

# **STANDARDS GOVERNING HOME PASSES TO DELINQUENT CHILDREN IN PLACEMENT**

## **PREAMBLE**

The Juvenile Act provides that if a child is found to be a delinquent child, the court is to enter an order of disposition best suited to the child's treatment, supervision, rehabilitation and welfare, which shall, as appropriate to the individual circumstances of the child's case, provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable the child to become a responsible and productive member of the community.

When the Court determines that the commitment of a delinquent child to residential placement is the most appropriate disposition in a particular case, a written supervision/treatment plan must be developed.

The temporary return of a delinquent child to the community during a child's period of residential placement is commonly known as a "home pass". Home passes provide delinquent children with the opportunity to demonstrate their ability to function responsibly in their communities, and can be especially important as delinquent children approach release from placement.

Home passes should be granted by the court only when determined to be consistent with public safety and the following standards, and should be scheduled to facilitate the achievement of specific goals that are consistent with the child's supervision/treatment plan.

These standards are not intended to apply to the granting of home passes to delinquent children in foster care placements.

## **WRITTEN POLICIES AND PROCEDURES**

- I. Juvenile Courts shall establish written policies and procedures governing the granting of home passes to delinquent children in placement which, at a minimum, comprise:
  - A. The authorization process for home passes, including the time frames within which requests from residential facilities must be received;
  - B. Pre-home pass notifications;
  - C. The responsibilities of the juvenile probation department during the time that a delinquent child is in the community on a home pass;
  - D. Responsibilities of the juvenile probation department in the event a delinquent child fails to return from a home pass; and
  - E. Post-home pass assessment process.

## **AUTHORIZATION PROCESS FOR HOME PASSES**

- II. Public safety considerations and the degree to which a child presents a risk to the community shall be paramount throughout the process of determining whether a home pass should be granted to a delinquent child. Consistent with the protection of the public interest, each home pass shall be considered individually, and authorized only after giving consideration to the following criteria:
  - A. The most recent offense(s) committed by the child, with specific consideration given to:
    - 1. The impact of the offense(s) on the victim or victims;
    - 2. The impact of the offense(s) on the community; and
    - 3. Whether a weapon was involved.
  - B. The nature and extent of the child's previous offense history;
  - C. The child's response to previous supervision or intervention;
  - D. The number and nature of the child's prior residential placements;
  - E. The child's previous home pass experiences;
  - F. The length of time the child has been in the current placement;
  - G. The degree to which progress has been made by the child toward the achievement of established goals while in placement;
  - H. The supervision that will be provided to the child during the proposed home pass; and
  - I. The time and duration of the proposed home pass are consistent with the goals the child is to achieve during the home pass.
- III. A home pass shall be authorized only after the responsibilities of the parent(s)/guardian(s), delinquent child, juvenile probation department, and residential facility have been agreed upon and reduced to writing. These responsibilities shall, at a minimum, include:
  - A. The responsibilities of the residential facility, which shall be set forth in a written agreement between the residential facility and the juvenile probation department, with regard to:

1. Transportation arrangements for the child to and from the site of the home pass;
2. Communication with the child and parent(s)/guardian(s) during the home pass;
3. Monitoring the child during the home pass;
4. The failure of the child to return from the home pass; and
5. Communicating, within five business days following the home pass, with the child, parent(s)/guardian(s), juvenile probation department, and other entities as appropriate, to determine the extent to which the goals for the home pass were achieved, and notifying the juvenile probation department of the results of this determination.

B. The responsibilities of the parent(s)/guardian(s), with regard to:

1. Transportation arrangements for the child to and from the home pass;
2. Monitoring the behavior of the child during the home pass;
3. Reporting non-compliance with the supervision plan during the home pass; and
4. Communicating with the juvenile probation department and residential facility staff, following the home pass, to determine the extent to which goals established for the home pass were achieved.

C. The responsibilities of the juvenile probation department with regard to:

1. Responding to violations of the conditions of the home pass;
2. As appropriate to the circumstances of the individual case, monitoring the child during the home pass;
3. Coordinating the location and apprehension of the child, if the child fails to return from the home pass; and
4. Communicating, following the home pass, with the child, parent(s)/guardian(s), residential facility staff, and other entities as appropriate, to determine the extent to which goals established for the home pass were achieved.

D. The responsibilities of the child during the home pass, with regard to:

1. The achievement of specific goals during the home pass;
2. Curfew times;
3. Call-in times to the residential facility and, as appropriate, to the juvenile probation department;
4. Returning from the home pass, as required.

**IV.** A home pass shall be authorized only after the location of the prospective home pass has been approved following an on-site assessment by the juvenile probation department. The approval of this location by the assigned probation officer shall be documented in writing.

**V.** A home pass for a delinquent child who is committed to a secure residential facility shall be authorized only upon the written approval of a Juvenile Court Judge.

**VI.** A home pass for a delinquent child who is committed to a non-secure residential facility shall be authorized only upon the written approval of a Chief Juvenile Probation Officer or designee.

#### **PRE-HOME PASS NOTIFICATIONS**

**VII.** Notice that a delinquent child has been granted a home pass shall be provided by the Chief Juvenile Probation Officer, or designee, to the arresting law enforcement agency, and the law enforcement agency having jurisdiction in the community to which the child will be returning, if other than the arresting agency. This notice shall be provided before the child returns to the community in conjunction with the home pass.

*In some jurisdictions, it may be appropriate for such notice to be provided by the District Attorney.*

**VIII.** Subsequent to the commitment of a delinquent child to a residential facility, the Chief Juvenile Probation Officer, or designee, shall advise all crime victims associated with the case that, upon their request, they will be notified if the child is granted a home pass.

*In some jurisdictions, it may be appropriate for this notice to be provided by the District Attorney or a victim services agency.*

- IX.** Before a delinquent child who has been granted a home pass returns to the community, the Chief Juvenile Probation Officer, or designee, shall provide notice of the home pass to all victims of crimes that resulted in the child's commitment, if they have requested to receive such notification.

*In some jurisdictions, it may be appropriate for this notice to be provided by the District Attorney or a victim services agency.*

### **VIOLATIONS OF HOME PASS CONDITIONS**

- X.** Juvenile probation departments shall ensure that violations of home pass conditions, or other significant issues, are promptly addressed when a delinquent child has been granted a home pass.
- XI.** The primary responsibility for the coordination of the location and apprehension of a delinquent child who fails to return from a home pass shall rest with the Chief Juvenile Probation Officer.

*The Chief Juvenile Probation Officer may, as appropriate, assign specific responsibilities in this regard to subordinate staff.*

- XII.** The Chief Juvenile Probation Officer shall ensure that local law enforcement agencies receive immediate notification of a child's failure to return to a residential facility from a home pass and, as appropriate, facilitate the entry of relevant information into the Commonwealth Law Enforcement Assistance Network (CLEAN) and/or the National Crime Information Center (NCIC).
- XIII.** The Chief Juvenile Probation Officer, or designee, shall promptly notify all crime victims who received notice of a child's home pass if the child fails to return from the home pass as required.

*Where notice of a home pass was provided to a crime victim by an agency other than the juvenile probation department, the Chief Juvenile Probation Officer, or designee, shall promptly notify that agency of the child's failure to return from the home pass.*

- XIV.** The Chief Juvenile Probation Officer shall promptly notify all law enforcement agencies and crime victims that received notice of a child's failure to return from a home pass when the child is apprehended or returns to the residential facility.

**XV.** The Chief Juvenile Probation Officer shall ensure that written agreements developed with residential facilities pursuant to Standard III(A) include provisions that require:

- A. Communication by residential facility staff with the parent(s)/guardian(s) responsible for the delinquent child during the home pass, immediately after it is determined that the child failed to return to the residential facility; and
- B. Immediate notification to the appropriate juvenile probation department by residential facility staff of a child's failure to return from a home pass and, as additional information is obtained from the parent(s)/guardian(s) or other sources regarding the circumstances surrounding the incident, the child's whereabouts, or other important information.

### **POST-HOME PASS ASSESSMENTS**

**XVI.** Within five business days following the completion of a child's home pass, the assigned juvenile probation officer shall initiate contact with the parent(s)/guardian(s) responsible for the delinquent child during the home pass to assess the degree to which the established goals for the home pass were achieved, from the perspective of the parent(s)/guardian(s). The results of this assessment shall be entered into the case file.

**XVII.** Within seven business days following the completion of a child's home pass, and prior to giving consideration to granting a subsequent home pass, the assigned juvenile probation officer shall initiate contact with appropriate residential facility staff, if the facility failed to initiate contact pursuant to Standard III(A)(5), to assess the degree to which established goals for the home pass were achieved from the perspective of the facility. The results of this assessment shall be entered into the case file.

**XVIII.** The Chief Juvenile Probation Officer shall ensure that written agreements with residential facilities developed pursuant to Standard III(A) include provisions that require residential facility staff, following the home pass, to contact the parent(s)/guardian(s), and other entities as appropriate, to determine the extent to which the established goals for the home pass were achieved, and to notify the juvenile probation department of the results of this determination.