

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

2014

What's Inside:

Additional clarification on re-entry process and procedures

M E M O R A N D U M

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS,
SUPERVISORS, AND CENTRAL OFFICE STAFF

FROM: TIM DECKER, DIRECTOR

SUBJECT: RE-ENTRY PROCEDURES

DISCUSSION:

The purpose of this memorandum is to clarify criteria and processes for re-entry introduced in [CD13-78](#) pursuant to section 211.036, RSMo, and to further clarify when petitions should be filed on behalf of youth seeking re-entry. Section 211.036, RSMo, (commonly called "Re-entry") is intended to give youth once in custody, but no longer in custody, a second chance. The law affords the Children's Division broad discretion in determining when it will file petitions for re-entry on behalf of youth.

In making a determination on whether the Children's Division should petition for re-entry, the main considerations should be the youth's present circumstances, willingness to participate in services and work towards independence, and the Children's Division's ability to provide services to address the youth's needs. Decisions should not be based solely on previous circumstances, lack of efforts, and uncooperativeness while in Children's Division care and custody the first time, although they may be taken into account.

Youth seeking re-entry will likely be struggling and may have outstanding debt as a result of decisions made while not in custody. He/she may be in crisis and as a result, not employed, going to school, or otherwise performing tasks to work toward independence; consequently, a decision on whether or not to file a petition for re-entry should take these as factors into consideration in terms of the youth needing additional support.

When a youth comes into the office seeking re-entry, it is imperative that the information on the [CS-ILP-4](#) be fully completed and contact information for the youth be provided. A conversation should be held with the youth to determine if the youth is in need of re-entry or aftercare services, if the youth is willing to comply with services, and what services are expected. Youth should provide alternate numbers for contact where he/she can be reached and of those who will know how to contact him/her. Division of Legal Services will need to know if the youth is employed, where the youth is staying, if

the youth wants to go to school, and if the youth understands what coming back into custody means. This should be documented on the [CS-ILP-4](#). The person sending the referral to Division of Legal Services should follow-up within one week of the date of the referral and subsequently as needed.

There will be times when, after discussing re-entry with the youth, the Children's Division may recommend the youth not return to custody. If this is the situation, the reason(s) for the determination should be shared with the youth and staff should advise the youth of the right to file the petition on his/her own behalf and direct the youth to the Juvenile Office. There may be situations where a team discussion between the Juvenile Office, Children's Division, and youth may be appropriate to determine whether a petition for re-entry should be filed. Per [CD13-78](#), petitions should be filed in the court of jurisdiction where the youth resides.

For the purpose of re-entry, a youth is a person who meets all of the following criteria:

- any person age 17 through 20 who was previously placed in the care, custody and control (LS-1) of the Children's Division;
- was released from care, custody and control within the last 24 months;
- is otherwise competent, and not in a guardianship, and is not in the custody of any other individual or institution;
- is not incarcerated or committed to any jail, detention facility, or the Department of Corrections.

Youth will work in conjunction with the Children's Division for services to be provided and will:

- participate in and comply with any transition plan developed by the Children's Division, Family Support Team, and the youth;
- meet with his/her Children's Services Worker, the Juvenile Office representative, and Chafee Provider, as required;
- participate in any services provided, such as Chafee and Transitional Living Program Services;
- enroll in and attend a high school, high school equivalency, vocational training, or college program if determined the program will benefit the youth in his/her efforts to achieve independence;
- find and maintain employment to supplement the youth's transition plan;
- work to maintain his/her own efforts toward independent living.

The Children's Division may amend the transition plan from time to time in conjunction with the Family Support Team, as it is in the best interests of the youth.

The Children's Division may request to be relieved of custody when:

- The youth is unwilling or unable to develop, implement, or otherwise cooperate with the implementation of the transition plan;
- The youth pleads or is found guilty of any felony, or any misdemeanor which results in a period of incarceration. If a youth pleads or is found guilty of any felony or any misdemeanor which does not result in a period of incarceration; the situation should be evaluated on an individual basis for safety as all offenses would not warrant the need for release.

- The youth is committed to the custody of any sheriff or the Department of Corrections; The youth enters into a Legal Guardianship arrangement or the custody of another agency.
- Any other circumstance where the youth fails to cooperate with the Children’s Division or the Children’s Division does not have services available or the ability to provide services.

If a youth is returned to the Children’s Division custody under section 211.036, and the Children’s Division is consequently relieved of custody for any of the above reasons, another petition will not be filed by the Children’s Division on behalf of the youth.

Older Youth Transition Specialists and Children’s Service Workers who have assisted youth with re-entry provided input on the development of a [“Frequently Asked Questions”](#) is available on the internet.

NECESSARY ACTION	
<ol style="list-style-type: none"> 1. Review this memorandum with all Children’s Division staff. 2. Review revised Child Welfare Manual chapters as indicated below. 3. All questions should be cleared through normal supervisory channels and directed to: 	
PDS CONTACT Sally A. Gaines (573)522-6279 Sally.A.Gaines@dss.mo.gov	PROGRAM MANAGER Amy L. Martin (573)751-3171 Amy.L.Martin@dss.mo.gov
CHILD WELFARE MANUAL REVISIONS	
Section 4 Chapter 21.3.2.1 Re-entry	
FORMS AND INSTRUCTIONS	
N/A	
REFERENCE DOCUMENTS AND RESOURCES	
Re-entry Brochure Frequently Asked Questions	
RELATED STATUTE	
S.B. 205 (2013) S.B. 208 (2013)	
ADMINISTRATIVE RULE	
N/A	
COUNCIL ON ACCREDITATION (COA) STANDARDS	
N/A	
CHILD AND FAMILY SERVICES REVIEW (CFSR)	
Other Planned Permanent Living Arrangement/Independent Living Services	
PROTECTIVE FACTORS	
Parental Resilience: N/A Social Connections: N/A	

Knowledge of Parenting and Child Development: N/A

Concrete Support in Times of Need:

<http://www.dss.mo.gov/cd/info/cwmanual/philbase.pdf>

Social and Emotional Competence of Children:

<http://www.dss.mo.gov/cd/info/cwmanual/philbase.pdf>

FACES REQUIREMENTS

N/A