



Youth Justice Oversight Committee Final Report

JUNE 2023



Steven H. David, Senior Judge

Justice (RET) • Indiana Supreme Court • courts.in.gov

June 30, 2023

To the Members of the Indiana General Assembly and the Commission on Improving the Status of Children,

On behalf of the Youth Justice Oversight Committee ("YJOC") and the workgroups of the YJOC, I am pleased to submit the final report of the YJOC containing the deliverables requested by the Indiana General Assembly in HEA 1359. This report is the culmination of eight meetings of the YJOC and numerous meetings of the seven workgroups established by the YJOC, since June of 2022. Over one hundred juvenile justice professionals-judges, prosecutors, public defenders, probation officers, mental health professionals, and others, participated in this monumental effort. Sixteen members of the Indiana Office of Court Services (IOCS) provided staff support for the YJOC and its workgroups and kept this effort on course. The state of Indiana is forever in the debt of these hard working and resolute individuals. I would also like to thank Chief Justice Loretta Rush, Senator Michael Crider and Representative Wendy McNamara for entrusting me to serve as the Chair of the YJOC. It has been a true honor and a pleasure to serve.

The YJOC provided the first report required by HEA 1359, [the Grant Programs Report](#), in December 2022. That report outlined the parameters and recommendations for the diversion, community alternatives and behavioral health grants that were approved and funded by the General Assembly in the 2023-2024 state budget.

This current report follows the Grant Programs report by outlining plans and recommendations to utilize those grant funds responsibly and effectively to improve youth justice services, including but not limited to the following:

- A plan to improve the collection and reporting of juvenile justice data statewide.
- A plan to broaden the provision of behavioral health services for youth in the juvenile justice system.
- Policies, protocols, and an implementation plan for the use of risk screening and needs assessment tools.

- Recommendations for effective use of diversion and transitional services.
- New Juvenile Probation Standards adopted by the Judicial Conference in June 2023.

We are extremely grateful to the General Assembly for their commitment to improving our juvenile justice system and for the funding appropriation to implement these recommendations. We now begin the next phase of our challenging work-implementation of the plans and the adopted recommendations. It will take several years to develop, revise, pilot, and thoughtfully and collaboratively put the re-structured processes into place. Despite the scale of this task, we are confident that our reform efforts will create a more effective, efficient, and equitable system for our youth and families. Some anticipated implementation roles and activities are:

- Development of pilot programs to assess areas for revision and flexibility.
- Integrating YJOC's behavioral health recommendations with the efforts of the Indiana Behavioral Health Commission.
- Provide training on the new Juvenile Probation Standards to ensure consistent implementation.
- Engaging in outreach and engagement to both build support for the recommendations and ascertain areas where technical assistance is needed.

IOCS has been and will continue to be the backbone of this critical work and will continue to help orchestrate these efforts. Going forward, IOCS will partner with the Indiana Criminal Justice Institute to provide technical assistance to counties and to encourage them to apply for the new grants. To achieve the goals of HEA 1359 and the YJOC, it is imperative that the entire state can take advantage of the opportunities offered by the grant funding. To this end, IOCS will help facilitate the work of local and regional collaboratives, especially with respect to enhancing the work in our rural areas of the state to ensure equitable access to funding and implementation support. We will also partner with the Commission on Improving the Status of Children in Indiana, utilizing their expertise in building partnerships and facilitating communication across the executive, judicial, and legislative branches.

I do believe it is imperative to recognize and appreciate all the magnificent work that Indiana has undertaken prior to HEA 1359. Many of our trial judges have been collaborating with their communities to reform processes and procedures and we have had many best practices throughout the state. In addition, we cannot overemphasize the extraordinary effort and collective results that JDAI has brought to Indiana. Indeed, JDAI, in many respects set the statewide table in which the YJOC could do its work. JDAI has been a game changer for Indiana and thousands of Hoosiers have been critical to its success.

As we move forward, YJOC will continue coordinating the reform work at the state level. This will include ongoing collaboration with many partners that contributed to this report, including JDAI and others, as well as seeking out new partners and resources.

We ask for your continued support as we anticipate the need for statutory changes and additional financial support to enhance our data collection and reporting capabilities and improve our technology. We hope you will take the time to read each of the reports on the topics that we were asked to address, in addition to the summary of the recommendations in the YJOC Final Report.

While this is early in our journey, we are starting another collective chapter in which many more remarkable things will be done for Indiana's families and children.

Thank you for your initiative in moving Indiana in a better direction for our youth and families. Indiana is not the largest state, nor is it the wealthiest state but it is rich in a collaborative tradition between the Legislative, Executive, and Judicial branches and no other state comes close to the level of cooperation, collaboration and respect that exists right here in Indiana.

There remains much work to do in this ongoing process of juvenile justice reform. Continued partnership and successes will follow, as we all remain committed to improving our juvenile justice system.

Respectfully submitted,

A handwritten signature in black ink that reads "Steven H. David". The signature is written in a cursive style with a large, stylized "S" and "D".

Steven H. David
Senior Judge
Indiana Supreme Court (RET)

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Introduction

The statewide Youth Justice Oversight Committee (YJOC) was established by the legislature in 2022 (see HEA 1359-2022 or I.C. 2-5-36-9). The Chief Justice of Indiana is responsible for appointing members (see Supreme Court orders from June 2022 and May 2023). The committee's purpose is to:

- develop a plan for collecting and reporting statewide juvenile justice data;
- review and establish of policies and procedures and an implementation plan related to the use of a validated risk screening tool to inform statewide diversion decisions, dispositional decisions and secure detention;
- develop criteria for diagnostic assessments;
- develop a statewide behavioral health plan for services to youth in the juvenile justice system;
- develop policies, protocols and a statewide implementation plan for transitional services for youth who are wards of the Department of Correction;
- establish policies and protocols for research based pretrial diversion and informal adjustment programs and practices;
- develop a plan for a program for juvenile diversion and community alternatives grants and behavioral health competitive grant pilots; and
- work with the Judicial Conference of Indiana to develop statewide juvenile probation standards.

The YJOC is required to submit to the Commission on Improving the Status of Children (CISC) and the Legislative Council by July 1, 2023, a plan addressing the deliverables outlined above. In its initial meetings, the YJOC developed and adopted the following vision and mission:

Vision

Evolve Indiana's communities and systems to embrace and provide opportunities for all youth to reach their full potential.

Mission

To make improvements to Indiana's youth justice system that:

- enhance public safety
- produce sustainable and effective outcomes for youth
- are aligned with research on what works
- increase racial equity and decrease disparities for Black, Brown and other opportunity youth
- make the most efficient and effective use of public resources
- are informed by the experiences of youth and their families

The YJOC formed seven workgroups to accomplish the deliverables outlined in HEA 1359. The Workgroups are: (1) Data, (2) Behavioral Health, (3) Diversion, (4) Grants, (5) Juvenile Probation Standards, (6) Screening and Assessments, and (7) Transitional Services. The YJOC also contracted with VOICES Corporation, an Indiana nonprofit organization, to recruit, train and facilitate a Youth and Family Advisory Group (the Group) made up of community members from across the state who have lived-experience with the youth justice system. Each workgroup presented their work to the Group and received feedback from the Group, some of which was incorporated into the workgroup’s recommendations.

The YJOC met eight times since June of 2022 and the workgroups met multiple times, generally once a month. The YJOC and the workgroups were staffed and supported by sixteen staff members from the Indiana Office of Court Services (IOCS) and the Indiana Office of Court Technology (IOCT). Over one hundred professionals with expertise in youth justice participated in the process, including judicial officers, prosecutors, public defenders, probation officers, mental health professionals and staff from various public agencies including the Department of Child Services (DCS), the Department of Correction (DOC), the Division of Mental Health and Addiction (DMHA) and the Indiana Criminal Justice Institute (ICJI).

The following recommendations are the culmination of many hours of research, discussion and writing by Indiana’s experts in this field. With the newly appropriated grant funds from the legislature, the YJOC will continue forward in partnership with the many committed experts in this area to make transformative change for our youth.

The YJOC adopted the below recommendations for improvements to Indiana’s youth justice system. The recommendations are grouped below by workgroup. At the end of each section, there is a link to the more detailed report from the workgroup (adopted by the YJOC) that provides the background, research and support for these recommendations. We strongly encourage you to refer to these reports and their appendices for a thorough review of these recommendations.

Recommendations

Indiana's Plan to Collect and Report Statewide Juvenile Justice Data¹

Goals for Data Collection

At the state and county levels, Indiana will have the capacity to collect, analyze, report, and use data to improve public safety, youth justice system equity, and the well-being of youth encountering the justice system. To achieve this goal, Indiana will align technological, human, and financial resources for maximum efficiency in processes that promote confidence in the quality of the data.

Shared Definitions

YJOC adopted a list of defined data points that each county will collect in the areas of youth characteristics, case processing events, system statuses, and programming and services.

Standard Protocols and Procedures

YJOC will assess the current availability of each data point referenced by sampling data from up to 20 Indiana counties. Depending on the data source, this will include a state and/or county level data pull from each category (youth characteristics, case processing, system status, and programming and services) to determine the extent to which certain elements are routinely captured and to identify gaps. This analysis will include a review of whether or how data sets from different systems may be linked using a set of youth identifiers. The YJOC may also survey selected counties to gather information about data collection practices, how data is or may be used locally to guide policy and case level decisions, and local perspectives on youth justice policies and opportunities for system improvement.

¹ See Ind. Code 2-5-36-9.3(b).

YJOC will conduct a one-year pilot study with five Indiana counties that commit to fully adopt and implement the data collection procedures outlined in this document. The pilot objectives include:

- Identify local challenges or barriers to collecting the data elements using existing staff resources and data systems.
- Determine whether the data definitions adopted by YJOC conflict with local practices and how those conflicts, if any, may be resolved.
- Assess the feasibility of collecting other data elements not captured in the YJOC's plan, such as law enforcement contact or arrest information, fees and costs assessed to youth and families, overall system costs, family/home life characteristics, and an inventory of the different assessment or screening instruments used by behavioral health providers within each county.
- Conduct a youth justice process evaluation in each pilot county to provide context for any future descriptive or outcome data generated by that county.
- Assess any additional state or county-level resources needed to execute the YJOC's plan statewide.

Performance Measures and Data

YJOC's near term goal for performance and data measures is to collaborate with the five pilot counties to establish local and statewide performance measures. Examples include:

- The number of youth at each case processing event.
- The average and median number of days between each case processing event (e.g., from referral to petition, through successful completion of probation).
- The number of youth actively participating in a diversion program, on informal adjustment, or on probation.
- The number of youth re-referred to the youth justice system following discharge from a prior diversion, informal adjustment, or probation supervision.
- YJOC's long-term goal for performance and data measures is to create a real-time data repository that displays the status of system-involved youth at any given time across jurisdictions. Examples of information that could be retrieved are the number of youth detained in Indiana who are also on probation and the characteristics of those youth.

Data Reporting

As part of its long-term plan to collect and report statewide youth justice data, the YJOC will:

- Review state and federal requirements for youth justice data collection to determine how Indiana is using the youth justice information that is currently collected and reported.
- Determine whether information collected through separate reporting processes can be combined to provide a more complete description or analysis of Indiana’s youth justice system participants, services, or outcomes.
- Determine whether any data currently collected can be extracted from a central source versus being compiled at the local level prior to submitting to state agencies.
- Review the current reporting requirements to determine whether existing data reporting requirements should be expanded, reduced, or eliminated.

To complete these tasks, the Office of Judicial Administration will convene a group of state and local stakeholders to determine what data is currently collected in these areas, what systems are being used to collect it, and whether any data can be extracted from one or more central locations. Through this process, OJA will identify what resources are needed to capture this information, either through existing data reporting/case management systems or through a new reporting application in INcite. If OJA determines that developing a new INcite application is needed, it may take up to one year to test and develop the application.

As part of its long-term data collection and research strategy, YJOC adopted the following goals regarding statewide data reporting efforts:

- Whenever possible, OJA/YJOC will extract data from a central source to reduce the burden on local entities for submitting quarterly or annual reports whenever possible. Where that is not currently possible, the YJOC will work to expand this capacity.
- Establish a real time data repository that can be used to identify the status of individual youth and report descriptive/status information in an aggregate format through a public dashboard without requiring local stakeholders to submit separate reports.
- Provide resources that will allow counties to regularly review their data for accuracy.
- Develop data sharing agreements to permit state-level data linkages through the Management Performance Hub.

Research Agenda

The goal of the YJOC Research Agenda is to evaluate the effectiveness of interventions while ensuring equitable access to these interventions and resources for all youth.

Near-Term Youth Justice Research Objectives

- Research Objective #1 – The YJOC will identify local champions within the five pilot sites, such as members of a local youth justice improvement policy group, that will be trained in best practice data entry and monitoring procedures. As a part of that training, those individuals will also receive training in evaluation and the use of performance measurement to address local needs.
- Research Objective #2 – Local youth justice system partners in the five pilot sites will utilize their own data to clarify how local practices and procedures impact youth. For instance, using an equity lens, local systems will monitor outcomes to identify differences based on youth characteristics (e.g., race, ethnicity, age, sex, gender identity, etc.).
- Research Objective #3 – As a result of meeting objectives 1 and 2, local youth justice system partners will work with state partners to develop a long-term research agenda to evaluate current and future interventions to improve outcomes among Indiana youth.

Long-Term Research Objectives

- Research Objective #1 – Create an on-going data committee that includes local and state youth justice stakeholders and research professionals. This group should meet regularly to address near and long-term research objectives and provide external consultation on Indiana’s state-level research objectives.
- Research Objective #2 – A long-term research agenda will require linking data across youth justice, health, education, and other state and local systems. Indiana is uniquely suited to address this challenge with assistance from Indiana’s Management Performance Hub (MPH). The YJOC should establish a long-term partnership between local justice agencies, state justice agencies, and MPH to execute its long-term research agenda.
- Research Objective #3 – The YJOC must translate and disseminate research findings to state, local, and national stakeholders focused on improving outcomes for youth involved in the justice system. This process will include publishing policy and practice briefs and developing training and technical assistance opportunities to assist with local implementation efforts.

Costs of Collecting and Reporting

The YJOC recommends the allocation of funding to support local data collection, state-level technology needs as well as training and technical assistance to help local agencies improve data quality and make data-informed decisions. The funding request is for a one-time up-front allocation of \$500,000.00 for essential technology changes to support the required data collection

and reporting outlined in HEA 1359. Additionally, approximately \$2M per biennium is required to support ongoing technology expenses to support data sharing needs, to implement a training and technical assistance team, and to sustain the YJOC's Research Agenda.

Recommendations to Advance Data and Research Efforts

- Establish local youth justice improvement committees.
- Develop a statewide abstract of disposition application.
- Develop a central data repository.

For more information, please review the [full Data Work Group Final Report](#).

Indiana's Plan for Risk Screening and Assessment Tools

Risk Screening and Assessment Tools

The use of the Indiana Youth Assessment System (IYAS) Tools should continue to be required statewide in accordance with the IYAS policy jointly adopted by the Judicial Conference of Indiana and the Department of Correction.

Consistent with the IYAS policies, jurisdictions are encouraged to also use appropriate complementary assessments (e.g., mental health, substance use, detention screening tool (DST), human trafficking, etc.) to further assess a youth's needs and use the assessment results to inform individualized supervision conditions and services.

Risk Screening and Assessment Policies

To enhance compliance with the requirements of HEA 1359, the IYAS policy should be amended as follows:

- IYAS – Diversion tool policy should be amended to provide that this tool is completed when information is given to the county’s probation intake officer pursuant to I.C. 31-37-8-1 indicating the child is a delinquent child for the purpose of complying with I.C. 31-37-8.5-1 regarding juvenile diversion decisions.
- IYAS – Detention tool policy should be amended to provide that this tool is completed prior to the detention decision being made for the individual youth.

Proposed amendments consistent with these recommendations are provided in the appendix of the Screening and Assessment Workgroup Final Report.

Each county must ensure that their policies and procedures regarding detention decisions are written and include the following elements:

- the required screening and assessment tools, including the position that completes them and when they are completed,
- any criteria used to detain a youth, regardless of the screening and assessment results, also referred to as mandatory hold or auto hold, and
- when results of screening and assessment tools are provided to judicial officers, prosecutors, defense attorneys, and all legal parties.

These policies should be provided to IOCS, as staff agency for the YJOC, in conjunction with reporting requirements in I.C. 31-37-6-6 no later than June 30, 2024.

Sharing of Risk Screening and Assessment Results

The standard Preliminary Inquiry Report should be updated to require the appropriate IYAS assessment to be included to complete the report and permit more than one current IYAS assessment to be included.

As resources allow, the Indiana Office of Court Services should provide additional education to judges and probation departments on the Probation Standards as it relates to the required use of the standard Preliminary Inquiry Report, Pre-Dispositional Report, and Modification Report forms. IOCS should partner with Indiana Prosecuting Attorneys Council (IPAC) and Indiana Public Defender Council (IPDC) to also provide training to prosecutors and defense attorneys regarding these reports. The use of these standard reports is critical to ensure the court and parties receive all relevant information for each case prior to the decision at that phase of the youth justice system regardless of the jurisdiction.

Each jurisdiction should provide a report cover sheet to communicate relevant information to judicial officers, prosecutors, defense attorneys, etc. at the early decision points in the youth justice system. More specifically,

- the results of the IYAS-Diversion Tool, IYAS-Detention Tool, and the DST, if applicable, should be given to probation intake and other applicable decision makers in advance of the detention decision, and
- the results of the IYAS-Diversion Tool should be given to the prosecutor (if the prosecutor directs a preliminary inquiry to be completed under I.C. 31-37-8-1). The assessment results can also be incorporated into that report as provided by I.C. 31-37-8-2 and 31-37-8.5.

Training on Risk Screening and Assessment Tools

IOCS shall continue to provide the initial and recertification trainings for IYAS Tools as required by current policy.

As a part of required continuing education units (CEU) for certified risk assessment users, agencies should require that these users participate in an annual booster session. Options for participating in an annual booster session could be webinars, on-demand training, regional trainings, conference sessions, etc.

IOCS will, subject to available resources, have IYAS master trainers in collaboration with IYAS certified trainers or qualified contractors create additional curriculum to enhance booster sessions or other training resources to continue improving certified risk assessment users' skills and abilities to conduct quality assessments.

IOCS will, subject to available resources, provide more training to agencies with certified users on implementing continuous quality improvement strategies, specifically related to the completion of valid assessments, as well as the skills needed to perform this responsibility (e.g., interview skills, etc.) and other skills related to the use of risk assessment information (e.g., using assessment information and results for case planning, etc.) to strengthen agencies compliance with the current Probation Standards for quality improvement requirements.

Subject to available resources, IOCS will collaborate with IPAC, IPDC, DOC, DCS, DHMA, and behavioral health providers to provide informational sessions on the IYAS Tools to assist stakeholders in better understanding the purpose of risk and need assessments, the proper use of assessment results, and the value of this information for making decisions and providing services to

justice involved youth and their families. These opportunities should be provided routinely as a part of orientations for new judges, new prosecutors, and new defense attorneys. In addition, ongoing education should be presented to any youth justice stakeholders who receive and rely on assessment information in their work. These educational offerings can be provided in many formats including webinars, on-demand trainings, regional trainings, conference sessions, etc.

In developing the educational materials for each stakeholder group, the following elements must be included to help each stakeholder better understand and use the assessment information to help inform their decisions and recommendations:

- The definition of validated risk screening tools and assessment tools
- The scope of information provided by each IYAS Tool and what the information means
- How to properly use the results of each IYAS Tool in decision-making, including how to use information from multiple assessments in the decision-making process
- How assessment information is provided within various reports to judicial officers, prosecutors, defense attorneys, and others eligible to receive these reports
- Understanding outcomes for validated tools as it relates to the purpose and scope at that decision point
- Required data entry and communication between agencies
- Best practices for referral/case processing steps, and the timeliness of completing needed assessments, including area for local policy development

To assist with implementing the case processing and assessment steps, a model assessment tool utilization and case processing chart is provided in the appendix of the Screening and Assessment Work Group Final Report. This chart can aid all stakeholders and agency staff in better understanding the case processing steps and what assessments are required at each step to enhance compliance with HEA 1359 and provide for more consistency among the youth justice agencies.

Data and Research Related to Risk Screening and Assessment Tools

IOCS, in collaboration with critical stakeholders, should continue to engage in ongoing study of the IYAS Tools for the purpose of improving adherence to evidence-based practices, assessing and maintaining the reliability and validity of the IYAS Tools, and to further inform improvements to training and education offerings.

IOCS should, subject to available resources, conduct research into the use of complementary assessments along with the IYAS results to support jurisdictions' use of these tools for individualized decisions and case planning. This level of research can further inform jurisdictions on policies, procedures, and implementation of best practice to reduce future involvement with the justice system.

Screening and Assessment Workgroup

The Screening and Assessment Work Group should remain a standing work group to provide guiding recommendations to the YJOC. The ability to have a diverse group continue to review processes and policies for continued improvement of the use of the IYAS in Indiana is critical to the ongoing work of the YJOC, its work groups, and local jurisdictions. The proper implementation of validated risk and needs assessment tools are foundational to all the other efforts necessary to further reduce recidivism among justice involved youth.

For more information, please review the [full Screening and Assessment Work Group Final Report](#).

Indiana's Plan for Behavioral Health

Implementation of a statewide plan to address provision of behavioral health services to justice-involved youth may take several years to accomplish. The recommendations promote collaboration across youth-serving agencies, maximize funding and existing resources, and ensure youth have effective and appropriate behavioral health services to meet their needs.

Recommendations for Diagnostic Assessments

Create a Comprehensive Plan and Policies, Including Data Collection

Local counties should develop and adopt a comprehensive plan and policies regarding the use of court-ordered diagnostic or psychological assessments. The plan should include requiring documentation of utilizing the least restrictive setting to conduct an assessment, an overview of what community resources were exhausted, reason for denials, whether telehealth options were considered or utilized, and previous psychological assessments.

This data should be tracked to inform decisions over time, with possible added language to the juvenile code to help guide courts and practitioners.

Mandate an Annual Assessment by an Oversight Body to Analyze Current Data/Trends

This annual assessment will help analyze current data and trends to inform recommendations for policy and practice changes and improve the efficiency and effectiveness of the youth justice system and timeliness of court-ordered evaluations. The plan will need to determine whether targeted technical assistance may be needed to support local youth justice systems and/or practitioners and should provide local counties with guidelines or a template on how to provide a clear, uniform plan for data.

Partner with DCS to Expand Availability of Assessments

DCS has a network of contracted service providers, and courts need options for assessments that do not include sending youth to DOC. Funding should be expanded to help DCS offer additional assessment providers (whether at detention centers or through telehealth). DCS can engage and incentivize providers to conduct these assessments, and local communities can use grants to help coordinate and expand their resources.

As an alternative, counties could create service agreements with professionals or local agencies and community mental health centers (CMHCs) to administer evaluations. Behavioral health grants could help counties apply for funds to support and strengthen services.

Utilize Telehealth Options to Alleviate the Need for Youth to be Sent to DOC-DYS

Juvenile courts now have the option to recommend telehealth services as an alternative to a child receiving a diagnostic assessment. In addition to utilizing telehealth for mental health services, telehealth can also be used for a diagnostic or psychological assessment in any setting outside of Department of Correction – Division of Youth Services (DOC-DYS).

- Indiana should institute an optional Medicaid coverage provision in 2025 that would create more flexibility for telehealth services to be reimbursed.
- The report provides criterion and considerations for telehealth (where to conduct, what behaviors to look for, privacy of space).

- Behavioral health grants could help in obtaining equipment and/or software for telehealth or space for evaluations to take place.
- Statewide funding could increase broadband, fiber, and high-speed internet options to underserved areas.
- Parents can apply for funding through other sources (like Affordable Connectivity Program) to seek internet access for telehealth.

Recommendations for Behavioral Health Plan

Support the Efforts and Continued Work of the Indiana Behavioral Health Commission

This includes specifically endorsing segments of the Indiana Behavioral Health Commission (IBHC) report, including these sections:

- **Build a Sustainable Infrastructure** – use of 988 to build a crisis system; CCBHC implementation; sequential intercept model (applied to juvenile justice system)
- **Overall Hoosier Mental Health/Well-Being** – improved mental health literacy (awareness and coordination; memos to address programs)
- **Workforce** – increased Medicaid reimbursement rates; streamlining process for professional licensure; reducing barriers to employment; loan repayment and tuition reimbursement; diversity (people with experience in the system)
- **Funding** – the YJOC welcomes the opportunity to prioritize funding for youth-centered programs and reforms and to promote and encourage behavioral health grants to address funding gaps

Implement a Multidisciplinary Team Model for High Needs/High Acuity Youth

This team model will coordinate resources in a way that ultimately helps youth who might not have as many options for care. It would work on the local level first, followed by higher-level discussions at regional offices or a centralized team. The model would have internal escalation to avoid a youth being in the justice system due to lack of appropriate alternatives. State leaders could step in to address challenges, hopefully leading to decreased wait times, less frustration from courts and staff, and less reliance on youth justice system. There would be a formalized membership, escalation process, and voting requirements. Agencies listed include but are not limited to

Department of Correction – Division of Youth Services (DOC-DYS), Department of Child Services (DCS), Division of Mental Health and Addiction (DMHA), Department of Education (DOE), Bureau of Developmental Disabilities Services (BDDS), Community Mental Health Centers (CMHCs), prosecutors’ offices, public defenders, probation, and judicial officers.

Expand Existing Programming to Include Evidence-Based Treatment that Encourages Youth and Parental Engagement

This should specifically include:

- **Multi-Systemic Therapy (MST)** – well-known and supported program to prevent youth with serious delinquent behaviors from entering out-of-home placements
- **Mentoring programs** – youth-to-youth, adult-to-adult, family mentoring, and Credible Messengers
- **Faith based and peer leagues**

For more information, please review the [full Behavioral Health Work Group Final Report](#).

Indiana’s Plan for Youth Diversion

Diversion Grant Parameters

HEA 1359 established a grant funding program for local sites to develop or enhance diversion options. The following are recommendations to maximize this opportunity:

- Qualified recipients should include county government agencies, courts, and community-based organizations.
- Fund regional partnerships for diversion programs.
- Utilize a funding structure that provides a portion of funding up front to support startup costs and distributes funds on a schedule of regular frequency rather than a reimbursement basis.
- Provide planning grants.

Diversion Program Parameters

The following recommendations are made to guide program development that achieves the best outcomes for youth referred:

- Create a clearly defined target population and referral process.
- Establish partnerships with community-based organizations and programs.
- Utilize data to identify local needs and support the implementation of diversion programming and strategies.
- Develop and track both output and outcome measures as well as track progress toward short-term and long-term goals.
- Create programs developed through a collaborative effort among system and community stakeholders.
- Provide a continuum of diversionary options with “offramps” at different decision points in response to local need.
- Focus programming on changing youth behaviors through programs that are developmentally appropriate, build pro-social and problem-solving skills, embrace a family-centered approach, utilize restorative justice and/or promote positive community supports.
- Define and detail the purpose of the program, the decision point(s) at which it can be employed, and extent of intervention, intentionally working toward the future goal of reduced involvement in the youth justice system.
- Incorporate and continuously review for equity and cultural competency in all programs.
- Engage or partner with youth and families in the process of developing and implementing diversion programming.

Informal Adjustments

The following recommendations are made to guide the use of Informal Adjustments as a diversion from formal court processes:

- Consider all available diversionary options for appropriate youth prior to proceeding to an informal adjustment.
- Implement informal adjustment programs that focus on meeting specific goals or participating in specific services tailored to the risk and needs of each youth referred. Informal adjustments should not necessarily mirror the county’s standard order of probation in terms of conditions ordered or level of supervision.

For more information, please review the [full Diversion Work Group Final Report](#).

Indiana’s Plan for Transitional Services

Enhance Opportunities for All Youth Released from DYS to Receive Transitional Services

The YJOC recommends that all youth justice stakeholders work together to enhance opportunities for all youth released from DYS to receive appropriate community-based transitional services or Transition from Restrictive Placement (TRP) services as defined by DCS standards. The YJOC understands this will require significant time and other resources to examine current practices across counties and pilot new practices so that Indiana may adopt a comprehensive plan that meets the needs of youth while considering Indiana’s current legal framework. The YJOC anticipates these activities may result in future legislative, funding, and other policy changes to support youth transitioning from DYS.

The YJOC acknowledges and recommends that additional training and collaboration is needed amongst all stakeholders to determine how to best provide appropriate community-based transitional services or TRP (DCS) services to youth. The YJOC notes that there is not a clear understanding of how and when transitional services are being provided across the state and under what circumstances courts are being asked to reinstate jurisdiction when a youth is released. There is also no information available on whether the transitional services being provided to youth now, either through community-based services or through the TRP service standards, are effective in reintegrating youth into the community and preventing recidivism.

As a result of the foregoing concerns, the YJOC determined that further study of the provision of transitional services and the role DYS, DCS, probation and the court play in implementing these services is needed to determine the most effective procedures. The YJOC’s Data Workgroup will implement pilots in five counties to conduct a process evaluation of the youth justice system to examine data collection and evaluation and they proposed including in their pilot work an evaluation of transitional services. The Data Workgroup will examine how counties are currently offering and providing transitional services, what works effectively, what the challenges are, and ideas for working together to enhance opportunities for youth to receive these services in appropriate situations, including the development of more formal processes. Once the current

practices and needs are assessed, the YJOC can re-evaluate what, if any, legislation could be recommended to expand the use of transitional services for youth.

Collaboration to Update and Monitor TRP Service Standards

The YJOC should collaborate with DYS and DCS to update and monitor TRP service standards for youth leaving DYS, to increase the availability of services in all areas of the state, including rural areas, and should determine which counties already have community-based transitional services available. The YJOC should review outcomes and cost structure for TRP services to determine if these services are effective for DYS youth and what changes might need to be made to the cost structure of these services, such as a per diem versus an hourly pay rate and the inclusion of mentoring services.

Ensure Only Serious Probation Violations Lead to Recommitment to DYS

As part of the statewide plan for transitional services, we should adopt the following best practice for evaluating recommitment of a youth to DYS:

When youth are engaged in transitional services with probation under the jurisdiction of the court, only serious probation violations should lead to recommitment to DYS, such as:

- when the violation is a new delinquent act;
- when the youth poses a serious risk to public safety; or
- when no alternative consequence or sanction will sufficiently address the violation.

Foster Greater Collaboration Among State Agencies

Indiana's youth justice system should foster greater collaboration among state agencies to ensure that DYS and the courts are incorporating all available state services into the after-care plan for youth who will soon transition out of DYS. There must be ongoing communication between state agencies that are able to supply assistance, guidance, and relevant services to youth.

Future Research on Transitional Service Models

The YJOC should continue to research and examine successful evidence-based or evidence-informed models of transitional and/or reintegration services from other states to determine if any

models could be adopted by Indiana using the community alternative grants being offered to counties through HEA 1359. The YJOC should give special attention to models that have been successful in rural communities. Promising new models should be piloted, and data and outcomes should be evaluated for effectiveness.

Sub-Committee to Review Referrals to DYS

A sub-committee of the YJOC or another entity should review cases of youth referred to DYS who are only at DYS due to the lack of feasible alternative placements for the youth. There should be a multi-disciplinary group of stakeholders from DOC, DCS, DMHA, probation, and other entities that examine this problem and work to develop solutions.

Ongoing Collection of Data

Upon the implementation of these policies and provisions, the YJOC recommends ongoing collection of data to evaluate the effectiveness and to develop additional best practices surrounding the use of community transitional services and TRP services through DCS. The current population of youth receiving and actively participating in transitional services after DYS releases them is minimal.

Data points which will help review and further develop services for youth reintegrating into the community could include, but not limited to:

- what offenses the youth committed prior to placement at DYS
- length of time the youth needed community transitional services or TRP services
- how many youth are referred to community transitional services and/or TRP,
- whether the youth successfully completed these services
- employment/educational outcomes, and

HEA 1359 also requires DOC to collect data to help assess the impact of reintegration services, including tracking recidivism beyond reincarceration and into the adult system.

For more information, please review the [full Transitional Services Work Group Final Report](#).

Indiana’s Plan for Juvenile Probation Standards

HEA 1359 required the Judicial Conference of Indiana, Juvenile Probation Standards Workgroup (JPSW), in consultation with the Youth Justice Oversight Committee to develop statewide juvenile probation standards for juvenile probation supervision and services that are aligned with research-based best practices and based on a youth’s risk of reoffending as measured by a validated risk and needs assessment tool. The following Juvenile Probation Standards were adopted by the Judicial Conference of Indiana on June 14, 2023.

Develop Guidelines for Establishing Consistent Use of Validated Risk and Needs Assessment Tool and Validated Risk Screening Tool

Bolded language added to the current standards:

C. Preliminary Inquiry, Predispositional Report & Presentence Investigation Standards

- 3.6** Recommendations -- The PDR/PSI shall include a summary and evaluation of the information contained in the report and shall include recommendations for the court to consider in sentencing or disposition.
- a. The presentence/predisposition report shall address the needs of the individual. Supervision, treatment issues, and special conditions applicable to the individual shall be addressed in **their** conditions of probation.
 - b. The predisposition report shall recommend services to the family that may be necessary to achieve the **youth’s** conditions of probation and case plan goals, and promote appropriate care, supervision, and well-being of all children in the home, **consistent with Indiana Code 31-37-17-4**.

The following bolded language was also added to the “Supervision Standards” section to provide guidance on sharing the assessment tools with all parties prior to decisions being made as well as the use of complementary assessment tools:

- 4.1 Indiana Youth and Risk Assessment Systems -- Departments shall use the Indiana Youth Assessment System (IYAS) and the Indiana Risk Assessment System (IRAS) and corresponding INCite applications in accordance with all policies adopted by the Judicial Conference of Indiana. **These tools shall be made available to the court, prosecutor, and defense counsel prior to the hearing on the case.**

4.2 Complementary Assessment Tool -- Departments **may** use complementary assessment tools to assist in developing individualized case plans when specific risk, need, and responsivity factors are identified by an IYAS/IRAS assessment. **Departments may also use complementary assessment tools to identify additional risk, need, or responsivity factors as well as to assist in making decisions regarding the detention of youths.**

The JPSW added a "Youth Specific Supervision Standards" section to the existing standards to address the different assessment tools and guidelines for their consistent use. The entirety of this section is new.

E. Youth-Specific Supervision Standards

5.1 Consistent Use of Validated Risk and Needs Assessment Tool – Departments must consistently use the instruments in the Indiana Youth Assessment System to identify a youth’s risk to reoffend and criminogenic needs at specific points in the juvenile justice process, in accordance with the policy adopted by the Judicial Conference of Indiana Board of Directors. The IYAS risk and needs assessment tools have been validated for use by Indiana probation departments.

***IYAS Diversion Tool.* Consistent use of the Indiana Youth Assessment System’s diversion tool is critical to ensure low risk/low need youth are diverted from the juvenile justice system or placed on informal adjustment as deemed appropriate.**

***IYAS Detention Tool.* Consistent use of the Indiana Youth Assessment System’s detention tool is critical to assist in making hold/release decisions and decisions regarding release from detention.**

***IYAS Disposition Screener.* Consistent use of the Indiana Youth Assessment System’s disposition screener is critical to quickly identify low-risk youth and determine if a full disposition tool should be completed. If a local policy requires a full risk assessment to be completed, the screener does not have to be completed for the case.**

***IYAS Disposition Tool.* Consistent use of the Indiana Youth Assessment System’s disposition tool is critical to assess a youth’s risk to re-offend and identify criminogenic needs to assist in making decisions regarding post-adjudication supervision. If youth will be sent to a qualified residential treatment, the Residential tool would be completed instead of the Disposition Tool.**

***IYAS Residential Tool.* Consistent use of the Indiana Youth Assessment System’s residential tool is critical to inform decisions regarding level of placement, case planning and length of stay recommendations.**

***IYAS Reentry Tool.* Consistent use of the Indiana Youth Assessment System’s reentry tool is critical to reassess a youth’s risk to reoffend and identify criminogenic needs for youth who have been released from residential placements back to community supervision.**

Conditions of Probation Supervision

This includes guidelines for establishing conditions of probation supervision for informal adjustment and formal probation that are tailored to a youth’s individual risk and needs, including standards for case contacts.

The following provides separate guidelines for Youth Informal Adjustment Supervision versus Youth Formal Probation Supervision and was included in the new section, “Youth-Specific Supervision Standards”. This section highlights the need for informal adjustment structure to be significantly different from formal supervision allowing for brief, strategic intervention consistent with evidence informed practices.

5.2 Youth Informal Adjustment Supervision Conditions – Youth informal adjustment supervision conditions must:

- a. tailor to specific individual goals identified in collaboration with the youth and family**
- b. use developmentally appropriate language with simple and clear instructions**
- c. be kept as brief as possible to achieve identified goals, while ensuring that the duration does not exceed a maximum of six months**
- d. engage youth and their families only as needed to encourage successful completion of the informal adjustment agreement**

Conditions of informal adjustment should differ from formal probation conditions. A program of informal adjustment is not the same as formal probation and should be treated as a brief, strategic intervention. “Developmentally appropriate language” considers the youth’s age and uses simple language, clear instructions, and concise terms

5.3 Youth Formal Probation Supervision Conditions – Formal youth probation supervision conditions should:

- a. promote positive, long-term youth behavior change**
 - i. order conditions of supervision consistent with the youth’s individualized demonstrated need as assessed by the Indiana Youth Assessment System and any supplemental assessment(s)**
 - ii. order treatment consistent with the youth’s individualized demonstrated need as assessed by the Indiana Youth Assessment System and any supplemental assessment(s)**
 - iii. limit standard conditions and restrictive conditions**

- iv. limit length of probation based on risk level and needs, employing the minimum time needed to connect youth with services and achieve goals
- v. use incentives and graduated responses to support behavior change
- vi. use developmentally appropriate language and expectations
- b. promote relationship building with the probation officer
 - i. engage youth and family in collaborative case planning
 - ii. engage youth and family in setting goals that are specific, measurable, achievable, realistic, and timely
 - iii. schedule contacts between probation officer, youth, and family in accordance with youth's assessed risk level and needs
- c. provide positive youth development opportunities to develop youth skills and interests
- d. provide restorative programs for youth to repair specific harm caused to victims and communities
- e. promote racial, ethnic, and gender equity
- f. promote clear pathway to early release and successful completion of probation term

5.5 Expectations for Youth Supervision – A probation officer must do the following in supervising youth on probation:

- a. employ a developmentally appropriate approach to supervision and services, recognizing the distinct differences between adolescents and adults
- b. focus on youth and family engagement
- c. ensure access to opportunities and supports for prosocial development for all youth regardless of race, sex, ethnicity, language, culture, sexual orientation, gender identity, gender expression status, abilities, and socio-economic status
- d. use trauma-responsive practices that take traumatic experiences and their consequences into consideration when making decisions and providing services
- e. assist the youth's family to support the youth's achievement of the conditions of probation and case plan goals
- f. follow the principals of risk, need and responsivity to match youth with the appropriate level of supervision and services
- g. broker community connections and opportunities that support long-term behavior change
- h. encourage positive behavior change through the use of incentives and rewards for meeting expectations and goals
- i. use graduated responses to fairly address violations and noncompliant behavior while incorporating elements of procedural justice
- j. immediately contact the Indiana Child Abuse and Neglect Hotline or local law enforcement if the officer has reason to believe that the child is a victim of abuse or neglect

- k. recommend services to the family that may be necessary to achieve the youth's conditions of probation and case plan goals, and promote appropriate care, supervision, and well-being of all children in the home
 - i. document the identified needs and services in the case file
 - ii. notify the court about the identified needs and services

Developmentally appropriate approach: The United States Supreme Court has cited a comprehensive body of research on adolescent development in its opinions examining youths sentencing, culpability, and custody. This research shows that adolescents differ from adults in three specific ways: (1) they are less able to regulate their own behavior, (2) they are more sensitive to external influences such as the presence of peers and the immediacy of rewards and, (3) they are less able to appreciate the long-term consequences of their actions.

Youth and family engagement: Juvenile probation officer engagement with a youth and their family allows the officer to learn about the youth's interests and the family's goals for supervision, as well as gain insight on potential barriers to the youth attaining personal growth, positive behavior change, and long-term success. The relationships probation officers develop with youth and their families is important to youth achieving success. Youth and family engagement involves true partnership. It requires probation personnel to seek advice and opinions from families, honor and respect their insight and perspective, and treat them as essential participants in the development of their youth's case plans and the oversight of their youth's experience on probation ([Annie E. Casey Foundation, 2022, 'Family-Engaged Case Planning' A Practice Guide for Transforming Juvenile Probation](#))

Trauma-informed practices: Helping youth and families access services to appropriately process and cope with traumatic experiences is vital to helping them make long-term positive behavior changes. Traumatic experiences in infancy and early childhood have been found to have a long-lasting impact into adulthood. Trauma can impair children's ability to think clearly, reason, and solve problems.

Risk, Need, Responsivity Principles: Using a risk-needs-responsivity (RNR) framework during youth probation can inform case processing decisions, guide case management, support more efficient use of resources, and reduce recidivism. The research based RNR model suggests that effective juvenile justice interventions target youth at high risk of reoffending (the *risk* principle); address the specific criminogenic needs that will reduce the youth's likelihood of reoffending (the *need* principle); and are delivered in a

way that is responsive to the youth’s individual learning styles, motivations, abilities, and strengths (the *responsivity* principle). Urban Institute, October 2018, “Bridging Research and Practice in Juvenile Probation” (citing Andrews and Bonta, 2010)

Incentives and graduated responses: The Indiana Contingency Management Initiative Implementation Manual provides a template to develop the incentives and graduated responses program. The incentive program should include behaviors that may result in incentives and examples of incentives that may be awarded. The program should be designed in a way that enables the youth to experience success almost immediately. The graduated responses program should include the behaviors that may result in sanctions and the possible sanctions that may be imposed. The probation department should solicit input from youth and their family members to identify and secure rewards and incentives that are of high interest to the youth.

Case Planning

This includes common case planning elements based on risk principles and guidelines for engaging youth, families, and providers in case planning.

The JPSW added the language below to the standards providing a separate section identifying the need to collaborate with the youth and family in creating a strength-based and personalized case plan.

- 5.4 Collaborative Youth Case Plans – A probation officer must collaborate with the youth, family, and service providers to develop an individualized case plan that identifies two or three clear, achievable goals related to the youth’s criminogenic needs identified in the IYAS assessment.**

The collaborative youth case plan must match services and activities to address identified criminogenic needs and provide positive youth development. The plan should be strength-based, personalized to the youth’s interests and talents, proactively state expectations for supervision and accountability, and promote positive behavior change and long-term success with the use of incentives and graduated responses. The plan should also address potential barriers to success and be designed to enable the youth to experience success almost immediately.

Out-of-Home Placement/Commitment to DOC

This includes common criteria for recommending the use of out-of-home placement and commitment to DOC.

To comply with the statutory requirement to provide common criteria for recommending the use of out-of-home placement and commitment to the DOC the JPSW added the language below to section 3.6:

- c. **When preparing to recommend that a youth be placed in an out-of-home placement, including a commitment to the Indiana Department of Correction, the juvenile probation officer shall, where possible, consult with any mental health professionals presently offering services to the youth and/or family. Consistent with Indiana Code 31-37-17-1.1, the juvenile probation officer shall additionally, where possible, consult with a multi-disciplinary team consisting of probation officers, educational professionals, mental health professionals, and/or other relevant services providers.**
- d. **When making a recommendation for services, including placement of a youth in any out-of-home placement or in the Department of Correction, the juvenile probation officer shall consider the following: 1) any applicable statutes, especially those delineated in Indiana Code 31-37-17 et seq. and Indiana Code 31-37-19 et seq.; 2) the therapeutic and/or educational needs of the youth; 3) the recommendations of any mental health assessments, including psychological or psychiatric evaluations; 4) an assessment to determine the appropriateness of placement in a Qualified Residential Treatment Program (QRTP); 5) any evidence-based risk and/or needs assessment such as the Indiana Youth Assessment System (IYAS); 6) the recommendations of any multi-disciplinary team who have reviewed the youth's case and/or status; and 7) any other factor(s) the probation officer deems relevant and/or appropriate.**
- e. **When making recommendations for services in response to probation violations or violations of dispositional decrees, the nature of the violations should primarily guide the level of services recommended using the considerations in "d" above. If a recommendation for out-of-home placement, especially confinement in a secure facility or commitment to the department of correction, was not warranted by the initial offense, and is not warranted by the violation, it may not be warranted just because the youth has violated probation or terms of the dispositional decree. However, a pattern of conduct can be used to inform the recommendation for services in response to violations, especially where it demonstrates a concern for safety and welfare of the youth or safety of the community.**

Incentives and Sanctions

This includes a system of graduated responses and incentives to reward and motivate positive behavior and address violations of supervision.

The language below was included in the "Youth Specific Supervision Standards" under 5.3, Youth Formal Probation Supervision Conditions, to address the statutory requirement for this area:

- v. **use incentives and graduated responses to support behavior change**

- vi. **use developmentally appropriate language and expectations**

In addition, under 5.5, Expectations for Youth Supervision, JPSW added the following:

- h. **encourage positive behavior change through the use of incentives and rewards for meeting expectations and goals;**
- i. **use graduated responses to fairly address violations and noncompliant behavior while incorporating elements of procedural justice.**

For more information, please review the [full Juvenile Probation Standards Work Group Final Report](#).

Youth and Family Advisory Group

VOICES Corporation, an Indiana nonprofit organization, recruited, trained and facilitated a Youth and Family Advisory Group (the Group) made up of community members from across the state who have lived-experience with the youth justice system. The youth and families met with each YJOC workgroup to provide feedback on recommendations and strategies. The Group's feedback included, but not limited to:

- providing results of the IYAS to youth and families,
- enhancing parental and family involvement,
- use of community organizations to work with youth and families instead of and alongside probation,
- providing mentors to youth, and
- operating programs from a strengths-based framework.

For more information, please review the [full Youth and Family Advisory Group Report](#).

Conclusion

We are grateful for the leadership and support of the Indiana legislature in passing HEA 1359-2022 and providing us with this unique opportunity to enhance and improve Indiana's youth justice system. We hope these reports serve as a springboard for our next steps; much work has been

done but there is much work yet to do. We look forward to continuing this work through our pilot projects, data enhancements, training on IYAS and the new Juvenile Probation Standards, improved access to behavioral health services and transitional services, and the implementation of diversion and community alternatives programs through the grants.