cases are generally more complex than a public complaint. Of the 4,606 status complaints, 85 percent of the diversions were completed successfully.

### Public Complaints Closed With Diversion CY 2016



■ Successful Diversion ■ Unsuccessful Diversion

### Status Complaints Closed With Diversion CY 2016



■ Successful Diversion ■ Unsuccessful Diversion

# CDW Program by the Numbers

## Terms of Diversion

The terms used to set up a juvenile's diversion agreement must provide prevention, education, accountability and treatment when appropriate. There were 52,353 terms used in diversion agreements during 2016.

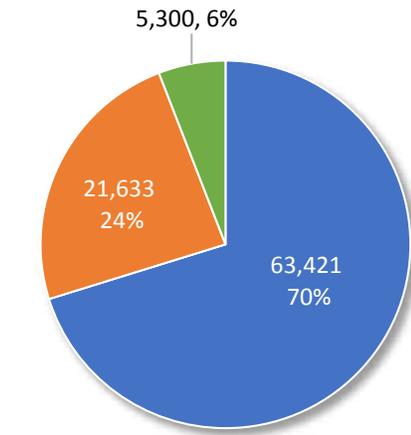
**Community Service Hours.** Juveniles performed 21,633 hours of community service in their local communities.

**Service Learning Hours.** Juveniles on diversion completed 90,354 hours of service learning.

## Terms of Diversion Agreements CY 2016

	Terms
Assault Workbook/Service Learning Project	1,136
Bullying Workbook/Service Learning Project	128
Character Counts!	25
Community Service Work	925
Community Works	9
Counseling Assessment	3,591
Counseling Referral	4,789
Criminal Mischief Workbook/Service Learning	325
Curfew	2,423
Drug/Alcohol Education	167
Educational Diversion Assignment	5,440
Educational Seminar/Program (Specify)	469
Families Workbook/Service Learning Project	281
Farmers, Families, Friends, & Fitness Work	8
Harassment/Internet Safety Workbook/Service	187
Letter of Apology	1,315
Look Before You Leap	48
Making Choices	56
Making It on Your Own	19
NEFE High School Financial Planning	2
No Negative Contact	1,298
Other	1,371
Psychosexual Assessment	33
Psychosexual Counseling Referral	5
Report to CDW	2,188
Restitution	262
School Attendance	11,967
Service Learning Project (Group)	158
Service Learning Project (Individual)	8,566
Service Learning Workbook	112
Street Law for Juvenile Justice Programs	106
Substance Education Activity Program	181
Substance Workbook: Journal	460
Taking Active Control Today	1
TBUT Workbook/Service Learning Project	872
Teen Court Diversion	220
Theatre in Diversion	34
Tobacco Workbook/Service Learning Project	157
Truancy Diversion Program (TDP)	651
Truancy Workbook/Service Learning Project	2,368
<b>Total</b>	<b>52,353</b>

## Service Learning Hours CY 2016



- Service Learning Project (Individual)
- Community Service Work
- All Other Service Learning Hours

# CDW Program by the Numbers

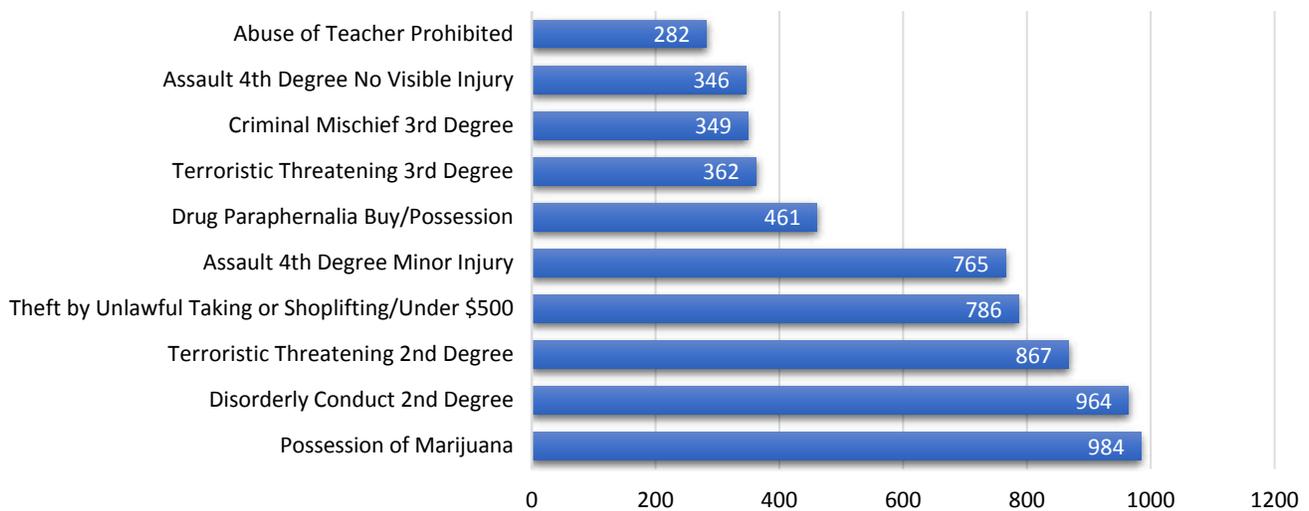
## Counseling With Diversion

Counseling is an important part of a juvenile's diversion agreement. Sixty-three percent of juveniles with public complaints and 37 percent of juveniles with status complaints participated in counseling as part of their diversion agreement.

## Diversion Agreements With Terms of Counseling Assessment and/or Counseling Referral CY 2016

	Public	Status	Total
Complaints	5,056	3,017	8,073

## Top 10 Offenses Within Public Complaints Filed With Diversion Agreement CY 2016



## Teen Court Diversion Program

Teen Court is based on the premise that most young people want to do what is right when making decisions. Even those who may make the wrong choice due to external factors, such as peer pressure, are often gratified to learn they have an opportunity to make amends.

Teen Court gives juveniles the opportunity to participate in a less formal court process carried out by their peers. As part of his or her diversion, a juvenile agrees to participate in Teen Court and have his or her sentence set by their peers.

The goals of Teen Court are to:

- Reduce repeat offenses by young offenders.
- Change the attitudes of offenders toward law enforcement, society and themselves.
- Hold young offenders accountable for their actions.
- Increase young offenders' understanding of how their behavior affects others.

## Complaints Closed by Case Close Reason With Teen Court Diversion Agreement CY 2016

Public Complaints	
CDW Referred Case for Formal Processing	1
County Attorney Requested Informal Processing/Dismiss	5
County Attorney Requested Formal Court Referral	6
Successful Diversion	218
Unsuccessful Diversion	12
<b>Total</b>	<b>242</b>
Status Complaints	
County Attorney Requested Informal Processing/Dismiss	1
Successful Diversion	12
<b>Total</b>	<b>13</b>
<b>Grand Total</b>	<b>255</b>

# CDW Program by the Numbers

## Truancy Diversion Program

The Administrative Office of the Courts created the Truancy Diversion Program in 2005 to help students at risk of being charged with truancy because of too many unexcused absences.

The program uses a multidisciplinary team approach to help students become more successful. The team consists of judges, school personnel and court designated workers. They meet weekly to help students develop good attendance habits and improve their overall school experience. During 2015-2016, 209 schools in 71 counties participated in the Truancy Diversion Program.

The Truancy Diversion Program is divided into two phases.

**Pre-Complaint Phase.** The Pre-Complaint Phase is when the truant student and his or her parents meet with the TDP Review Team and attend a two-hour educational workshop.

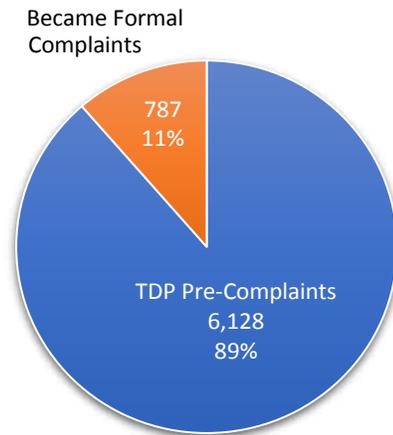
**Complaint Phase.** The Complaint Phase is when the student has been absent or tardy six or more times without a valid excuse and is considered habitually truant. The CDW fills out a complaint on the student. The student and his or her parents attend weekly sessions with the TDP Review Team and comply with recommendations and requirements set forth by the team. The Complaint Phase of the program lasts 10 weeks.

## Truancy by Gender

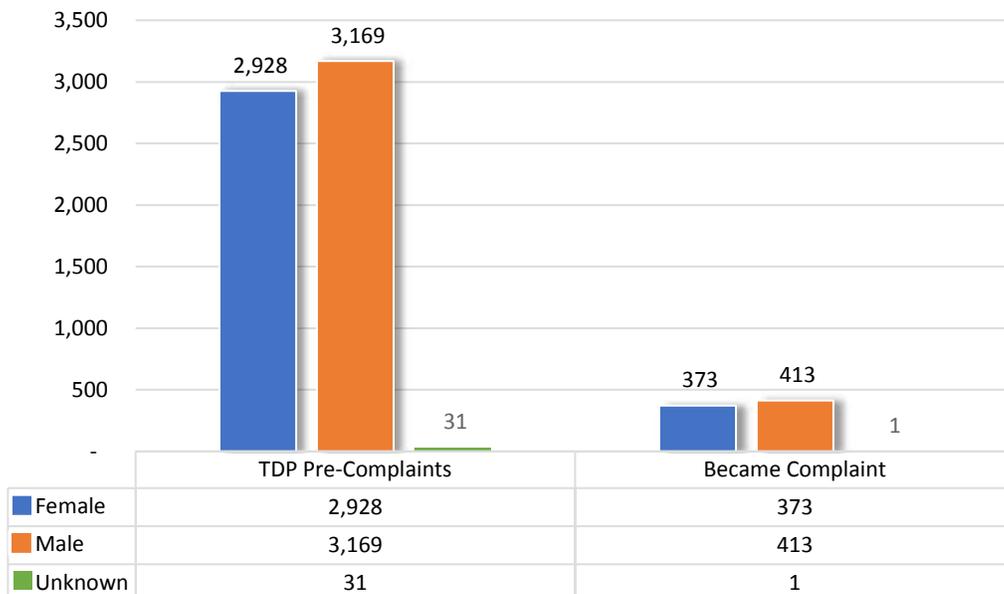
Of the 6,915 pre-complaints related to truancy, 52 percent involved males and 45 percent involved females (excludes 32 unknown).

- CDWs provided case management to 6,128 TDP pre-complaints in Phase One.
- Only 787 cases advanced to Phase Two, which resulted in a formal complaint being filed.

## TDP Pre-Complaint Conferences CY 2016



## TDP Pre-Complaint Conferences by Gender CY 2016



# CDW Program by the Numbers

## Juvenile Recidivism

The Department of Family & Juvenile Services conducted a juvenile recidivism study on a cohort of 8,556 distinct juvenile offenders who had a complaint filed during CY 2013 and were processed through the diversion program.

The juvenile cohort was tracked through the Court Designated Worker Case Management System for at least two years from the complaint date to determine whether subsequent complaints had been filed since Jan. 1, 2013. The majority of the juveniles, 87 percent (7,434), had an initial\* referral, which was a successful diversion, and the remaining

13 percent (1,122) had an initial referral that was an unsuccessful diversion.

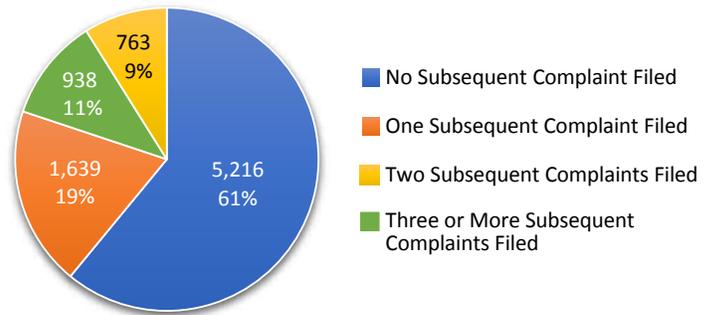
Among the cohort of 8,556 juveniles, 61 percent did not reoffend while under age 18 and 19 percent reoffended only once after the initial complaint in 2013 through Dec. 31, 2016.

*\* For the purpose of this study, the initial referral was not necessarily the juvenile's actual first referral but instead was his or her first referral during CY 2013.*

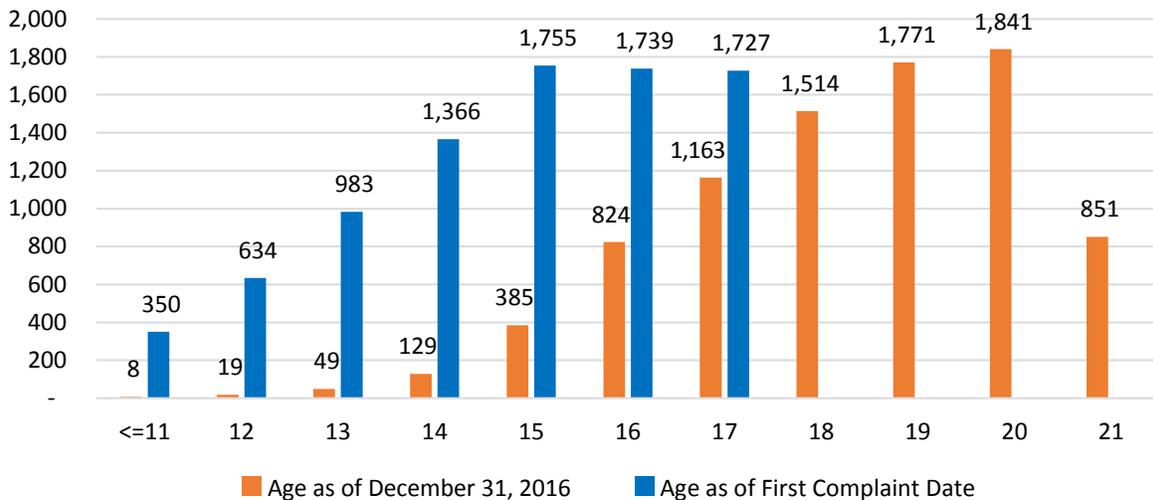
## First Complaint Filed for Juveniles by Case Close Reason CY 2013

	Public	Status	Total
Successful Diversion	5,344	2,090	<b>7,434</b>
Unsuccessful Diversion	458	664	<b>1,122</b>
<b>Total</b>	<b>5,802</b>	<b>2,754</b>	<b>8,556</b>

## Any Subsequent Complaint Filed for Juveniles 1/1/2013 - 12/31/2016



## Ages of Juveniles Within Cohort



# CDW Program by the Numbers

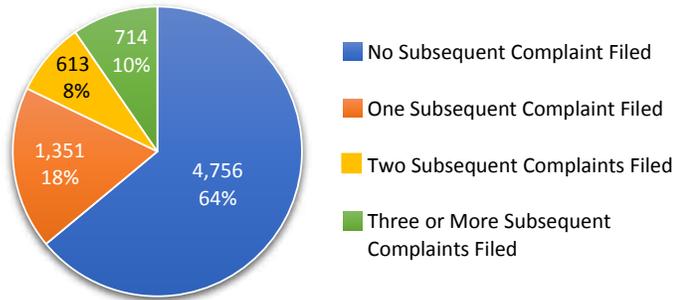
## Successful Diversions Among Juvenile Cohort

Of the 7,434 juveniles who successfully completed the diversion program, 64 percent did not reoffend or have any subsequent complaints filed while under age 18 as of Dec. 31, 2016.

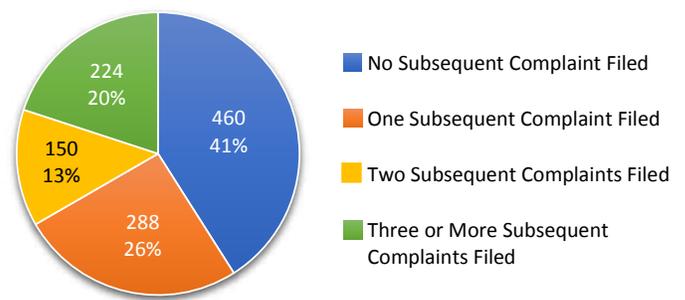
## Unsuccessful Diversions Among Juvenile Cohort

Of the 1,122 juveniles who did not successfully complete the diversion program, 41 percent did not reoffend or have any subsequent complaints filed.

### Successful Diverted Juveniles Reoffense Rate 1/1/2013 - 12/31/2016



### Unsuccessful Diverted Juveniles Reoffense Rate 1/1/2013 - 12/31/2016



## Juvenile Complaints: Summary of Statistics CY 2016

Complaint Types	Number of Complaints
Total status pre-complaints filed	5,018
Status pre-complaints that became formal complaints	1,134
Total public complaints	15,826
Total status complaints	6,413
Total school-related complaints	8,693
School-related status complaints	4,652
School-related public complaints	4,041

Complaints With Diversion Agreements
40 different types of terms available to be included in diversion agreements
8,556 distinct juveniles with one or more diversion agreements
7,617 public complaint diversions
7,033 public complaint diversions successfully completed
4,294 status complaint diversions
3,664 status complaint diversions successfully completed

Recidivism
60% of successful diversions in CY 2013 did not have any further complaints by Dec. 31, 2015.
40% of juveniles with an unsuccessful diversion in CY 2013 did not have any further complaints filed by Dec. 31, 2016.

# CDW Case Management System: Definitions & Methodology

The statistical information in this report is from the Court Designated Worker Case Management System. The CDWCMS statewide electronic database is maintained by the Department of Family & Juvenile Services of the Administrative Office of the Courts. The following definitions explain the methodology used to produce the statistical reports.

**Intake Action Date.** Date that the intake action (release or detention) is applied.

**Juvenile ID Number.** Each juvenile is assigned a unique identifier the first time he or she is entered into the CDWCMS. That identifier remains with the juvenile for each subsequent referral/complaint, ensuring that the CDWCMS maintains a count of distinct juveniles.

**Number of Complaints/Referrals.** The terms complaint and referral are interchangeable. A juvenile may have more than one complaint during any given time frame. A complaint may be a status complaint or a public complaint. Status complaints are those that include offenses unique to juveniles, such as beyond control, habitual truant, runaway, and various alcohol and tobacco offenses. Public offenses are those that would be crimes if committed by adults and, thus, are not unique to juveniles; these are the same types of charges that can also be brought against adults (such as felonies, misdemeanors and violations).

**Number of Referrals by Case Close Reason.** The case close reason, or outcome, is the definitive action taken and recorded in the CDWCMS regarding how a particular complaint/referral ended. The case close reason date is used to determine when the complaint will be counted and reported for statistical purposes.

**Recidivism Methodology.** Recidivism data was obtained by looking at juveniles processed through the Court Designated Workers Program whose first complaint was processed during calendar year 2013. These cases were closed due to a successful or unsuccessful diversion. The study followed these juveniles to see if they had one or more subsequent complaints filed through Dec. 31, 2016.

The cases involving first complaints were broken down by:

- No subsequent complaints, one subsequent complaint, two subsequent complaints, and three or more subsequent complaints.
- No reoffense, reoffense less than a year, reoffense within a year, and two years or more to reoffend.

The offense period was defined as the day after the first complaint date in 2011 through Dec. 31, 2016. A juvenile was counted as a recidivist if he or she had an additional complaint filed during that time frame.

The study excluded juveniles who committed a serious offense and were tried as an adult, juveniles who turned 18 prior to Dec. 31, 2016, and were processed as an adult within the criminal system, and juveniles who aged out of the juvenile system and reoffended within the adult system.

**Referrals Filed/Closed.** The date that complaints/referrals are filed are obtained by a query by referral filing date. The same is true for complaints/referrals closed, which are queried by the closing date.

*Note: A comprehensive breakdown of recidivism data is on page 14.*

## CDW Case Management System Disclaimer

The data from the Court Designated Worker Case Management System – CDWCMS – is subject to changes, reprogramming, format modifications and availability at the direction of the Administrative Office of the Courts. At any particular moment, the data may not reflect the most up-to-date status due to ordinary limitations or errors in the system's operation.

It is also important to note that when juvenile justice reform was passed through Senate Bill 200 in 2014, the CDWCMS

was not capable of tracking all of the data mandated by the bill. Although the AOC has been hard at work to upgrade the system, some information for the 2016 Annual Report cannot be retrieved.

This includes data that spans case management systems, such as the number of children who are adjudicated a public offender or convicted of a criminal offense in an adult court within one year of successfully completing a juvenile diversion agreement.

# Glossary

*The following definitions describe the terms used by the Court Designated Worker Program. Please note that the terms are used in pre-court situations and may differ from the terms used in formal court settings.*

**Beyond Control of Parents.** A child who has repeatedly failed to follow the reasonable directives of his or her parents, legal guardian or person exercising custodial control or supervision other than a state agency. The behavior results in danger to the child or others and does not constitute behavior that would warrant the filing of a petition under KRS Chapter 645, which is the Mental Health Act of the Unified Juvenile Code.

**Child/Juvenile.** Any person who has not reached his or her 18th birthday, unless otherwise provided.

**Cognitive Intervention Skills.** The use of cognitive interactive skills with juveniles to reinforce prosocial behavior and attitudes and discourage antisocial behavior and attitudes.

**Commitment.** A court order that places a child under the custodial control or supervision of the Cabinet for Health and Family Services, Department of Juvenile Justice, or another facility or agency until the child reaches age 18 unless otherwise provided by law.

**Complaint.** A verified statement that sets forth allegations regarding a child and contains sufficient facts supporting any subsequent petition that may be filed in court.

**Complaint Filing Date.** Date that a complaint was signed by the complainant.

**Complaint Close Date.** Date that the complaint was closed.

**Contempt of Court.** Willful disobedience of a court order or willful interference with the administration of justice.

**Decline Diversion.** A situation in which a child does not wish to participate in diversion or does not agree to the terms of a diversion, but does not request that the case be formally processed in the court system. If the case is a status offense and the child declines diversion, the case is consequently referred to the FAIR Team.

**Diversion Agreement.** An agreement between a court designated worker and a child charged with committing a public or status offense. It is designed to hold the child accountable for his or her behavior and, if appropriate, to secure services for the child. The purpose of a diversion agreement is to serve the best interests of the child and provide redress for his or her behavior without court action and without the creation of a formal court record.

**Evidence-Based Practice.** An evidence-based practice is the objective, balanced and responsible use of current research and the best available data to guide policy and practice decisions to improve outcomes for consumers.

**Failure to Appear.** A situation in which a child does not appear for a scheduled appointment. If the case is a status offense and the child fails to appear for an appointment, the case is consequently referred to the FAIR Team.

**FAIR – Family Accountability, Intervention, and Response – Team.** A multidisciplinary team that will exist in every judicial district and will be comprised of no more than 15 members. The FAIR Team reviews the work of the local court designated worker and creates enhanced case management plans and opportunities to provide resources and services for youth in diversion. Senate Bill 200 mandates that the FAIR Team include legal, education, social service and mental health professionals as well as representatives of agencies that provide services to youth in the juvenile justice system.

**Formal Process.** A young person has the right to waive the informal processing of his or her case and request a formal court hearing to determine the validity of the allegations.

**GAIN-Q3.** The Global Appraisal of Individual Needs Quick is a needs assessment conducted on every child that scores high on the GAIN-SS. The GAIN-Q3 provides in-depth information on the needs of a child on diversion and how those needs can be met.

**GAIN-SS.** The Global Appraisal of Individual Needs Short Screener is a screening conducted on every child referred to the Court Designated Worker Program. The GAIN-SS asks a short series of questions meant to quickly identify areas that potentially need further mental health assessment.

**Graduated Responses.** Positive and negative responses that, when used swiftly in a manner proportional to the juvenile's behaviors, increase the likelihood of the juvenile's success and reduce recidivism.

**Habitual Runaway.** Any child found by the court to have been absent from his or her place of lawful residence without the permission of his or her custodian for at least three days during a one-year period.

**Habitual Truant.** Any child who has been found by the court to have been reported as a truant two or more times during a one-year period. Truancy is defined in KRS 159.150(1).

# Glossary

**High Needs.** Level of score used to identify those children referred to the FAIR Team for service coordination, based on the score of a child's Global Appraisal of Individual Needs Short Screener (GAIN-SS) and Global Appraisal of Individual Needs Quick (GAIN-Q3).

**Informal Process.** Court designated workers are authorized by statute to informally process a total of three status or non-felony public offense complaints per youth and, with the written approval of the county attorney, one felony complaint that did not involve the commission of a sexual offense or the use of a deadly weapon.

**KRS.** Kentucky Revised Statutes are the laws of the commonwealth of Kentucky.

**Petition.** A verified statement that sets forth allegations regarding a child and initiates formal court involvement in the child's case.

**Pre-Complaint.** A meeting with the child, parent/guardian and possibly the complaining witness to assist in the coordination of a case management plan and prevention services prior to a complaint being filed.

**Preliminary Intake Process.** Kentucky's Unified Juvenile Code directs whether a juvenile complaint is eligible to be processed formally in a court setting or informally through a diversion agreement.

**Prosocial behavior.** Behavior that youth exhibit that is shown to reduce the likelihood of recidivism.

**Principles of Effective Intervention.** The foundation for what works in rehabilitating juveniles is adherence to the Principles of Effective Intervention. These principles include: Risk Principle (tells who to target), Need Principle (tells what to target), Responsivity Principle (tells how to work effectively with juveniles) and Fidelity Principle (tells how to do this work right).

**Public Offense.** An action that would be a crime if committed by an adult, whether a felony, misdemeanor or violation, other than an allegation that a child age 16 or older has committed a motor vehicle offense.

**Recidivism.** The likelihood that a juvenile will reoffend and become involved in the justice system again.

**Restitution Payment.** Full or partial compensation paid to the victim of a status or public offense.

**Retain in Custody.** After a child has been taken into custody, the continued holding of the child by a law enforcement officer for a period of time not to exceed 12 hours when authorized by the court or the court designated worker for the purpose of making preliminary inquiries.

**Secure Juvenile Detention Facility.** Any physically secure facility used for the secure detention of children other than any facility in which adult prisoners are confined.

**Senate Bill 200.** Legislation passed by the Kentucky General Assembly in 2014 that enacted systemwide juvenile justice reform by steering more children to treatment instead of detention. SB 200 was fully effective July 1, 2015.

**Status Offense.** An offense that would not be a crime if committed by an adult. The behavior, which is unique to juveniles and is not to be considered criminal or delinquent, includes offenses such as beyond control of parents or school, habitual truant, habitual runaway, and various alcohol and tobacco offenses.

**Successful Diversion.** A young person's successful completion of a diversion agreement.

**Teen Court.** A program that provides an alternative disposition for juveniles who have committed a public offense but are otherwise eligible for diversion. Teen Court is based on the premise that most young people want to make the right choices. The peer pressure in this setting is thought to have a more meaningful effect on a juvenile than the traditional juvenile justice approach.

**Truancy Diversion Program.** A program for students at risk of being charged with habitual truancy that uses a multidisciplinary team approach to help them become successful.

**Truant.** A child between the ages of 6 and 18 who has been absent from school without a valid excuse for three or more days or tardy without a valid excuse on three or more days. Truancy is defined in KRS 159.150(1).

**Unified Court System.** Kentucky has a unified court system that provides centralized administration and standardized judicial organization statewide to streamline legal matters and reduce duplication of efforts.

**Unsuccessful Diversion.** A child's failure to complete a diversion agreement. In the event of an unsuccessful diversion, cases involving status offenses are referred to the FAIR Team and cases involving public offenses are referred to the county attorney.

# Court Designated Worker Field Supervisors

**Deb Bennett**  
**CDW Field Supervisor**  
 Business 859-623-1140  
 Cell 502-593-4955  
 Madison County Annex Building  
 135 W. Irvine St., Suite 105  
 Richmond, KY 40475

**Angie Boggs**  
**CDW Field Supervisor**  
 Business 606-573-3887  
 Cell 606-273-0035  
 Harlan County Justice Center  
 129 S. 1st St.  
 Harlan, KY 40831

**Christina Bronner**  
**CDW Field Supervisor**  
 Business 502-595-0036  
 Cell 315-985-5206  
 Kentucky Career Center  
 600 W. Cedar St., 2nd Floor  
 Louisville, KY 40202

**Ashley Clark**  
**CDW Field Supervisor**  
 Business 270-725-7833  
 Cell 270-847-0870  
 Logan County Court of Justice  
 329 W. 4th St., P.O. Box 786  
 Russellville, KY 42276-0786

**Elton Terry**  
**CDW Field Supervisor**  
 Business 859-246-2261  
 Cell 606-306-7018  
 Lion Building, 155 E. Main St.  
 Lexington, KY 40507

**Tina Morrow**  
**CDW Field Supervisor**  
 Business 606-451-4307  
 Cell 606-305-6335  
 Pulaski County Court of Justice  
 50 Public Square, Suite 1802  
 P.O. Box 696  
 Somerset, KY 42502-0696

**Ashley Mullins**  
**CDW Field Supervisor**  
 Business 606-349-1245  
 Cell 606-548-2854  
 Magoffin County Justice Center  
 100 E. Maple St.  
 Salyersville, KY 41465

**Nadale Pope**  
**CDW Field Supervisor**  
 Business 502-867-9216  
 Cell 859-333-2935  
 130 N. Hamilton St., Suite 203  
 Georgetown, KY 40324

**Michelle Sawyers**  
**CDW Field Supervisor**  
 Business 606-387-0458  
 Cell 606-278-3308  
 Cross Building  
 215 E. Jefferson St.  
 Albany, KY 42602

**Judy LaRue**  
**CDW Field Supervisor**  
 Business 270-358-0012  
 Cell 270-320-5122  
 LaRue County Courthouse Annex  
 209 W. High St.  
 Hodgenville, KY 42748

**Bridgett Thompson**  
**CDW Field Supervisor**  
 Business 270-575-7167  
 Cell 270-791-9920  
 McCracken County Courthouse Annex  
 621 Washington St., Suite 1  
 Paducah, KY 42003

**Patrick Fox**  
**CDW Field Supervisor**  
 Business 502-573-2350  
 Cell 859-489-9934  
 Administrative Office of the Courts  
 1001 Vandalay Drive  
 Frankfort, KY 40601



- Michelle Sawyers
- Deb Bennett
- Nadale Pope
- Tina Morrow
- Angie Boggs
- Elton Terry
- Christina Bronner
- Bridgett Thompson
- Patrick Fox
- Judy LaRue
- Ashley Mullins
- Ashley Clark

## CDW Supervisory Regions

Court designated workers provide services to every county in Kentucky. These CDW field supervisors oversee the 12 regions of the statewide program.



# AOC Department of Family & Juvenile Services

## **Rachel Bingham, Executive Officer**

Department of Family & Juvenile Services  
Administrative Office of the Courts  
1001 Vandalay Drive, Frankfort, KY 40601  
Phone 800-928-2350, x 50512  
rachelbingham@kycourts.net

## **Shelley Perdue, Statewide Operations Supervisor**

Court Designated Worker Program  
Administrative Office of the Courts  
5 N. Main St., Henderson, KY 42420  
Phone 270-827-1232  
shelleyperdue@kycourts.net

## **J.R. Hopson, Juvenile Services Manager**

Department of Family & Juvenile Services  
Administrative Office of the Courts  
1001 Vandalay Drive, Frankfort, KY 40601  
Phone 800-928-2350, x 50511  
jameshopson@kycourts.net

## **Ashley Clark, Clinical Supervisor**

Department of Family & Juvenile Services  
Administrative Office of the Courts  
1001 Vandalay Drive, Frankfort, KY 40601  
Phone 800-928-2350, x 50510  
ashleyclark@kycourts.net

## **Acknowledgments**

### **2016 Court Designated Worker Annual Report**

Submitted pursuant to Kentucky Revised Statute 605.020

#### **Report Compiled By**

Shelley Perdue, Statewide Operations Supervisor, CDW Program  
Robert Ian Shepard, CDW Program Coordinator  
Angela Morris, Then-Clinical Supervisor, Department of Family & Juvenile Services  
Tina Morrow, CDW Regional Supervisor, CDW Program  
Angie Boggs, CDW Regional Supervisor, CDW Program

#### **Annual Report Committee Members**

Rosalie Mathis, Court Designated Worker, 41st Judicial District  
Molly Handley, Court Designated Worker, 16th Judicial District  
Billy Stover, CDW Program Coordinator

#### **With Appreciation To**

Chief Justice of Kentucky John D. Minton Jr.  
Laurie K. Dudgeon, Director, Administrative Office of the Courts  
Rachel Bingham, Executive Officer, AOC Department of Family & Juvenile Services  
J.R. Hopson, Manager, AOC Division of Juvenile Services  
CDW Regional Supervisors, Program Coordinators & Court Designated Workers  
AOC Staff: Cameron Brown, Angie Darcy, Leigh Anne Hiatt, Jim Hoffmann,  
Beth Lucas, Tammy Manley, Kathy Schiflett, Daniel Sturtevant



Court Designated Worker Program  
Department of Family & Juvenile Services  
Administrative Office of the Courts  
1001 Vandalay Drive • Frankfort, Kentucky 40601  
502-573-2350 or 800-928-2350  
[www.courts.ky.gov](http://www.courts.ky.gov)