



**DEPARTMENT OF JUVENILE JUSTICE  
AND DELINQUENCY PREVENTION**

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**NUMBER:** JCPC 7.2

**PAGES:** 6

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**SECTION:** Restorative Programs

**SUBJECT:** Restitution

**DATE SIGNED:** 01/03/06

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**RELATED NCAC CITATION:** N/A

**RELATED LEGISLATION:**

1. N.C. Gen. Stat. § 7B-2506, *Dispositional alternatives for delinquent juveniles*;
2. N.C. Gen. Stat. § 7B-1705, *Review of determination that petition should not be filed*;
3. N.C. Gen. Stat. § 7B-1706, *Diversion plans and referral*; and
4. N.C. Gen. Stat. § 143B-10, *Powers and duties of heads of principal departments*.

**RELATED STANDARDS:** N/A

**INDEX AS:** Restitution and Community Service, Restorative Programs

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**PURPOSE:** To establish minimum standards for the design, implementation, and operation of Restitution and Community Service programs funded by Juvenile Crime Prevention Councils.

**POLICY STATEMENT:** Juvenile Crime Prevention Council (JCPC) funded Restitution Programs shall adhere to the Department's policies and procedures as they relate to Restitution and Community Service.

**I. OPERATION**

**A. Services Provided**

1. Monetary Restitution and Community Service programs shall provide opportunities for juveniles to be accountable for their actions to the community and/or to victim(s) through performing supervised community service work and/or a monetary payment within the timeline stipulated in the court order, terms under a Teen Court agreement, or diversion contract.
2. The juvenile's age, skill, and ability must be considered when making a community service assignment. The court may determine the amount, term, and condition for the restitution or community service. If the court also finds a companion(s) responsible, all participants should be jointly and separately responsible for equal payment(s) of restitution.

- B. Frequency and Length of Stay:** Juveniles must be scheduled for services at a minimum of twice monthly to include not less than eight (8) hours of direct services per month. The length of stay shall not exceed one (1) year from date of admission unless court ordered and six (6) months if diverted. There shall be contact with the

juvenile’s primary custodian at least once every 30 days while the juvenile is receiving program services.

C. Capacity and Juvenile to Staff Ratio: The minimum active caseload for a full-time staff person shall be 25 active cases requiring direct and/or indirect supervision. Minimum case loads for less than full-time direct service workers shall be adjusted proportionally. A maximum of six (6) juveniles shall be assigned to one (1) appropriately trained staff or volunteer during any work activity.

D. Monetary Restitution Totals and Community Service Hours

a) Juvenile Court referred: Restitution totals and community service hours shall reflect the dispositional chart recommendation that designates the appropriate restitution and community service for Level I or Level II. Court Counselor staff will make the determination of the level for each juvenile referred by applying the application of dispositional chart and indicate that level on the referral form. This chart shall be referenced to determine the appropriate recommendation to the Court or to respond to a recommendation from the supervising Court Counselor for community service.

LEVEL I COMMUNITY	LEVEL II INTERMEDIATE
Community service up to 100 hours Restitution up to \$500.00	Community service between 100-200 hours Restitution more than \$500.00

b) Diverted from juvenile court or referred from Teen Court: Referrals for restitution shall not exceed two hundred (\$200). Referrals for community service shall not exceed 20 hours of community service. These totals should not restrict or dictate the decision for a juvenile to be diverted if a monetary loss exceeds this total. Totals that exceed this amount may be addressed between the parent(s)/legal guardian(s) and the victim(s).

2. Supervision of Juveniles: Juveniles engaged in community service work in a JCPC funded program must be supervised at all times. An appropriately trained program staff member/volunteer, or an employee/volunteer of the recipient agency must be present to provide assignment instructions, document hours completed, and demonstrate appropriate role modeling and work ethics.

3. Community Service Worksite Requirements: All restitution and community service programs that are JCPC funded are required to conduct a worksite inspection at least quarterly, of all active community service worksites; and monthly, if any reported problems are discovered. Inspections must be documented using the “Community Service Worksite Requirements” (*Form JCPC/WR 001*), made available upon request by the Department, and a copy must be provided for each worksite. Site visits must include an assessment of safety

concerns within the worksite building, safety concerns outside (surrounding businesses'), staff changes, juvenile work assignments, and additional comments or observations. If at any time a worksite does not qualify as a safe working environment, the juveniles assigned to that worksite must be removed from the assignment immediately and the worksite must be removed from the program's list of worksite options. The Program Manager or designee shall determine if the worksite can be approved for future community service assignments.

4. Community Service Worksite Agreement: JCPC funded programs must have on file and available when requested by the Department, a signed "Community Service Worksite Agreement" (*Form JCPC/WA 002*) that outlines program and agency responsibilities. This agreement, between the program and worksite, shall include, at a minimum, the program's name and address location, the agency's name and address location, type of business, a contact person(s) and telephone number(s), the name(s) of possible volunteer supervisor(s), and spaces for required signatures of the Program Manager or designee and agency contact person.

*NOTE: Supervised, non-agency worksites are exempt from I. D. 3 and 4, above.*

E. Target Population: Juveniles between the ages of seven (7) and 17 are eligible. Juveniles 11 and older are appropriate for supervised work groups for community service hours or to earn restitution. Juveniles ages 10 and younger should have age appropriate assignments on a case-by-case situation that will be determined by the Program Coordinator and/or Program Manager.

F. Referral Source: Priority for admission must be given to juveniles referred from Juvenile Court, including Court Counselors, that are adjudicated delinquent, undisciplined or under diversion contracts or plans.

## II. REFERRAL, ADMISSION AND TERMINATION PROCEDURES

A. Referrals: The program shall receive a written referral form for juveniles to participate in the program. All JCPC funded programs shall:

1. Develop a written referral form to address individual program and juvenile needs and distribute this form to the referral agencies. The referral form shall indicate the reason for referral and the concern(s) to be addressed. The referral form must provide information to designate the appropriate dispositional level (Level I, Level II or Level III) determined by Court Counselor staff using the dispositional chart. Juvenile Court or Teen Court staff making the referral must complete this form. The referral form must be placed in the juvenile's file; and
2. Make contact with the victim(s) within 30 days of receiving the referral to receive information regarding any monetary loss unless court staff made contact prior to the referral. If contact has been made by the court counselor, program staff must document the contact in the juvenile's file.

B. Admission: The timeline between the date of referral and admission into the program shall not exceed 30 days. Programs shall develop admission criteria covering age and gender appropriateness, the primary reasons for which juveniles are considered for admission and any applicable admission restrictions. All JCPC programs shall:

1. Provide a response to referring agencies regarding their admission decision within 15 business days of the referral;
2. Contact the juvenile and the juvenile's parent/legal guardian within 10 business days of receiving the referral to schedule an appointment to discuss the restitution and/or community service that was ordered.
3. Provide a participation agreement, if the juvenile is deemed appropriate for the program that is developed and signed by the program provider, juvenile, and parent(s)/legal guardian(s) during an intake appointment.
4. All elements of the participation agreement should be dictated by the specific needs of the juvenile. This agreement shall include, at a minimum, the following:
  - a) Program guidelines, participation requirements, and projected completion dates of the program;
  - b) Service components;
  - c) Expected participant outcomes;
  - d) Informed consent of parent(s)/legal guardian(s) for participation in the program; and
  - e) Consequences for non-compliance.

C. Terminations: Programs shall develop a written termination form and policies governing documentation of a juvenile's termination from the program. A termination form must be completed for all referred juveniles detailing the activities, results and recommendations. Within seven (7) business days, a copy must be submitted to the referring agency and parent(s)/legal guardian(s), and placed in the juvenile's file. The program shall not terminate any juvenile from program services, for reasons listed below under 2. (b), (c), or (d), without prior direct oral or written communication with the referring agency. The termination form shall include, at a minimum, the following:

1. The last date of program contact;
2. The reason for termination:
  - a) Successful Completion: Indicates a high level of juvenile participation in program activities and achievement of behavior improvement goals.
  - b) Satisfactory Completion: Indicates an acceptable level of juvenile participation and behavior improvement even though the juvenile did not complete all program activities and did not meet all behavior goals.
  - c) Unsuccessful Completion: Failure to meet specific goals and requirements described in the participation agreement or make sufficient progress in the program.

d) Non-Compliance: Unexcused absences or refusing to participate in treatment activities;

3. The names of persons and agencies receiving notice of a juvenile's termination; and
4. The name of the program staff person completing the documentation.

### III. STAFFING

A. Program Managers: Program Managers must possess at least a Bachelor's degree in a Human Service or related field, or a four (4) year degree in any other field with at least two (2) years experience as a direct service professional in a juvenile serving agency. The Program Manager is responsible for at a minimum, the following:

1. Ensuring that the program meets all appropriate standards and licensing requirements;
2. Maintaining sufficient information to allow for the determination of program effectiveness;
3. Cooperating with Department Area Consultants during monitoring and evaluation activities; and
4. Completing a "JCPC Program Agreement" (*Form JCPC/PA 001*) including all Sections (I – VIII) that provide basic program information, a line item budget, and statement of provisions compliance.

B. Program Staff: Must have at least an Associate's Degree in a Human Services related field, or a high school diploma with at least one (1) year of Human Serviced experience. Staff responsible for regular case oversight and supervision must possess no less than a Bachelor's level Human Services degree. This person may be a para-professional, provided that an individual meeting the criteria in the preceding sentence directly supervises the person.

C. Volunteer Program Staff: Programs may use professional or community volunteers to assist or augment services provided by paid staff. The program shall:

1. Develop a job description for restitution/community service site supervisors and/or other volunteer positions;
2. Ensure that a completed "Program Volunteer Application" (*Form JCPC/EA 001*) or "Data Sheet" (*JCPC/EA 002*), including four (4) references is provided for each volunteer;
3. Screen each applicant and determine that the volunteer possesses credentials/skills/experience commensurate to the requirements of the job description;
4. For volunteers involved in supervision or transportation of juveniles, programs must:
  - a) Obtain a criminal background check;

All potential volunteers must receive a criminal background check prior to contact with any juvenile in the program. This background check must provide a clear record of any criminal convictions. Any criminal activity that would be a direct conflict with this program type or with providing any service to juveniles shall eliminate an applicant/volunteer from consideration.

- b) Obtain a current driver license history; and
- c) Check and document references; and

5. Provide an orientation to the program and training appropriate to the job function.

#### D. Staff and Volunteer Orientation and Training

1. Each JCPC funded program must provide its staff and volunteers with orientation and training within 30 days of employment to include policies, procedures, rules and regulations of the program and Department. Written documentation of the program orientation and training on policies must be available to the JCPC and/or Department upon request.
2. Programs must provide training that will lead to the continued personal and professional development of the staff and volunteers. Volunteers shall complete pre-service training specific to the program type prior to direct service delivery to juveniles.
3. Programs must provide on-going training for program staff in basic interaction skills relating to juveniles.
4. Programs providing treatment services shall employ staff who are eligible by degree or credential to provide such treatment, or who receive clinical supervision by someone who is eligible to provide such treatment. All professional and volunteer staff who lead program activities that require special skills or certification must be trained in the skills necessary for each particular activity.
5. All staff and volunteers of the program or worksite recipient agency who directly supervise juveniles assigned to the program must:
  - a) Be oriented to the goals, objectives, and philosophy of the program and of community service work, by program staff; and
  - b) Be appropriately trained, by the recipient agency, in the necessary skills for each particular work activity.

#### IV. ATTACHMENTS: NONE

*NOTE: The Program Volunteer Application (Form JCPC/EA 001), JCPC Program Agreement (Form JCPC/PA 001), Data Sheet Form (JCPC/EA 002), Community Service Worksite Requirements (Form JCPC/WR 001), and Community Service Worksite Agreement (Form JCPC/WA 002) are available at <http://www.juvjus.state.nc.us/jcpc/forms.html>.*