

Protocol between Disability Services
and Juvenile Justice and guidelines
for workers

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1. Introduction

It is important that this document is read in its entirety prior to using it for practice. This will ensure the reader has a holistic understanding of the services provided and decisions made by Disability Services and Juvenile Justice.

Disability Services and Juvenile Justice sometimes share responsibility for young people who require support or services from both areas. This protocol promotes co-ordinated, collaborative practices between Disability Services and Juvenile Justice to provide responsive and effective supports to children and young people who are at risk of offending, or being in contact with the criminal justice system.

1.1 Aims of the protocol

The protocol aims to improve outcomes for young people who are shared clients of Disability Services and Juvenile Justice. Shared clients are young people who are in the process of being assessed for eligibility and/or are receiving case management from Disability Services, are being supervised by Juvenile Justice in the community or a custodial facility, or are the subject of a request for court advice from Juvenile Justice. The majority of shared clients are young people with intellectual disabilities. Therefore, much of the information in this protocol is about young offenders with intellectual disabilities. However, general processes for responding to all young offenders with a disability are covered.

More specifically, the protocol aims to:

- Clarify the roles and responsibilities of Disability Services and Juvenile Justice.
- Promote effective communication and service coordination between Disability Services and Juvenile Justice.
- Provide information about how to access services/supports that respond to the needs of shared clients.
- Outline collaborative approaches and processes to working with shared clients.
- To provide the best outcomes for shared clients, workers from both areas need a clear understanding of:
 - The characteristics and needs of young offenders with a disability.
 - Relevant Disability Services and Juvenile Justice policies and directions.
 - Disability Services and Juvenile Justice service systems and workers' roles and responsibilities.

Shared clients often have complex needs that require flexible and collaborative responses. It is vital that management and workers demonstrate a commitment to joint work and collaborative practices to maximise outcomes for these young people. It is important that all reasonable attempts are made to actively engage with the young person or, alternatively, to provide information and advice to those services with whom the young person has engaged.

1.2 Legislative framework

The legal powers and responsibilities of Disability Services and Juvenile Justice are outlined in a number of pieces of legislation. When a young person with a disability is involved in the criminal justice system, the following legislation may apply:

- Intellectually Disabled Persons' Services Act 1986
- Disability Services Act 1991
- Guardianship and Administration Act 1986
- Children and Young Persons Act 1989
- Sentencing Act 1991
- Crimes Act 1958
- Crimes (Mental Impairment and Unfitness to be Tried) Act 1997.

The Intellectually Disabled Persons' Services Act, the Children and Young Persons Act and the Sentencing Act outline a set of responsibilities for Disability Services that relate specifically to offenders with an intellectual disability.

Disability Services

The main focus of Disability Services is to improve the lives of Victorians with a disability through supports that enhance people's independence, choice and participation in community life.

People must be eligible under the Intellectually Disabled Person's Services Act or Disability Services Act to access Disability Services supports. People access support on a **voluntary** basis. It is important to note that Disability Services cannot compel people to receive support. However, if a person is involved in the criminal justice system or at risk of offending, disability workers will attempt to actively engage the person in programs/support that aim to reduce the risk of re-offending.

See p.19 for more information of the Disability Services system.

Juvenile Justice

The main focus of the Juvenile Justice system is to:

- Divert young people away from the criminal justice and adult correction systems.
- Maximise rehabilitation of offenders.
- Minimise the likelihood of further offending.

The Juvenile Justice system recognises that young people are still developing as individuals, have a greater capacity to change than adults, and are more vulnerable.

See p.32 for more information about the Juvenile Justice system.

2. Characteristics and needs of young offenders with a disability

Understanding the characteristics of young offenders with a disability will help to determine the needs of shared clients.

2.1 Characteristics of young offenders with a disability

Young offenders with a disability have a similar profile to young offenders without disabilities (Holland et al. 2002).

Young offenders are likely to:

- Have a history of severe psychosocial disadvantage.
- Come from families where there are other offenders.
- Have self-reported behavioural problems dating back to childhood.
- Have high rates of unemployment.
- Have mental health needs.

They also:

- Tend to have a lower IQ than the general population.
- Have higher rates of problematic drug use than the general population.

Young offenders with intellectual disabilities may differ from other young offenders in that they:

- Are typically more suggestible, and can be more easily coerced by others.
- May appear very streetwise, while concealing greater deficits in understanding or skills.
- May be less able to conceal their crimes.
- Are less likely to understand the criminal justice system.
- May be taking prescription drugs related to their disability, and this can cause additional complications if they are also using illicit drugs.
- May agree or confess overly quickly because they are eager to please.

These young people also often display:

- Low impulse control.
- Deficits in social and adaptive behaviour skills (although these may be well masked in a superficial way).
- Difficulty interpreting information not presented in a concrete fashion.
- Inability to delay gratification and anger management difficulties.

Appendix 1 provides information on the definition of intellectual disability, acquired brain injury, autism, indicators of these disabilities, and things to remember when working with young people who have these disabilities.

2.2 Offending behaviour

Researchers report that 'the vast majority of offences committed by people with an intellectual disability (as in the general community) are misdemeanours, less serious felonies and public disturbances' (Ozanne et al. 1999).

It is difficult to draw firm conclusions about the prevalence of offenders with intellectual disability (Lindsay 2002). Researchers summarising the findings state 'the extent to which people with intellectual disabilities are alleged or convicted offenders is unknown and the association with particular offences (such as arson and sexual offending) unclear' (Clare & Murphy 1998).

In the past few years, there has been an increase in the reporting of incidents of sexual offences committed by children and adolescents with an intellectual disability (Hudson et al. 2000). This may not represent an increase in the rate of sexual offending by young people with disabilities, but may be due to other factors such as mandatory reporting or increased willingness of victims to report sexual offending.

2.3 Needs of shared clients

Shared clients may need a wide range of support, including:

- Education about general living and social skills.
- Education courses to develop skills such as literacy or numeracy.
- Family support/counselling.
- Assistance with finding and maintaining stable accommodation.
- Programs to address specific issues, such as drug use or anger management.
- Structured, consistent approaches.
- Financial support.
- Work skills development and employment.
- Activities that increase resilience, self-esteem and develop new interests.
- Programs specific to young people; for example, developing positive relationships and sexuality education.
- Mental health intervention.

It is important to remember that:

- Programs may need to be modified or adapted to take account of an individual's abilities and learning style.
- Young people with a disability may require greater time to complete intervention/treatment programs.
- Where possible, learning should take place in the environment where the individual will use the new skill.
- Some individuals lack insight into the effect of their disability and/or may not wish to be identified as having a disability.
- A consistent approach is more likely to result in a positive outcome. Inconsistency can lead to increases in the inappropriate behaviour and limited skill development.

2.4 Engaging adolescents

Adolescence is a time of self discovery when young people attempt to carve out their own identity. It is normal for adolescents to test boundaries, act out and show off. They can be impulsive and easily influenced by peers. This is true regardless of whether the young person has a disability. However, young people who have had many difficult or traumatic experiences may be even more likely to:

- Mistrust others.
- Expect negative outcomes from interactions with adults or authority figures.
- Act out.

Adolescents are more likely to respond well to people who:

- Make an effort to find out about them and what is important to them.
- Give positive feedback.
- Explain their role clearly.
- Understand what makes the young person resilient.
- Are respectful, reliable and trustworthy.
- Are clear about what behaviour is appropriate.
- Can see and reflect back the young person's positive qualities.
- Are upfront and honest.
- Are understanding but firm.

2.5 Working with families

Young people will have varying degrees of family connection. The family may be a vital source of knowledge about the young person, which may assist in developing appropriate support strategies. It is important to consider the potential benefit of reconnecting a young person to their family when there has been a breakdown in relationships. Evaluations of approaches focusing on family intervention has produced mixed findings (McGuire 1995). However, given the association between family function and youth crime, it appears plausible that interventions aimed at improving family functioning could help reduce re-offending and improve life chances among young offenders (Day, Howells & Rickwood

2003). As such, it is critical to maintain a connection between the young person and their immediate/extended family regardless of how small or infrequent the contact is.

As young offenders are more likely to come from families experiencing social, economic and psychological disadvantages, their families may be struggling with many daily stressors. However, these families often have many factors that make them resilient. If the family is involved, it is useful to identify and work with their strengths. For example, a family member may be a positive mentor for the young person, but the family may not be able to provide stable accommodation.

As a young offender may come from a family experiencing a range of difficulties, Child Protection may also have a role in the young person's life. This can be in the form of initial support and contact, or through a longer term statutory role. Therefore, it is important to foster links and liaise with Child Protection to provide a more cohesive and holistic service response.

2.6 Working with program/health services

Young offenders with a disability will also be involved with other programs/health services other than those provided by Disability Services and Juvenile Justice. For example the young person may utilise programs within Community Health Centres. Effective collaboration with these services will assist in improving outcomes for young people who are shared clients of Disability Services and Juvenile Justice.

3. Collaborative work

Disability Services and Juvenile Justice work to improve the lives of shared clients by providing support and services that increase life skills and opportunities which, in turn, is likely to reduce re-offending. To achieve this outcome, consideration needs to be given to:

- The additional support the person may need to understand and deal with the justice system.
- Assistance to criminal justice professionals to understand the impact of the person's disability on their offending behaviour.
- The development and implementation of programs to reduce the risk of re-offending.
- Disability Services, working in conjunction with the Juvenile Justice system, to provide appropriate supports for the person.

Collaborative work has some key elements. These include:

- The ability to develop common goals and share resources when appropriate.
- A shared commitment to achieve a set of outcomes for the young person.
- Ensure the young person and family understands the role of different agencies.
- Ensure the expectations of the young person are clear and consistent.
- Sharing responsibility and accountability around planning and implementation.
- Services supporting one another during difficult periods.
- Clear and open communication process.
- Process for resolving differences between workers.
- The building of positive relationships between workers, disciplines and services.

3.1 Statutory and voluntary services

In accordance with existing legislation, Disability Services is a voluntary service and therefore clients **must** consent to receive or participate in services funded by Disability Services. In contrast, Juvenile Justice's clients are statutory clients who have come before the court system. Consequently, there are inherent differences in philosophies and practices between statutory and voluntary services, and these differences can result in tensions. Collaborative practice is a critical factor in meeting the needs of shared clients.

3.2 What is consent?

For the purpose of this document, consent refers to the young person's right to make a fully informed choice about what services they will engage with. A young person will need to be made aware of the options, their different impacts, meanings and potential consequences of each to make an informed decision. If the young person has a legal guardian, the guardian will be required to provide consent on behalf of the young person prior to being assessed for Disability Services or accessing Disability Services.

The following information on working with young people and families within the context of voluntary and statutory services has been sourced from the Department of Human Services paper (2002), *Working Together Framework: For Services Working with Children, Young People and Their Families in the Barwon Area*.

The consent of a client subject to a juvenile justice order is not strictly required in the majority of cases under the Children and Young Person's Act, Information Privacy Act or Health Records Act. The only potential exemption is where the disclosure of information is outside the primary purpose of juvenile justice.

3.3 Engaging young people and families in voluntary services

A range of reasons may be behind a young person or family's reluctance to engage with voluntary services such as Disability Services. Commonly, these reasons relate to being labelled as having a disability, fear of a loss of control, not understanding their own experiences or the concerns that others have for them, preferring other approaches to dealing with problems (such as talking to friends), the stigma attached to being involved in particular services, and not being ready from a developmental perspective.

A positive relationship with a worker is usually found to be the best way to address concerns with the young person and family, and to negotiate suitable responses. When engaging a young person, it's important to remember that:

- People are more likely to access a new service when supported by a worker with whom they have a good relationship. The worker may be present during the appointment if appropriate, but otherwise is available to talk about what happened afterward.
- Other services that a client has a good relationship with can provide secondary consultation to the worker or carer if the client is unwilling to access these other services.
- People are often encouraged when the worker they feel most comfortable with talks to other workers, and all concerned seem unified and working towards the young person's best interests.
-

3.4 Engaging voluntary services as directed

The term *engaging voluntary services as directed* reflects the contradiction and consequent dilemma that many services are faced with in the voluntary–statutory services interface. A *condition* or *direction* for assessment or to access services can be made by the Children's Court or through the Child Protection case planning processes. However, problems arise when the client is unwilling to participate, and the service being referred to requires that participation occurs on a voluntary basis only.

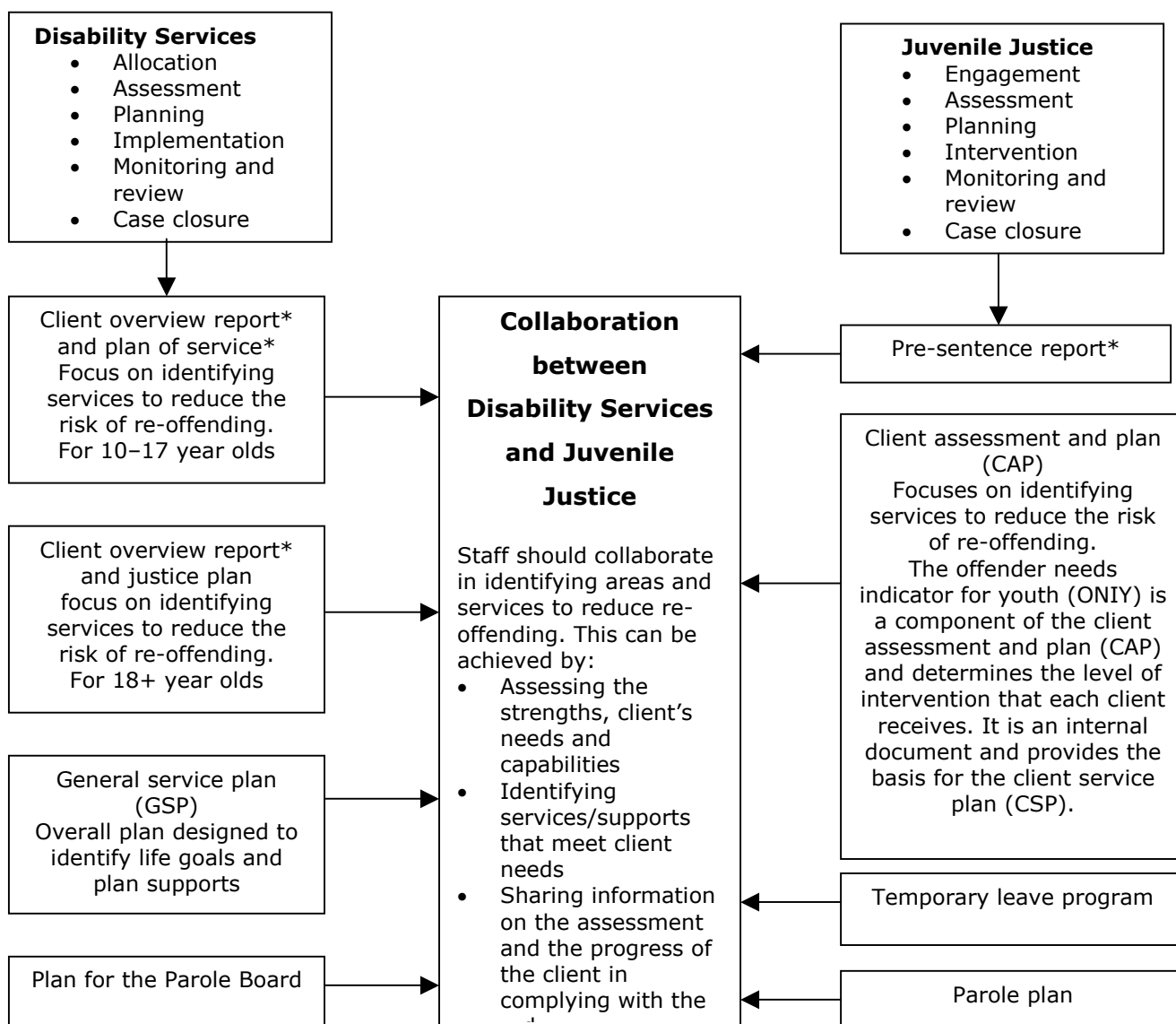
Where possible, Juvenile Justice workers anticipating or seeking to recommend conditions that a young person undergo assessment and support by a voluntary service, such as Disability Services, should first:

- Seek the client's views.
- Consult with the relevant service.
- Inform the client of the consequences of being made *eligible* with Disability Services.
- Consider options available to address the presenting concerns.
- Consider, on balance, the implications should the client be unwilling to abide by the conditions and seek alternative approaches to addressing concerns.

However, on occasions, a magistrate may order conditions on a statutory order without consulting the client or their worker.

4. Summary of collaboration at key stages

Case management provided by Disability Services and Juvenile Justice has similar components; however, the focus is on different areas. The flow chart outlines how Disability Services and Juvenile Justice can interact collaboratively with each other throughout the case management process.



* *Plan of service* is not used in legislation; the legislation refers to pre-sentence reports. When the Children's Court requests a pre-sentence report, both Disability Services and Juvenile Justice must provide specified content. The Disability Services part of the pre-sentence report in the Children's Court is known as the plan of service. A client overview report is completed in conjunction with both a *plan of service* and *justice plan*.

4.1 Case management process between Disability Services and Juvenile Justice

The following table outlines the similarities and differences between the various components of the Disability Services and Juvenile Justice case management processes. More detailed information on case management processes can be found in Disability Services (p.19) and Juvenile Justice (p.35).

Case management	Juvenile Justice	Disability Services
What is case management?	<p>Case management focuses on engagement, consistent face-to-face contact, a dynamic worker/client relationship, goal setting and goal achievement.</p> <p>Young people on juvenile justice orders are involuntary clients and are legally required to have contact from Juvenile Justice.</p>	<p>Case management involves undertaking a detailed assessment and working with the individual to identify goals and strategies that build on the person skills and strengths.</p> <p>In most instances, supports for people who are determined as eligible under the Disability Services Act are provided by community agencies.</p> <p>Access to services such as case management and accommodation support will depend upon demand, associated waiting lists and priority criteria.</p>
Philosophy	<p>To divert young people from the criminal justice and adult correction systems, maximise rehabilitation of offenders and minimise the likelihood of further offending.</p> <p>The Juvenile Justice system recognises that young people are still developing as individuals, have greater capacity to change than adults, and are more vulnerable.</p>	<p>To support people with disabilities become pursuing their own lifestyles within the community.</p> <p>To access generic services that are the same as other members of the community rather than specialist disability services.</p>
Engagement/allocation	<p>Workers engage with the young person by establishing a trusting working relationship.</p> <p>Workers speak to the young person about themselves, their interests and significant others in their life.</p>	<p>Allocation is based on the individual's needs and whether they are in a priority service group. The client may be placed on a waiting list.</p> <p>Workers will consult with the young person and their family about their needs and goals.</p>
Assessment	Forms the basis for all reports to courts and client service planning.	A formal assessment is completed. This ascertains the person's needs

Case management	Juvenile Justice	Disability Services
	The focus is on reducing a young person's risk of offending, and information relating to their life circumstances, family, significant others and peer relationships.	across a range of life areas such as education, health and family support.
Planning	Details interventions required to achieve the goal of minimising offending behaviour through the client assessment and plan (CAP). Documents the intervention during the span of the statutory order and how these plans and actions will be implemented.	A general service plan is used to identify goals and plan supports.
Intervention/ implementation	Putting plans and goals made in the planning process into action. Involves providing information, helping people access other services, organising referrals for services, arranging visits, ongoing liaison, coordination, encouragement and support.	Putting plans and goals made in the planning process into action. Involves providing information, helping people access other services, organising referrals for services, arranging visits, ongoing liaison, coordination, encouragement and support.
Monitoring and review	Support provision is monitored and reviewed to ensure outcomes are being achieved. Strategies and goals are changed if needed.	Support provision is monitored and reviewed to ensure outcomes are being achieved. Strategies and goals are changed if needed.
Closure	Involvement is time limited. This is determined by the young person's statutory order. The case closure phase should identify services available to the young person.	A case may be closed when: All general service plan goals/tasks have been achieved. A recipient of services and/or their guardian makes a request for no further services. The recipient and/or their guardian is consistently disinterested or uncooperative and there are no significant risk issues. The recipient disengages from services. A case cannot be closed when the young person is on a statutory criminal justice order (i.e. custodial or

Case management	Juvenile Justice	Disability Services
		community order with an attached plan of service or justice plan) regardless of the client's /guardian's wishes.

4.2 When a Disability Services client has been charged with an offence/s or attending court

In most cases, Juvenile Justice will be aware of a shared client, or potential shared client, before Disability Services.

Charged with an offence

When a Disability Services worker becomes aware that a registered client has been charged with an offence, the worker must contact their regional juvenile justice unit to clarify whether Juvenile Justice is involved (see Appendix 2 for regional contact details). Juvenile Justice can only become involved on the direction of a court. For example, the court may request a pre-sentence report from Juvenile Justice or the adult courts may order the Juvenile Justice Adult Court Advice (ACAS) Service to supervise a young person on bail.

Attending court

When Disability Services are aware a client is attending court, the Disability Services worker must liaise with the Juvenile Justice court advice service (for clients from 10 to 17) or the Adult Court Advice and Support (ACAS) Service (for clients aged 18 up to 21 years of age).

The Children's Court Advice Service and Adult Court advice and Support (ACAS) Service are diversionary services aimed to:

- minimise the progression by young people into the criminal justice system
- maximise the prospects of rehabilitation
- provide specialist youth focused advice to Magistrates and Judges.

The Juvenile Justice Court Advice workers and Disability Services worker should collaborate to assist the client through the court process, and to present accurate and useful information to the courts.

See Appendix 4 Court Advice for contact details.

4.3 When a Juvenile Justice worker suspects that a young person has a disability

When a Juvenile Justice worker suspects that a young person has a disability, they should contact the regional Disability Intake and Response Service (see Appendix 2 for regional contact details) to establish whether the young person:

- Is a registered client of Disability Services.
- Should be assessed for eligibility*.

The Juvenile Justice worker should also contact the regional Disability Intake and Response Service for information about disability types, assessment and services available.

* It is important that the Juvenile Justice worker be aware that legislated timelines apply to eligibility assessments under the Intellectually Disabled Persons' Services Act. In line with the Act, Disability Services has up to 30 days to complete an eligibility assessment. The Secretary's delegate, the Manager, Disability Client Services may defer or discontinue any assessment where the assessment is unlikely to determine whether the person is intellectually disabled. In most instances, services cannot be accessed until eligibility has been determined. If a client is found to be ineligible, Disability Services will provide suggestions to Juvenile Justice about other appropriate services to investigate.

4.4 Joint and individual program responsibilities at different work stages

A young person with an intellectual disability on a juvenile justice community-based order or in juvenile justice custody may have an allocated worker from both Disability Services and Juvenile Justice. The primary case manager must be identified at the outset. Table 1 details joint and individual responsibilities of workers from each program. All reports mentioned in Table 1 are described in the sections *Disability Services system* and *Juvenile Justice system*.

Table 1: Joint and individual program responsibilities at different work stages

Work stage	Joint	Disability Services	Juvenile Justice unit (community based orders)	Juvenile Justice custodial centre
All stages	Provide secondary consultation (i.e. general and specialist advice) and support to co-workers from both programs.	Provides advice and support regarding: <ul style="list-style-type: none"> The Disability Services program. Disability-specific information. General behaviour management information. Assessments or reports used by Disability Services. Communication with people with disabilities; for example, pictorial aids, concrete language. 	Provides advice and support regarding: <ul style="list-style-type: none"> The Juvenile Justice program. The criminal justice system and processes. Court and legal processes. Issues for young offenders. Plans and progress of clients. Court dates and timelines. 	Provides advice and support regarding: <ul style="list-style-type: none"> The Juvenile Justice program. The criminal justice system and processes. Court and legal processes. Issues for young offenders. Plans and progress of clients. Court dates and timelines.
Prior to and at court (including bail applications)	Provide copies of and discuss reports as they are written so content from both programs is consistent. Before appearing in court, discuss and agree on departmental advice to be provided to the court, and liaise with the client's solicitor. Ideally, workers will meet before the court date; in practice, this may at times be	Advises the client's solicitor that they may ask for a client overview report to be written to inform their work with the young person. In consultation with the Juvenile Justice worker, arranges or facilitates appropriate support for the young person when attending court. Attends court when they have prepared a plan of service, justice plan or client overview report.	Advises Disability Services of court dates and details as soon as possible. This includes registered clients who may no longer be case managed but potentially may be referred back to Disability Services by the courts Juvenile Justice staff attend Children's Court and adult courts (up to 21 years of age) with the young person (including bail applications).	Advises Disability Services of court dates and details as soon as possible. Attends court with the young person. Liaises with the young person's legal representation. Communicates court dates and timelines.

Table 1: Joint and individual program responsibilities at different work stages

Work stage	Joint	Disability Services	Juvenile Justice unit (community based orders)	Juvenile Justice Juvenile justice custodial centre
	difficult. In these cases, workers must make time to liaise before entering the court.	Contact Juvenile Justice Court Advice at the Children's Court or the Adult Court Advice and Support (ACAS) Service. Answers questions from the court about reports they have written. May attend court if a client has been remanded and is appearing for a bail application.	<ul style="list-style-type: none"> Liaises with the young person's legal representative. Submits reports (i.e. pre-sentence reports). Is available at court to provide the court advice. Communicates court dates and timelines. Note: The Juvenile Justice worker is not responsible for transporting the client to court but will assist in making the relevant arrangements	
Initial phone contact after sentencing	Within first week of the order being made, discuss client's status, share relevant information and arrange to meet.	Within two weeks of a community-based order being made, organise an initial case conference.	<ul style="list-style-type: none"> Contacts Disability Services within two weeks. Explains the client assessment plan (CAP) process. Arranges a meeting with key stakeholders. Communicates court dates and timelines. 	<ul style="list-style-type: none"> Contact the Disability Services case worker, and the Juvenile Justice regional case worker within two days of admission of a custodial client. Arrange a case meeting and invite all stakeholders within two weeks of admission to custody .
Initial meeting after sentencing	At the initial meeting, both workers should: <ul style="list-style-type: none"> Introduce themselves if not known to the young person. Clearly explain their roles 	When the young person is on a community-based order, the workers must: <ul style="list-style-type: none"> Advise the young person in writing and in person about the purpose, 	<ul style="list-style-type: none"> Seeks the young person's written consent to exchange information. Informs the young person of the meeting time and purpose 	<ul style="list-style-type: none"> Inform the young person of the meeting time and purpose as well in advance as possible. Put forward any concerns or questions from the young

Table 1: Joint and individual program responsibilities at different work stages

Work stage	Joint	Disability Services	Juvenile justice unit (community based orders)	Juvenile Justice Juvenile justice custodial centre
<p>Initial meeting after sentencing (continued)</p>	<p>and responsibilities.</p> <ul style="list-style-type: none"> Allocate tasks and responsibilities. <p>When the young person is on a community-based order, the workers must:</p> <ul style="list-style-type: none"> Clearly explain the conditions of the young person's order and consequences of non-compliance with a juvenile justice order. Discuss the young person's situation and refer to any existing assessments. Agree on and allocate responsibility for any assessments required. Discuss the young person's goals and support needs. Consider the role of family or guardians in the young person's life. What support can the family provide, and what support does the family need? Establish clear protocols for communication and liaison between involved services. Provide written information 	<p>time of the initial meeting as well in advance as possible.</p> <ul style="list-style-type: none"> Provide meeting minutes to Juvenile Justice. Set next meeting review date. 	<p>as well in advance as possible.</p> <ul style="list-style-type: none"> Puts forward any concerns or questions from the young person. Set the next meeting date Distributes minutes of meeting to Disability Services within two weeks of meeting being held. 	<p>person.</p> <ul style="list-style-type: none"> Seek the young person's written consent to exchange information. Set the next meeting date Distribute minutes of meeting to Disability Services within two weeks of meeting being held.

Table 1: Joint and individual program responsibilities at different work stages

Work stage	Joint	Disability Services	Juvenile justice unit (community based orders)	Juvenile Justice Juvenile justice custodial centre
<ul style="list-style-type: none"> and documentation that may assist workers from different programs. 	<ul style="list-style-type: none"> Review the client's needs and finalise case plans in consultation with Disability Services or Juvenile Justice. Where appropriate, goals and the young persons strengths should be incorporated into the case plans (Workers should consider all risk and resilience factors and make plans for responding to these). Agree on and document Disability Services' role (e.g. secondary consultation/advice) if the young person does not want to be involved with Disability Services. Investigate and organise referrals for available accommodation as required. 	<ul style="list-style-type: none"> Provides advice on disability-specific supports available to the young person Provides advice on any plans developed by Disability Services . Provides, upon request, advice on disabilities and associated services for registered clients in custodial facilities. 	<ul style="list-style-type: none"> Provides advice on Juvenile Justice programs available to the young person. Provides advice on Juvenile Justice goals and aims. Completes the client assessment and plan (CAP) within six weeks. Communicates court dates and timelines. 	<ul style="list-style-type: none"> Provides case management for clients in custody Encourages clients to maintain contact with the Disability Services worker. Completes the client assessment and plan (CAP) within six weeks. Arranges all meetings while client is in custody. Invites Disability Services to all meetings regarding custodial clients. Provides care, supervision and basic needs to clients in custody. Provides appropriate support to the young person's family or guardian; e.g. links them to support groups, explain processes. Reviews the client assessment and plan (CAP) each three months and/or when there are significant changes in the young person's situation.
<ul style="list-style-type: none"> Case management (including exit) 		<ul style="list-style-type: none"> Provides primary case management for young people on an order with a plan of services attached. However, in some 	<ul style="list-style-type: none"> Monitors compliance with community-based orders. 	<ul style="list-style-type: none"> Organises a case meeting to discuss exit planning at least four weeks before a custodial

Table 1: Joint and individual program responsibilities at different work stages

Work stage	Joint	Disability Services	Juvenile Justice Juvenile justice unit (community based orders)	Juvenile Justice Juvenile justice custodial centre
planning) Case management (including exit planning) (continued)		<p>cases, the role of primary case management responsibility may already sit with a statutory agency such as Child Protection or a contracted case management service. Often these services will have established a relationship with the client. In this instance, Disability Services will take a secondary role, and primary responsibility for the implementation and monitoring of the plan of services, while working in conjunction with the lead agency.</p> <p>Provides appropriate support to the young person's family or guardian; e.g. links them to support groups, explain processes.</p> <p>Maintains regular, meaningful contact with the shared clients in custody. As most juvenile justice orders are short, and involve periods of leave from detention, it is important to maintain relationships with young people in custody. Disability Services will provide case management when the custodial period ends or if the person is released on parole.</p> <p>May provide case management when a custodial period ends, if the young person is willing to participate.</p>	<ul style="list-style-type: none"> • Provides appropriate support to the young person's family or guardian; e.g. links them to support groups, explain processes. • Reviews the client assessment and plan (CAP) each three months and/or when there are significant changes in the young person's situation. • Communicates court dates and timelines. 	<p>client's earliest release date.</p> <ul style="list-style-type: none"> • If the young person is exiting on parole, the parole worker can discuss the contents of the parole plan.
Case closure	<ul style="list-style-type: none"> • Think ahead about the young person's needs when their statutory order ends. 	<ul style="list-style-type: none"> • Attends case closure meetings as arranged by Juvenile Justice prior to the end of involvement. 	<ul style="list-style-type: none"> • Arranges a case closure meeting and prepare a case closure report at the end of 	

Table 1: Joint and individual program responsibilities at different work stages

Work stage	Joint	Disability Services	Juvenile Justice unit (community based orders)	Juvenile Justice Juvenile justice custodial centre
	<ul style="list-style-type: none"> • Identify any strengths and difficulties the young person is experiencing and their support needs. • Identify services that could meet the young person's needs. • Clarify whether Disability Services will provide case management or other supports. • Recognise the young person's achievement in completing the court order, and allow the young person to reflect on the purpose of the order and their progress. 	<ul style="list-style-type: none"> • If appropriate, liaises with custodial client's family regarding support options for the young person when released. • Attends case closure meeting and provides advice regarding suitable community or Disability Services supports. 	<p>Juvenile Justice statutory involvement.</p> <ul style="list-style-type: none"> • The report must summarise the client's order, and document services which will remain involved. • A copy of the report must be provided to Disability Services at the case closure. 	

5. Resolving differences

Disputes may arise between Disability Services and Juvenile Justice during the case management of a client who is under the care, support or supervision of both program areas. When conflict and differences emerge, this may be the result of a lack of understanding of each other's practice framework, and has the potential to impact on the outcomes for young people.

Good collaboration between services can allow decisions to be made on the basis of plans previously developed, rather than plans being driven and determined during crisis situations. Therefore, good communication and collaborative work are more likely to reduce risks when working with this group.

See p.6 for more information about collaborative work.

5.1 Dispute resolution

The dispute resolution process should be undertaken in a manner that ensures:

- The young person's safety and wellbeing are paramount.
- Differences are resolved at the most immediate level possible within the systems' hierarchies. However, line management support and decision-making should be used if initial attempts to resolve the dispute are not possible.
- Differences are addressed as soon as possible after they arise.

The overall aim of this process is to resolve the case specific issues and/or problems. All information should be clearly recorded with an outline of the process taken to resolve the issues, roles and responsibilities of each service, and further action plans to address issues and maintain the safety and wellbeing of the young person.

Workers may disagree about the type of action being taken for a particular client, and attempts to work through the disagreement should occur between the two direct case workers from each program area. If workers are unable to resolve this issue, the matter should be taken to the next line of management for advice and assistance.

The following model for resolving issues could be used as a basis for workers in situations where disputes have occurred:

- Identify the problem by allowing both parties to state their case. Identify their position in the case and their rationale for their position.
- Attempt to work through the dispute to develop a number of strategies to address the disagreement.
- Discuss and negotiate with the other party to achieve the most suitable resolution.
- Agree on an outcome and develop a strategy for its implementation.
- Agree on how strategies will be evaluated and monitored.

Should this not be successful, managers should consider a further mediation process.

6. The Disability Services system

6.1 Mission statement

The mission of the Disability Services Division is to improve the quality of life for Victorians with a disability through services that enhance independence, choice and community inclusion.

6.2 Policy objectives

The Victorian State Disability Plan reflects the aspirations and views of people with a disability and outlines the government's vision for the future: that people with a disability should be able to live and participate in the life of the Victorian community, with the same rights, responsibilities and opportunities as other citizens of Victoria.

The State Disability Plan is the first disability plan in the history of Victoria to take a whole-of-government and whole-of-community approach to disability. It looks at all aspects of life for people with a disability including disability supports, health and community services, recreation, education, employment, transport and housing. It is also the first plan to address the needs of people with a range of different types of disabilities; that is, people with intellectual, physical and sensory disabilities, acquired brain injury and neurological impairments.

A priority strategy of the State Disability Plan is to reorient disability supports to be more responsive to individual needs. In line with this, Disability Services is implementing the individualised planning and support approach. The individualised planning and support approach focuses on enabling people with a disability to live in the community and receive the supports they require within the ordinary structures of education, health, employment and community services. This approach supports people with a disability to develop and maintain informal networks, and disability supports are available when assistance is required beyond the services generally provided within the community.

The individual planning and support approach emphasises self-determination, community membership and citizenship. It sees planning as person-directed and independent, and support that is flexible, tailored to individual needs, and concerned with maintaining and developing informal and formal networks.

The individual planning and support approach moves away from 'traditional' Disability Services-funded activities to enabling individuals to acquire supports based on their choice and individual needs. Individual planning and support approach will enable disability supports to:

- Be more flexible.
- Work with people with a disability as partners.
- Respond to people's individual needs.
- Support people to pursue a lifestyle of choice.

People with disabilities have the same rights as other citizens to receive support from general community services. Disability Services supports community services to understand and respond to the needs of people with disabilities.

6.3 Structure and location

Disability Services Division sits within the Department of Human Services, and is part of the portfolio of the Minister for Children, Minister for Community Services. Supports are delivered across Victoria through three metropolitan and five rural regions.

At a regional level, Disability Services provides internally delivered programs that will be the primary source of workers supporting shared clients:

- Intake and response
- Case management
- Behaviour Support Services

6.4 Legislative basis

The legal powers and responsibilities of Disability Services are outlined in legislation and workers must know which legislative provisions apply to their work. The primary legislative acts are:

- Intellectually Disabled Persons' Services Act 1986

- Disability Services Act 1991
- Guardianship and Administration Act 1986
- Children and Young Persons Act 1989.

When a young person with a disability is involved in the criminal justice system, Disability Services workers must be aware of relevant provisions in the:

- Children and Young Persons Act 1989
- Sentencing Act 1991
- Crimes (Mental Impairment and Unfitness to be Tried) Act 1997.

Where a court seeks to use the provisions of the Crimes (Mental Impairment and Unfitness to be Tried) Act, the Disability Services case manager must contact Community and Individual Support Branch, Disability Services Division for further advice.

6.5 Policies, guidelines and manuals

Disability Services workers must comply with a range of departmental and Disability Services policies and guidelines. Their work is also informed by a number of practice manuals. The two manuals most relevant to working with young people involved in the Juvenile Justice system are:

- *Criminal Justice Practice Manual*, Disability Services Division, 1998.
- *Disability Services Manual*, Disability Services Division, 2000.

These are available on the department intranet.

6.6 Supports funded or delivered by Disability Services

Disability Services funds or delivers a range of supports that provide or facilitate access to:

- Information and advocacy
- Accommodation
- In-home support services
- Respite
- Therapy
- Behaviour support services
- Recreation and employment
- Education and training
- Equipment services
- Case management.

To receive supports, a person must first be determined eligible.

6.7 Eligibility for Disability Services

Being determined as *eligible* means a person with a disability can request supports provided by Disability Services. The Disability Services Act and the Intellectually Disabled Persons' Services Act determine the criteria for eligibility. It is important to note that a person must meet **all** of the criteria to be determined eligible. For example, a person applying for eligibility under the Intellectually Disabled Persons' Services Act must have a significant intellectual deficit **and** significant difficulty undertaking everyday living skills (adaptive behaviour).

6.8 Requesting an eligibility assessment

Requests for eligibility assessment can be made to the regional Disability Services Intake and Response Service. People who can make a request are listed below in Table 2.

Table 2: Who can lodge an eligibility assessment request?

The Intellectually Disabled Persons' Services Act	The Disability Services Act
Requests can be lodged by:	Requests can be lodged by:

<ul style="list-style-type: none"> • Any person over the age of 16 who believes they have an intellectual disability. • Any parent, guardian or primary carer of a person over the age of 6 years believed to have an intellectual disability. • A court or Juvenile Justice service if they suspect the young person has an intellectual disability. 	<ul style="list-style-type: none"> • Any person who believes they have a disability. • Any parent, guardian or primary carer of a person over the age of 6 years believed to have a disability. • A court or Juvenile Justice service if they suspect the young person has a disability.
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Disability Services will respond to an individual, family, guardian or Juvenile Justice request for eligibility assessment **if** there is enough information to suggest that the subject of the request is likely to meet the criteria for eligibility, **and** if consent has been given.

If Juvenile Justice requests an assessment, the young person, their parent or guardian, must sign Release of Information and Consent to Eligibility Assessment forms. The Disability Services Intake and Response Service provide these forms. At an initial meeting, the Disability Services worker will explain the assessment process and the implications of being assessed as eligible. For example, if a young person is determined as eligible, this will remain on permanent record.

If the court requests an assessment, Disability Services must undertake the assessment within a set timeframe. The Intellectually Disabled Persons' Services Act Section 7 (3) states that the assessment must be undertaken within 30 days of receiving the request. In practice, this means that assessment must commence within 30 days of receiving the signed Application for Assessment of Eligibility form. There is an expectation that eligibility assessments will be completed within a timely manner to ensure assessment processes do not unduly disadvantage the young person.

The Intellectually Disabled Persons' Services Act Section 7 (4) allows the Secretary to defer or discontinue any assessment where the assessment is unlikely to determine whether the person is intellectually disabled.

For further information about ineligibility refer to Section 6.11 – "What happens when a person is deemed ineligible".

A Disability Services worker, or in the case of a cognitive assessment a registered psychologist, undertakes an assessment for eligibility. Consequently, they may have to meet with the person on a number of occasions to complete the assessment. In some cases, additional time may be required if the person is not known to Disability Services. Sometimes people refuse to participate. In these cases, Disability Services must advise the court in writing that it is not possible to determine the person's eligibility status due to lack of cooperation. Disability Services may still provide secondary consultation/advice to Juvenile Justice when a young person is suspected of having a disability, but this cannot be confirmed.

If the assessment identifies that the person does have an intellectual disability as defined under the Intellectually Disabled Persons' Services Act, the person will be referred to as a registered client of Disability Services. This term is not applicable to a young person with an acquired brain injury.

In an emergency, a person is able to receive services prior to an assessment being conducted, if it is believed that the assessment will result in the person being declared eligible. The term emergency is not defined in the Act and as such is left to the discretion of the Manager, Disability Services. More detailed information about delegations are available on the department intranet.

In general an emergency is considered to be a sudden, serious event for which immediate action is necessary. Where services are provided in an emergency, the client and the family must be advised that no further services will be provided to the person if they are subsequently assessed as ineligible.

Within 14 days of completion of an assessment, Disability Services is required to issue a declaration of eligibility for services.

6.9 Eligibility criteria

Table 3 below lists the criteria for eligibility under the Intellectually Disabled Persons' Services Act and Disability Services Act.

Table 3: Eligibility criteria

Eligibility under the Intellectually Disabled Persons' Services Act	Eligibility under the Disability Services Act
<p>A person must meet the following criteria:</p> <ul style="list-style-type: none"> • Have significant sub-average general intellectual functioning. • Have concurrent deficits in adaptive behaviour (section 8, Intellectually Disabled Persons' Services Act). • Both of which have manifested before the age of 18. 	<p>A person must meet the following criteria, the concurrent existence of:</p> <ul style="list-style-type: none"> • Have an intellectual, physical, sensory, neurological impairment or an acquired brain injury. • Be aged 6 or over. • Have their impairment manifest before age 65. <p>They must also meet the following criteria:</p> <ul style="list-style-type: none"> • The impairment is permanent or likely to be permanent and results in: <ul style="list-style-type: none"> - A substantially reduced capacity of the person for communication, learning or mobility. - The need for continuing support services. - Impairment, which may or may not be of a chronic episodic nature (section 3, Disability Services Act).

6.10 Assessment of eligibility

Eligibility is assessed using psychological tests and documentation. Significant sub-average general intellectual functioning is indicated by a score on a standard intelligence test that is roughly within the lowest 2.5 per cent of scores compared to the normal Australian population. (In the Intellectually Disabled Persons' Services Act, this is referred to in statistical terms as two standard deviations below the mean). Disability Services uses standardised psychological tests to establish the level of cognitive functioning. These tests can only be administered and interpreted by a registered psychologist. Formal psychological testing is not always required to establish eligibility. A determination may also be based on sufficient information and evidence gathered through observation, historical information, alternate professional reports and results of previous assessments.

Adaptive behaviour refers to how 'effectively individuals cope with common life demands and how well they meet the standards of personal independence expected of someone in their particular age group, socio-cultural background, and community setting' (American Psychiatric Association 1994). Adaptive behaviour includes areas such as communication, social/interpersonal skills, self-care, work, leisure and health skills. Adaptive behaviour may be measured by a standard test or through gathering clear evidence indicating a deficit in comparison to peers. To be determined as eligible, a person must demonstrate a deficit in two or more areas and, in the case of formal testing, score within the lowest 2 per cent of the population.

Statistical tests are not used to assess eligibility under the Disability Services Act. A Disability Services Program – Target Group Report is conducted to determine whether a person meets the legislated criteria. Documentation must be provided to establish that the person has a disability that impacts on their ability to function. The documentation may include reports or letters from medical specialists, general practitioners, neurologists, neuropsychologists or specialist service providers.

A request for a neuropsychological assessment to determine if a person has an acquired brain injury can be made to:

- Disability Services Intake and Response on 1800 783 783. This service can refer to the appropriate provider in their region.

- Juvenile Justice in metropolitan regions can directly contact ARBIAS on 9417 7071 to seek a referral.
- Paediatric Co-ordinator Melbourne City Mission on 9385 6333. Information on services to children and young people with an acquired brain injury can be obtained.

6.11 What happens if a person is determined ineligible?

When a person is determined as ineligible, they receive a letter stating this decision. If the court has requested the assessment, a letter detailing this decision is forwarded to the court. People determined as ineligible may request a re-assessment. Generally, in the event that a new cognitive assessment is required, a period of 18 months to 2 years is needed between formal tests to ensure adequate validity of results. A re-assessment of eligibility may be required where it is believed that there have been changes in an individual's circumstances that would alter their eligibility status. Any decision regarding whether re-assessment should be undertaken is the responsibility of the regional Manager, Disability Services. Requests should be made in writing to the regional Manager, Disability Services, outlining the reasons for the request. The request should be accompanied by a signed Application for Assessment of Eligibility form. The regional Manager, Disability Services will write to the person for whom the request is made and the person making the request, advising them of their decision.

When a person has been declared ineligible, they may lodge an appeal within 30 days to the Intellectual Disability Review Panel.

The Intellectual Disability Review Panel can be contacted on 1800 641 038 or 8601 5244 or email idr@dhhs.vic.gov.au.

6.12 What happens when a person is determined eligible?

When a person is determined as eligible, they may request supports from Disability Services. Their first point of contact will be their regional Intake and Response Service. Over the phone, an Intake and Response worker will gather initial information about the person's needs and wants, and may make basic plans and/or provide referrals to community support agencies.

6.13 Disability Services and the criminal justice system

When a person with a disability becomes involved with the criminal justice system, Disability Services may play a number of roles. If the shared client has an intellectual disability and is a registered client, Disability Services may already be providing a range of services to the person and may need to reassess the client's needs or provide other supports.

Disability Services, usually the case manager, is responsible for:

- Organising an eligibility assessment.
- Completing a plan of service, justice plan or a client overview report to assist the court in making appropriate sentencing orders. (In legislation, these plans are referred to as pre-sentence reports. In practice, they form part of, and must be prepared in conjunction with, the pre-sentence reporting Juvenile Justice must complete). See Table 6 for an overview of these reports.
- Attending court to present reports and answer queries.
- Working with Juvenile Justice to provide appropriate support for a shared client.
- Reporting the client's compliance with the conditions of a plan of service or justice plan (if imposed by a court as a condition of an order) to Juvenile Justice. Based on this information, the decision for breaching these orders remains with Juvenile Justice as the statutory authority.
- Providing secondary consultation/advice to the criminal justice system about disability issues.

6.14 Reports to the court

Plan of service and justice plan are not used in legislation; the legislation refers to pre-sentence reports. When the Children's Court requests a pre-sentence report, both Disability Services and Juvenile Justice must provide specified content. The Disability Services part of the pre-sentence report in the Children's Court is known as the plan of service.

When any other court requests a pre-sentence report regarding a young offender aged 17–20 at the time of sentencing, the Disability Services part of the report is referred to as a justice plan.

Any person who has a disability is able to access the Intake and Response team for information on the services available to them in the community or through funded agencies (non-government organisations), or they can contact an agency directly. In addition, the Intake and Response team will assist in facilitating referrals to these support services as requested.

While Disability Services, along with other funded services, predominately provides case management to registered clients, some regions may have the capacity to provide supports to young offenders with an acquired brain injury. Check with the regional Intake and Response team.

7. Disability Services case management

Case management services aim to support people with disabilities become more independent and active in community life. Case management involves undertaking a detailed assessment and working with the individual and family members to identify goals and strategies. In most instances, supports for people who are determined as eligible under the Disability Services Act are provided by community agencies. There may be priority of access criteria, and waiting times for support, such as case management and accommodation support.

The allocation of a case manager is based on an analysis of the individual's level of need, safety, wellbeing and potential serious consequences for the individual or the community, and the regional capacity to deliver the support. Not all people who are eligible will receive support. Victorians with an intellectual disability can, and do, make positive contributions to the community. Most people with an intellectual disability live independently and do not require any additional support or assistance. However, support from Disability Services is provided when a need arises and the client consents to services.

Young people with a disability who are involved with the Juvenile Justice system are generally prioritised for case management support. However this does not mean that Disability Services will provide for all their support needs. For example the needs of a person with a disability may be better met by generic services rather than disability specific services.

If an individual is involved in the criminal justice system and has an intellectual disability as defined under the Intellectually Disabled Persons' Services Act, Disability Services managers or team leaders will attempt to allocate a case manager who is familiar with the criminal justice system.

Case management delivered by Disability Services progresses through a number of phases detailed below.

Table 4: Phases of Disability Services case management

<p>Allocation</p> <p>Allocation is based on the individual's needs and whether they are in a priority service group. The client may be placed on a waiting list.</p>
<p>Assessment</p> <p>A formal assessment is completed. The assessment ascertains the person's needs across a range of areas such as education, health, human relations, family support and living situation.</p>
<p>Planning</p> <p>For people eligible for services under the Intellectually Disabled Persons' Services Act who are seeking access to other Disability Services programs or who require long-term case management, a general service plan is used to identify goals, plan supports that build on the person's skills and strengths.</p>
<p>Implementation</p> <p>Strategies outlined in the general service plan are put into action. Implementation might involve providing information, helping people access other services, organising referrals for services, arranging visits, providing ongoing liaison, coordination, encouragement and support.</p>
<p>Monitor and review</p> <p>Support provision is monitored and reviewed to ensure outcomes are being achieved. Strategies and goals are changed if needed.</p>
<p>Closure</p> <p>A case may be closed when all general service plan goals are achieved, or all tasks identified as Disability Services' responsibility are complete. A case may also be closed if:</p> <ul style="list-style-type: none">A recipient of services and/or their guardian makes a request for no further services.The recipient and/or their guardian is consistently disinterested or uncooperative and there are no significant risk

issues.

The recipient disengages from the service.

A case **cannot** be closed when the person is on an order for which the department is legally responsible (for example, a court order in the Juvenile Justice system either community based or custodial) regardless of the client's/guardian's wishes.

7.1 Plans required under the Intellectually Disabled Persons Services Act 1986

When people are determined as eligible under the Intellectually Disabled Persons' Services Act, Disability Services **must** prepare and review GSPs and individual program plans according to the provisions of the Intellectually Disabled Persons' Services Act (sections 9–12). The general service plan is a case-planning tool that identifies strategies to achieve short- and long-term goals to meet a client's needs. More detailed information about GSPs is contained in the *Disability Client Services Manual* available on the DHS intranet.

7.2 Plans required under the Disability Services Act 1991

While there is no legal requirement to prepare support plans under the Disability Services Act, Disability Services and non-government organisation community case management services will have practice standards that require a plan to identify the person's goals and required supports, strategies to achieve these, and how the plan will be implemented and monitored.

If the court has requested a plan of service or a justice plan for a young person who is not a registered client of Disability Services, an eligibility assessment must occur first. If the young person is determined ineligible, Disability Services will not prepare any plans and will advise the court in writing of the young person's ineligibility.

Table 5: Documents and reports prepared by Disability Services

	Eligibility assessment	Client overview report	Plan of service (court requested report)	Justice plan (court requested report)
Aim	To determine whether a person is eligible to request services under the Intellectually Disabled Persons' Services Act or the Disability Services Act.	To provide important background information about a young person.	Specify appropriate services designed to reduce the likelihood of re-offending.	Recommend available services aimed at reducing the likelihood of re-offending.
Can be requested by	Person with a disability, or their guardian, a court, Juvenile Justice, legal representatives, Youth Parole Board, Youth Residential Board.	Court, legal representative, Youth Residential Board or Youth Parole Board when considering a young person for parole, juvenile justice case managers of shared clients in custody or on a juvenile justice community-based order.	All courts (usually the Children's Court, but occasionally other courts if the offence is serious and has been transferred to a higher court).	All courts hearing offences committed after the offender has turned 17 years of age.
Is the consent of the subject required?	Consent is always required unless the court makes the request.	Consent is not required if the report is accompanying a justice plan or if the report is requested by the Youth Parole Board, Youth Residential Board or Juvenile Justice. Consent is required if the report is requested by a legal representative. It is preferable to obtain consent for any information on a third party included in a report; for example family members.	Consent is not required for the plan to be completed. However, the recommendations in the plan will not be made part of a court order unless the young person consents to participate.	Consent is not required for the plan to be completed. However, the recommendations in the plan will not usually be made part of a court order unless the young person agrees to participate.
Content	The eligibility assessment results in a Statement of Eligibility or a decision that the person is not eligible for Disability Services.	May include information about a young person's: <ul style="list-style-type: none"> • Level of disability • Developmental history • Contact with Disability Services • Current circumstances. 	May set out all or any of the following, but no others: <ul style="list-style-type: none"> • Sources of the information on which the report is based • Circumstances of the offence of which the child has been found guilty • Any previous sentencing orders in respect of the child involving the Secretary 	May provide any or all of the following regarding the offender, which appear to the author of the report to be relevant to the sentencing of the offender, and are readily ascertainable by the author: <ul style="list-style-type: none"> • Age • Social history and background • Medical and psychiatric history • Educational background

Table 5: Documents and reports prepared by Disability Services

	Eligibility assessment	Client overview report	Plan of service (court requested report)	Justice plan (court requested report)
<p>When it must be completed</p>	<p>When:</p> <ul style="list-style-type: none"> An individual with a disability or their guardian want supports funded or delivered by Disability Services but have not yet been determined eligible. Juvenile Justice or the court suspects a young person has a disability. The court requests a plan of service or a justice plan for a person not already determined eligible. 	<p>When:</p> <ul style="list-style-type: none"> A justice plan is prepared. A request is made by the Youth Parole Board, Youth Residential Board or Juvenile Justice. A legal representative requests it and only if the subject of the report consents. 	<ul style="list-style-type: none"> Family circumstances Education Employment history Recreation and leisure activities Medical and health matters (section 54, 1). 	<ul style="list-style-type: none"> Employment history Circumstances of any other offences known to the court where the offender has been found guilty Compliance with any current sentence Financial circumstances Special needs Any available courses, programs, treatment, therapy or other assistance that may benefit the offender Any other matter relevant to sentencing as directed by the court (section 97).
			<p>The court must request a plan of service (pre-sentence report):</p> <ul style="list-style-type: none"> Prior to sentencing a young person who is eligible under Intellectually Disabled Persons' Services Act or suspected of having an intellectual disability (section 52, 2-3). If the court is considering making a youth residential centre or youth training centre order for any child (section 52,1A). <p>The court may request a plan of service prior to passing sentence on</p>	<p>The court may order a justice plan (pre-sentence report) in relation to any person found guilty of an offence (section 96,1).</p> <p>The court must order a justice plan (pre-sentence report) if it is considering making a combined custody and treatment order, an intensive correction order, a youth residential order, a youth training centre order or a community-based order (section 96,2).</p>

Table 5: Documents and reports prepared by Disability Services

	Eligibility assessment	Client overview report	Plan of service (court requested report)	Justice plan (court requested report)
Prescribed in which Act	Intellectually Disabled Persons' Services Act sections 7-8 and Disability Services Act section 3.	Not prescribed in legislation.	any child (section 52,1). Children And Young Persons Act section 52(3).	Sentencing Act sections 96-97.
Timelines	An assessment must be allocated to a worker within 30 days of receiving a request for assessment (section 7,3) or as directed by the court. (Disability Services needs a minimum of four weeks to complete an assessment).	As for the plan of service and justice plan.	As directed by the court.	As directed by the court.

7.3 Sentencing and the role of Disability Services

If a person with a disability is found guilty of an offence, the court has the same range of sentencing options as for any offender. These range from community-based to custodial sentences. The court will decide which sentence is appropriate after considering the type of offence and the offender's circumstances. The court may use a plan of service, justice plan, client overview report, Juvenile Justice pre-sentence report or verbal advice from Disability Services and Juvenile Justice as a guide for making an appropriate sentence.

Disability Services case managers completing plans **must** only recommend services or supports that are available and aimed at minimise the likelihood of the registered client re-offending. The plans must be developed in accordance with the Disability Services *Criminal Justice Practice Manual* (1998).

A case manager should maintain regular and meaningful contact with the shared clients if they are in custody or on a community based order:

- Disability Services must be involved for the duration of a community based order.
- Generally juvenile justice custodial orders are short, and involve periods of leave from detention therefore Disability Services case management must remain open. It is important to maintain relationships with young people in custody as Disability Services will provide case management if the person is released on parole and at the end of a custodial period (if appropriate).

7.4 Disability Services' involvement as part of a court order

The recommendations in a plan of service or justice plan are not legally binding unless attached to a court order. This will only occur if the young person agrees to the provisions of the plan. For example, a plan of service may recommend that the young person attend a vocational skills program.

If a young person does not comply with the provisions of their order, Disability Services has no legal authority to enforce compliance. Disability Services can only:

- Encourage the young person to comply.
- Report non-compliance to the relevant authority.

When Disability Services is providing support or programs according to provisions attached to a juvenile justice community-based order, case management will be provided for the duration of the order. After this, case management will be provided based on the individual's level of need, whether they consent and regional capacity. Overall responsibility for monitoring compliance with court orders rests with Juvenile Justice.

If provisions from a justice plan are attached to an adult community-based order, the young person will be the responsibility of the adult criminal justice system Corrections Victoria rather than Juvenile Justice. In these cases, Disability Services will need to work with the Corrections Victoria. Overall responsibility for monitoring compliance with court orders rests with Corrections Victoria. In the case of a Justice Plan, Disability Services have the ability to return a justice plan to court to review conditions if they are no longer appropriate. For guidance in this area, workers must refer to *the Protocol Between the Office of Correctional Services Commissioner, Department of Justice and Disability Services*, available on the DHS intranet.

7.5 Other relevant supports

Crisis accommodation

Disability Services funds the Statewide Crisis Accommodation and Support Program to provide emergency accommodation for up to 10 people, aged 16 years or above, who have an intellectual disability and are involved in the criminal justice system. The program is delivered from two sites: Charlton House in the Eastern Metropolitan Region and Furlong House in the North and West Metropolitan Region, but is available to statewide clients. Placements are reviewed monthly, and the maximum stay is three months. Information about the referral process may be accessed via the Intake and Response Team.

Long-term accommodation

Disability Services accommodation support is targeted to adults who have high and/or complex needs. Clients are assessed on a needs basis and suitability for accommodation, including compatibility with other residents.

8. The Juvenile Justice system

8.1 Mission statement

The mission of the Juvenile Justice program is to ensure care, custody and supervision for young offenders through the provision of programs that will assist them to develop the knowledge, skills and attitudes to manage their lives effectively without further offending, and to provide mechanisms, resources and direction to achieve this.

In the context of the legislation, and through the provision of quality community-based supervision and support programs, to promote the personal development of young offenders and contribute to the reduction of crime in the community.

8.2 Policy objectives

The Juvenile Justice program's objectives are to:

- Maximise the appropriate diversion of young people cautioned or charged with an offence from the criminal justice system.
- Minimise the progression of young people into the Juvenile Justice and adult corrections systems.
- Minimise the likelihood of re-offending by young people who enter the Juvenile Justice system and maximise their chances of rehabilitation.
- Engender public support and confidence in the Juvenile Justice system.
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8.3 Structure and location

The Juvenile Justice program consists of:

- Juvenile Justice and Youth Services Branch
- Juvenile Justice Custodial Services.

The Juvenile Justice program is part of the portfolio of the Minister for Children, Minister for Community Services.

The Juvenile Justice and Youth Services Branch sit within the Office of Children division of the Department of Human Services (DHS). Services are delivered across the state of Victoria through eight regions. Each region manages Juvenile Justice units that supervise community-based orders.

The Juvenile Justice Custodial Services sits within the Operations Division of the Department of Human Services. The Director, Juvenile Justice Custodial Services oversees the operation of the three custodial facilities for young people aged between 10 and 21 years:

- Malmsbury Juvenile Justice Centre
- Melbourne Juvenile Justice Centre
- Parkville Youth Residential Centre.

The Juvenile Justice program is one part of the wider criminal justice system for young people that also includes the police, the courts, the Youth Parole Board (YPB) and Youth Residential Board (YRB).

8.4 Legislative basis

The following acts provide the primary legislative basis for the Juvenile Justice program:

- Children and Young Persons Act 1989
- Sentencing Act 1991.

Unlike participation in Disability Services, involvement with Juvenile Justice is compulsory.

8.5 Policies, guidelines and manuals

Juvenile justice workers are required to comply with departmental, divisional and Juvenile Justice policies and guidelines. Case practice work in Juvenile Justice is mainly guided by two main documents:

- Juvenile Justice Case Practice Standards Manual (2002)
- Juvenile Justice Custodial Centre Operations Manual (2004).

8.6 Services provided

To achieve its mission, Juvenile Justice provides:

- Verbal or written court advice to the Children's Court and adult courts (Magistrate's/County/Supreme) in relation to sentencing options and Juvenile Justice programs.
- Deferral of sentence and bail supervision.
- Statutory supervision and support to young people who have been found guilty of an offence/s and have been sentenced to a community-based order from the Children's Court through community-based Juvenile Justice units.
- Custodial facilities for young people who have been remanded or sentenced to a facility who:
- Have been charged with an offence when under the age of 18 years and have been remanded awaiting hearing in the Children's Court.
- Are aged 10–21 years who have been sentenced to a period of detention in a youth residential centre or a youth training centre under the *Children and Young Persons Act 1989* or the *Sentencing Act 1991*.

8.7 Entry to Juvenile Justice

A young person may become involved with Juvenile Justice after they have been charged by police and appear in court. During this process, any of the following may involve the young person with Juvenile Justice:

- The court advice service in the Children's Court or adult courts (Adult Court Advice and Support (ACAS) Service) may advise the court, the young person, their family or legal representatives.
- Juvenile Justice may be asked to advise on suitability of bail. The Central After Hours and Bail Placement Service (CAHABPS) provide this service outside business hours.
- The court orders Juvenile Justice to supervise bail, which may involve reporting on the young person's progress.
- The young person is remanded by the Children's Court and will be held in a Juvenile Justice facility.
- The young person is found guilty and Juvenile Justice is required by the court to prepare a pre-sentence report. (In the adult courts, this is often referred to as a youth training centre suitability assessment.)
- The young person is sentenced to a juvenile justice community-based order in the Children's Court and must be supervised by Juvenile Justice.
- The young person is sentenced to detention in a youth training centre or a youth residential centre and will be detained in a juvenile justice facility.

Most young people who become involved with Juvenile Justice have received a juvenile justice community-based order. Young people sentenced to a period in a custodial centre make up a small proportion of the juvenile justice population. However, due to their nature of offending, custodial clients require intensive programs and services.

8.8 When will a young person be bailed or remanded?

When a young person is to be charged, section 128 of the *Children and Young Person's Act 1989* states that they are to be charged by summons, except in exceptional circumstances. A decision as to whether or not a young person will be bailed or remanded can be made at several different points after a young person has been investigated in relation to an offence.

Police may:

- Issue a summons under section 461 (2) *Crimes Act 1958*.
- Grant bail pursuant to section 10 *Bail Act 1977*.
- Seek remand from the court or bail justice.

A child taken into custody must be brought before the court or a bail justice. If the court is not sitting at any convenient venue, the child must be brought before a bail justice.

Bail justice may involve:

- Bail with or without general conditions; for example, accommodation/supervision.
- DHS conditions. (This may include conditions to access supports during the bail or to access services from other DHS programs such as Child Protection or Disability Services.)
- Remand.

Court options include:

- Bail with or without general conditions; for example, accommodation and supervision.
- DHS conditions, remand or re-remand. (Re-remand may occur when matters are adjourned and the court decides that the young person should continue to be on remand until the matter is returned to court.)

Table 6: Processes after a young person has been charged

Outcome of police interview	What will happen
Charged on summons	Released to remain in the community Court date and details of charges sent within 12 months
Charged and released on bail (with or without conditions)	Released to remain in the community If conditions are attached, must comply with conditions or risk breaching bail Court date determined
Charged and remanded (10–16 years)	Placed in custody in a Juvenile Justice facility Court date determined
Charged and remanded (over 17 years)	Placed in custody in police cells or prison Court date determined

8.9 Which court will a young person attend?

Children’s Court

Young people who are charged with an offence and aged between 10 and 17 years are dealt with in the Children’s Court, except in cases where a young person has been charged with a serious indictable offence (murder or manslaughter). The Children’s Court may transfer the matter to be heard in the County or Supreme Court.

Adult courts

Young people over the age of 18 at the time of offence are dealt with in the Magistrate’s Court. When a person aged over 18 has been charged with a serious indictable offence, the Magistrate’s Court will determine sending the matter to a higher court (County or Supreme) to be heard.

If an adult court is considering a custodial order for a young person aged 18 to 20 at the time of sentencing, the court can choose to send the young person to a juvenile or adult facility (section 32 *Sentencing Act 1991*). This is referred to as the ‘dual track’ system. The court’s decision may be based on:

- The young person’s prospects for rehabilitation.
- Whether the young person is particularly impressionable, immature or likely to be subjected to undesirable influences.

8.10 Court advice

Juvenile Justice staff provide the courts with advice that informs the courts’ actions in dealing with young people.

Juvenile Justice has a role in providing court advice in the case of both *children* (a young person aged less than 19 years whose offence was alleged to have been committed while they were under 18 years of age) and *young offenders* (young person aged under 21 at the time of sentence who is being dealt with in an adult court).

The provision of court advice will necessarily involve interaction with the young person and significant others before, during and after any hearing. Advice will usually relate to a hearing in which a court is considering which sentencing disposition to impose. However, advice will also be provided in bail applications and other issues before the courts, such as blood sampling and fingerprints.

Court advice can be broadly categorised as:

- Pre-court hearing.
- Reports authorised by legislation; that is, statutory reports.
- Evidence given in support of reports.
- Other client-specific information.
- General advice relating to Juvenile Justice issues.
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8.11 Reports to the courts

The table below outlines reports that might be prepared by Juvenile Justice in a court advice role.

Table 7: Reports prepared by Juvenile Justice

Report type	Court requested by	Timeline	Pre-/post-sentence request
Pre-sentence report	Children's Court	Determined by judge or magistrate	Pre-sentence
Pre-sentence report (Youth training centre suitability)	Magistrate's, County or Supreme	Determined by judge or magistrate	Pre-sentence
Deferral of sentence	Children's and Magistrate's Courts	Determined by magistrate	Pre-sentence
Youth attendance order assessment	Children's Court	Determined by the magistrate	Pre-sentence
Progress reports (re: juvenile justice community-based orders)	Children's Court	Determined by magistrate	Post-sentence
Breach and revocation/variation of order reports (re: juvenile justice community-based orders)	Children's Court	Determined by date of hearing set by Clerk of Courts	Post-sentence
Progress reports on bail	Magistrate's/County Courts	Determined by judge	Pre-sentence

A court **must** request a pre-sentence report:

- When considering sentence to a youth residential centre or youth training centre (section 52 Children and Young Persons Act and section 96 Sentencing Act).
- In the Children's Court when it suspects that the young person has a disability or knows the young person has a disability (section 52 Children and Young Persons Act).
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9. Juvenile Justice case management

Case management in Juvenile Justice focuses on engagement, consistent face-to-face contact, a dynamic worker/client relationship, goal setting and goal achievement. Core phases of case management are presented in Table 8 below.

Young people on juvenile justice orders are involuntary clients and are legally required to receive services from Juvenile Justice. The complexity of needs, involuntary status and the principles of relationship-based practice in Juvenile Justice form the context of case planning. The success of case management requires staff to balance the achievement of meaningful outcomes for the young person with fulfilling the court's mandate.

Table 8: Phases of Juvenile Justice case management

First contact

Workers should:

Meet with the young person within two days of a statutory order being made and explain the conditions of the court order.

Speak to the young person about themselves, their interests and significant others in their life.

Highlight any immediate problems identified by the young person as barriers to engagement (such as the young person's offences, language or drug use).

Explain their role and the functions of the Juvenile Justice program and the limits of confidentiality as their worker.

Engagement

Juvenile Justice is not a voluntary service, and therefore the young person must see their juvenile justice worker during the statutory order.

Workers should:

Engage with the young person by establish a trusting working relationship with them.

Follow through on understandings made to their clients.

Treat the young person and their family with respect and to provide an appropriate role model.

Assessment

The client assessment and plan (CAP) forms the basis of identifying interventions by a juvenile justice worker.

Assessments must:

Form the basis for all reports to courts, and the basis of the client service plan (CSP).

Focus on reducing a young person's risk of offending.

Be linked to the young person's offending behaviour, and contain information in relation to their life circumstances, family, significant others and peer relationships. It should identify positive and negative aspects of the young person's life.

Be an ongoing process whilst the young person is under a juvenile justice order.

Information on the assessment component is outlined in '9.1 –Client assessment and plan (CAP) processes'.

Planning

The client service plan (CSP) forms the basis for planning interventions by the juvenile justice worker.

Planning forms the interventions required to achieve the goal of minimising offending behaviour and is outlined in '9.1 –Client assessment and plan (CAP) processes'.

Workers should:

Document the interventions during the span of the statutory order and how these plans and action will be implemented during the period of the order.

Implementation

Plans and goals made in the planning process are put into action.

Implementation phase is the day-to-day work of case management.

The worker is responsible for making referrals to services and coordinating their services.

Monitoring

The juvenile justice worker is responsible for monitoring the young person's responses to the implementation of goals and plans. In monitoring the plan of a young person on a juvenile justice order, the worker will make any adjustments if and when necessary. In monitoring the service delivery, the juvenile justice worker should also determine the suitability of the timing of reviews.

Review

Review of the initial assessment in terms of the young person's offending behaviour, relationships and general circumstances. It:

Forms the basis for updating any of the young person's needs and plans.

Gives the worker the opportunity to check the young person's response to the implementation of plans as well as attending and complying with their order.

Gives the opportunity to identify any gaps in services being delivered to the young person, and any issues identified by the client or their family. It also allows strategies to be looked at to address these issues.

Case closure

Juvenile Justice involvement is time limited; that is, it is determined by the young person's statutory order.

Juvenile justice workers should identify any difficulties the young person may still be experiencing.

The case closure phase should identify services available to the young person.

The juvenile justice worker prepares the case closure report.

9.1 Client assessment and plan (CAP) processes

The primary goal for juvenile justice intervention in the client's life is *to minimise further offending*. The client assessment and plan (CAP) outlines the interventions required to achieve this goal, and details how these will be implemented.

The client assessment and plan (CAP) is comprised of four sections:

1. Section A: Client details

This area covers basic information on the client's personal details, current order, alerts and current contacts.

2. Section B: Assessment

The assessment involves systematically gathering information about the client, their offending, life circumstances and relationships, and degree of social connectedness (such as peer group, school, neighbourhood, work etc).

3. Section C: Summary profile

There are two parts to the client assessment and plan (CAP) summary profile:

a) Offending Needs Indicator for Youth (ONIY) – for internal use only

b) Summary profile – for external release.

The ONIY is an internal document that determines the level of intervention that each client receives (that is, clients assessed as a high risk of re-offending are targeted for more intensive programs) and provides the basis for the client service plan (CSP).

The summary profile informs the client service plan in Section D.

4. Section D: Client service plan (CSP) and review

The client service plan (CSP) is the *plan* component of the client assessment and plan (CAP).

The juvenile justice worker, in conjunction with the client, and other relevant stakeholders identify goals in the client service plan (CSP) focusing on:

Developing clients' understanding of the impact of their offending on others – the victims, community, family, and on themselves.

Developing clients' understanding of what led to their offending behaviour.

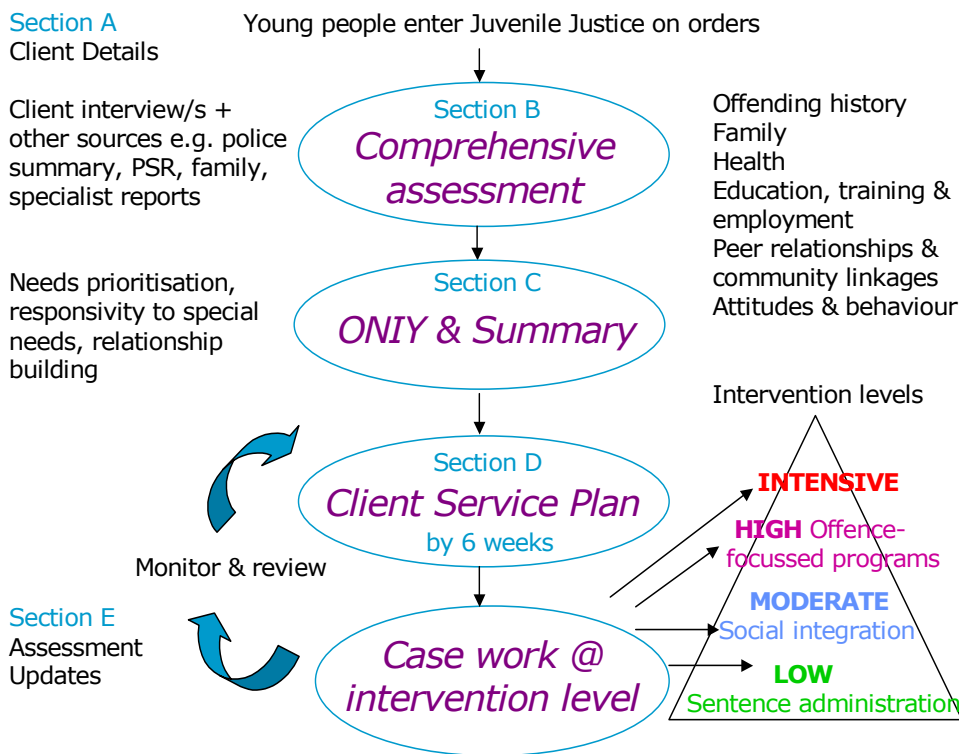
Helping clients develop strategies to address the factors which have contributed to their offending, such as positive anger management, violence prevention and drug and alcohol relapse prevention.

Enhancing personal development, such as independent living skills, positive communication, assertiveness, self-empowerment and increased self-esteem

The client assessment and plan (CAP) requires ongoing evaluation, review and adjustments to ensure that it remains relevant to the client's progress in addressing their offending behaviour. Therefore, juvenile justice workers monitor the client's responses to implementation, re-assess and re-adjust the client assessment and plan (CAP) as necessary.

The client service plan (CSP) review provides information on the client's progress in addressing factors that have led, or contributed, to their offending behaviour. It also outlines the development of purposeful and positive links in the community, through connections with programs and positive social support networks.

The following diagram outlines how that client assessment and plan processes occur.



10. Juvenile Justice orders and programs

10.1 Community-based orders

Since the inception of the *Children and Young Persons Act 1989*, the Juvenile Justice program has supervised and administered all of the supervisory sentencing orders imposed by the Children's Court and it continues to perform that role. The Children and Young Person's Act provides the court with a hierarchy of sentencing options. These enable the court to balance the seriousness of the offence with an appropriate sentence. The court may impose orders that allow a young person to remain in the community and that do not require any formal supervision, such as an undertaking or a good behaviour bond.

Community-based orders such as probation, youth supervision orders and youth attendance orders require the young person to be supervised in the community by Juvenile Justice and be involved in programs to reduce their likelihood of further offending. Most young people who receive a community-based order will be required to report to and attend appointments with a juvenile justice worker on a regular basis. Young people on community-based orders may be required to attend personal development programs as part of their orders. Young people on youth attendance orders and some special conditions on youth supervision orders impose the condition of community work to be performed as part of the order.

The different orders are listed in the table below.

Table 9: Types of community-based orders issued by courts

Community-based order type	Supervised by Juvenile Justice	Maximum length of order	Conditions
Non-accountable undertaking	No	12 months	As per direction of magistrate
Accountable undertaking	No	12 months	As per direction of magistrate
Good behaviour bond	No	12 months	As per direction of magistrate
Probation	Yes	18 months	As per section 159 of Children and Young Persons Act (and special conditions as directed by magistrate)
Youth supervision order	Yes	18 months	As per section 164 of Children and Young Persons Act (and special conditions as directed by magistrate)
Youth attendance order	Yes	12 months	As per section 172 of Children and Young Persons Act for a young person aged 15–17 years

Young people who receive a community-based order must receive information at court about the purpose and expectations of the order imposed by the court. This must include information that failure to comply with the requirements of the order can result in breach proceedings. As many young people may not absorb all the information at the court hearing, it is important that juvenile justice staff reinforce this information during their order. Staff must also explain any special conditions that may have been imposed by the court. At times, this may include a condition to comply with programs of Disability Services.

Warning and breach processes for community-based order clients

If young people fail to comply with the requirements of their order and/or associated conditions (such as a plan of service or justice plan), or display behaviour that is a serious cause for concern, a warning process needs to be implemented. If a Disability Services worker suspects or is aware that a young person has committed or been charged with further offences, they should contact the juvenile justice worker to advise them of any details they have in relation to the new charges (that is, offences/court date/informant/bail-remand and so on). The Disability Services and Juvenile Justice workers should make a joint decision in consultation with their managers about whether to inform the police of suspected offending. Once it has been decided by the juvenile justice worker, in consultation with their supervisor, that a warning is necessary, a number of graduated steps in the warning process should be followed before considering breach action, which is to return the matter to court.

The decision to return a young person to court (that is, to breach) should be authorised by the Juvenile Justice manager. Once the application to return a young person to court for breach has been approved, the Juvenile Justice worker is to negotiate with the appropriate court for a hearing date. A Notice to Appear Before the Court (Children and Young Persons Act (Children’s Court) Regulations 2001, Regulations Form 11) must be authorised by the deputy register and then served on the young person by either the juvenile justice worker delivering it and serving it on the young person or through registered post. This is to notify the young person of the date and location of the court at which they are to appear in relation to a breach of their order.

10.2 Custodial orders

Section 249 of the Children and Young Persons Act allows for the establishment of remand centres, youth residential centres and youth training centres.

The table below outlines the juvenile justice custodial orders as available sentencing options.

Table 10: Custodial orders

	Remand	Youth residential order	Youth training centre order	
			Under Children and Young Persons Act	Under Sentencing Act
Age	10–18	10–14	15–18	18–20
Duration	As determined by the court (not exceeding 21 days at any time it is heard before the court)	Not exceeding 12 months for one offence Not exceeding two years for multiple offences	Not exceeding two years for one offence Not exceeding three years for multiple offences	Two years in the Magistrate’s Court Three years in the County Court
Juvenile justice centre	Parkville Youth Residential Centre (Male and female) Melbourne Juvenile Justice Centre (Male)	Parkville Youth Residential Centre (Male and female)	Melbourne Juvenile Justice Centre (Male) Parkville Youth Residential Centre (Female)	Malmsbury Juvenile Justice Centre (Male) Parkville Youth Residential Centre (Female)

10.3 Temporary leave program

Temporary leave is a cornerstone of rehabilitation programs provided in Juvenile Justice centres in that it enables young people to retain or develop relationships with their families and other support networks, and to embark on law-abiding lifestyles while still residing in a structured supportive environment.

Temporary leave refers to a time-limited leave of absence from a juvenile justice centre/youth residential centre that has been authorised by a departmental staff member with delegated authority for a young person who is serving a sentence of detention or is on remand.

Temporary leave decisions are based on a comprehensive assessment of a young person and their situation. High standards of practice are required in organising and monitoring leave arrangements. Young people who are granted temporary leave remain in the legal custody of the department throughout the period of temporary leave.

Temporary leave can be granted for:

- Maintenance or re-establishment of family and community links.
- Sporting, recreational or community service involvement.
- Medical and treatment purposes.
- Compassionate reasons.
- The administration of justice.
- Employment/education/training.
- Pre-release leave.
- Interstate travel.
- Special occasions (such as Easter and Christmas).

10.4 Pre-release leave

Pre-release leave is one type of temporary leave that incorporates formal case planning with structured leave that may be utilised for employment, education or to develop living arrangements. Young people who are granted pre-release leave may return to their family, or to a placement organised by Juvenile Justice where they will reside after they have been released. An officer supervises young people on pre-release leave to ensure the young person is complying with the conditions of their leave.

Young people on pre-release leave may also reside in Intensive Community Placement (ICP). Intensive Community Placement (ICP) was established to provide intensive support to young men in community-based placements while they are undergoing a custodial sentence. This program is available to 17–21 year olds from Malmsbury Juvenile Justice Centre; however, the program is located in metropolitan Melbourne. The placement is staffed on a 24-hour basis and is available to young men who are preparing for their release from custody.

The Community Transition Program (CTP) was established to provide intensive support to young women in community placements while they are on temporary leave. Young women undergoing sentence at Parkville Youth Residential Centre are able to enter the Community Transition Program (CTP) toward the end of their custodial sentence.

10.5 Exit planning

At the end of their order, juvenile justice staff aim to assist clients to:

- successfully reintegrate into the community without further offending
- address some, or all, of the causes of their offending
- to have the skills to live in the community with an increase sense of personal control
- be linked up with identified support networks.
- successfully reintegrate into the community without further offending

Experience demonstrates that placing a young person in custody and removing them from their family and community life is likely to magnify their difficulties and can exacerbate long-term problems. Not only is the normal maturing process interrupted, but also reintegration back into normal life can be difficult.

Due to being disconnected from their family and community for a period of time, significant effort is made to reintegrate the young person back into the community as effectively as possible. Well-organised and collaborative exit planning may minimise offending behaviour and future returns to custody.

As many detention centres are located in metropolitan regions, in some instances young people may be separated from their families by large geographical distances. This impacts on their level of contact and visits with their family. In such circumstances, these young people and families may require assistance to maintain contact and visits by providing transport at times. Where possible, satisfactory relationships should be maintained with the child’s family and significant others, including support workers.

Juvenile justice staff develop an exit plan which detail strategies and supports to maximise clients’ successful return to the community. Information on strategies and supports can be developed in conjunction with other services such as Disability Services. Exit plans ensure that appropriate services, programs and supports are identified and in place for a client before release. The table below highlights the likely areas in a young person’s life that will require attention, and provides some suggestions for staff regarding exit planning.

Table 11: Exit planning considerations

Issue	Tasks to consider
Employment, education, training and income support	<ul style="list-style-type: none"> • Referral to employment agency • Job canvassing and searching • Referral to school/TAFE/university • Exploration and referral to alternative day program • Enrolment at Centrelink as job seeker
Health, including drug and alcohol	<ul style="list-style-type: none"> • Referral or re-engagement with drug and alcohol service • Assessment undertaken for any pharmacotherapy • Other medical referrals as per client’s needs
Accommodation	<ul style="list-style-type: none"> • Referral to accommodation provider • Education/training for development of living skills • Arrangement of mediation for young people returning home to families

Legal matters	<ul style="list-style-type: none"> • Contact with solicitors to ensure they have no further details of matters • Contact with courts to ensure no further matters listed at any courts
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10.6 Accommodation for Juvenile Justice clients

Young people aged over 17 years of age, who are leaving juvenile justice custodial facilities who have a history of homelessness, or are at risk of homelessness, may be able to access the Transitional Housing Manager (THM) Juvenile Justice Housing Pathways Initiative. Young people using this program could be referred for one of the 47 THM properties funded by the Office of Housing and receive intensive support from agencies funded by the Juvenile Justice and Youth Services Branch.

Young people who are unable to, or are ineligible to, access these properties can be assisted by specialist housing information and referral workers funded through the THM Juvenile Justice Housing Pathways Initiative to access other homelessness services.

For all other juvenile justice clients, juvenile justice workers may, at times, be able to access brokerage funds to access crisis and emergency accommodation or negotiate access to the broader homelessness system.

11. Youth Residential Board and Youth Parole Board

Sections 204 and 215 of the Children And Young Persons Act established the Youth Residential Board and Youth Parole Board. Board membership must be comprise:

- A chairperson, who is a judge of the County Court (nominated by the Attorney-General).
- A representative of the Secretary of DHS.
- Two community representatives (nominated by the Minister for Children, Minister for Community Services) who have experience in the field, one of whom must be female.

Sections 235 and 236 of the Children And Young Persons Act state that all young people sentenced by the court to either a youth residential centre or youth training centre are subject to the jurisdiction of the respective Board. This effectively means that from the day a young person is sentenced, the Boards have the power to make a parole order at any time they consider suitable during the period of detention. Parole provides an opportunity for young people to serve the remainder of their sentence in the community rather than in custody.

The general conditions of a parole order are similar to those of the community-based orders imposed by the Children's Court, although the Boards may impose special conditions they see as appropriate in particular cases.

If the Board does not assess someone as suitable for parole, they are made *not appropriate for parole* (NAP), usually if they have a sentence of less than six months. If a young person is deemed NAP, they become eligible to be released on remission.

Table 12: Reports to the Youth Residential and Parole Boards

Report type	Prepared by	Timelines
Special/special duties	Secretary, Youth Parole Board	As determined by Board
Custodial progress report (CPR)	Juvenile justice centre	As determined by Board
Custodial progress report (review)	Juvenile justice centre	(6-month sentence) four week prior to parole (7-month sentence) six weeks prior to parole (8–36 month sentence) eight weeks prior to parole
Parole plan	Juvenile justice unit	Two weeks prior to parole

Parole plan update	Juvenile justice unit	As determined by Board prior to parole being granted
Parole progress report	Juvenile justice unit	As determined by Board
Breach report	Juvenile justice unit	As submitted by juvenile justice unit
Exit plan	Juvenile justice centre	As determined by Board
Transfer reports	Juvenile justice centre	As submitted by juvenile justice centre
Request for endorsement for interstate travel	Juvenile justice centre	As submitted by juvenile justice centre
Request for endorsement for extended pre-release leave	Juvenile justice centre	As submitted by juvenile justice centre
Special awareness reports	Juvenile justice centre	As submitted by juvenile justice centre

11.1 Remissions

When a young person is designated *not appropriate for parole* (NAP) by the Youth Parole Board/Youth Residential Board, section 280 (1) (c) of the Children and Young Persons Act provides for young people to be released after the application of remissions; that is, without parole supervision. Young people who have been made *not appropriate for parole* (NAP) by the Youth Parole Board/Youth Residential Board may be granted remissions of up to a third of their sentence. Remissions are granted by the chief executive officer of the juvenile justice centre based upon the young person's behaviour in the centre. If a young person is released from a juvenile justice centre on remission, that is the end of their sentence and they do not owe any further time in relation to that sentence.

11.2 Parole

Unlike the other community-based orders contained in the Children And Young Persons Act, parole is not an order made by the court. Only the Youth Residential Board or the Youth Parole Board can grant parole to young people who are undergoing a sentence in a youth residential centre or a youth training centre. When a young person is granted parole, they are still serving the custodial sentence handed down by the court. Therefore, the custodial sentence remains current, but the young person is serving the sentence in the community for the period of parole.

11.3 Warning and breach process for parolees

The graduated steps in the warning process are the same as for the other community-based orders.

In appropriate circumstances, a recommendation can be made to the board to provide a formal warning to a young person while they are on parole.

Sections 229 and 233 of the Children And Young Persons Act make provision for the relevant board to cancel parole in the event of a young person on a youth parole order breaching the order. Unlike juvenile justice community-based orders, a breach of parole orders does not have to be returned to court and is heard by the respective board.

In cancelling a parole order, the boards may also issue a warrant for the apprehension and return of a young person to the centre. The relevant boards consider two types of breaches:

- Non-compliance with the general or special conditions imposed by the youth parole order.
- Further offences committed while on the order, for which the young person has been found guilty.

When a young person's parole order has been cancelled, they are returned to custody to serve this time and the board may consider whether to re-parole them.

12. Independent Person and Independent Third Person programs

The Independent Person program and the Independent Third Person are programs that support an individual through the police interview process. Although these programs are targeted at different clients, young people with a disability may utilise both services. The main differences are that the independent person (IP) works with juveniles and is a silent witness, whilst the independent third person (ITP) assists both children and adults with a disability and has an active role.

12.1 Independent Person program

Both the Crimes Act and the Children and Young Persons Act (section 129 (6)) require that a parent or guardian or (if they are unable or unwilling to attend) an independent person, must be present when the police are interviewing a young person aged between 10 and 17 years. The police must arrange for an independent person. The independent person acts as an objective observer of the interview process and seeks to ensure due process is followed. The Independent Persons Guidelines clarify the roles and responsibilities of the independent person.

12.2 Independent Third Person program

The Independent Third Person (ITP) program assists people with a disability in police interviews. The Office of the Public Advocate coordinates the program. When the police interview a child or adult they believe may have a mental impairment (including an intellectual disability and acquired brain injury), an ITP must be present. The police must arrange the ITP.

The role of the ITP is to:

- Facilitate communication between the individual and the police.
- Assist a person to understand their legal rights.
- Provide support.

Contact details: Office of the Public Advocate 1800 136 829 (toll free).

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Appendix 1: Disability definitions, prevalence, indicators and strategies

	Intellectual disability	Acquired brain injury (ABI)	Autism spectrum disorder (ASD)
Definition	<p>The following criteria are used to define an intellectual disability:</p> <ul style="list-style-type: none"> • Intelligence is significantly below average • Significant deficits in adaptive behaviour such as self care and communication. • Manifests before the age of 18 years. 	<ul style="list-style-type: none"> • An ABI is damage that occurs to the brain after birth. Some examples of how an ABI may occur are: drug use, inhalants, alcohol, infection, disease, stroke, a blow to the head, overdose or unsuccessful suicide attempts. 	<ul style="list-style-type: none"> • ASD is an abnormality of brain development and function of unknown cause, appearing in the first three years of life. • ASD is characterised by impairments in social interaction and communication, and interests and activities that are often restricted and repetitive. Other areas of development may or may not be affected.
Prevalence	<ul style="list-style-type: none"> • Around 40,000 Victorians have an intellectual disability (about 1% of the population). Approximately three-quarters of these people have a mild disability. The rest are moderately, severely or profoundly affected. 	<ul style="list-style-type: none"> • Some 72,000 Victorians have an ABI (1.9% of the population), predominately more men than women. • Research suggests that the prevalence of ABI is greater in Aboriginal and Torres Strait Islander populations. 	<ul style="list-style-type: none"> • All ASDs are more common in males. • Autistic disorder: 8 to 10 per 10,000. • Intellectual disability occurs in 70% of people with autistic disorder, while the remaining 30% often experience difficulties in functioning.
Indicators	<ul style="list-style-type: none"> • Is late achieving developmental milestones such as walking, talking, eating etc. • Attends a special school or special developmental school. • Has participated in an integration program in a mainstream or independent school. • Has been supported by an integration aide or integration teacher. • Is in a mainstream school with no integration supports, but is functioning two or more grade levels below their chronological age. • Experiences significant difficulty in life domain areas such as: personal care skills, 	<ul style="list-style-type: none"> • An ABI can cause cognitive impairment. • People's thought processes and memory maybe altered. People maybe rigid and inflexible with their thinking. • An ABI affects people in different ways depending upon how the brain has been damaged and what part(s). • A young person with an ABI may have difficulty planning and organising, foreseeing consequences, adapting to change and learning from experiences. • May experience difficulty maintaining attention and/or generating ideas and alternatives. 	<ul style="list-style-type: none"> • Inability to understand social rules or sustain two-way conversation. • Difficulty in developing & maintaining friendships. • Socially inappropriate behaviour & social isolation leading to bullying or teasing from peers. • Difficulty understanding feelings, perspectives or motivations of others. • Little use of non-verbal communication (e.g. gestures and facial expression). • Stereotypical body movement (such as hand flapping) and/or self-harming behaviour.

	Intellectual disability communication, literacy, numeracy, road safety).	Acquired brain injury (ABI)	Autism spectrum disorder (ASD)
How to assist	<ul style="list-style-type: none"> • Present information in a way they can understand, and check the person's understanding. • Help with reading, number or daily living skills. • Break down complex information or tasks into smaller components. • Repeat instructions over time. • Allow lots of practice time to reach proficiency in a new skill. • Provide more long-term follow-up and maintenance in an individually tailored program. • Teach each skill in the places where it will be used. Don't assume that these skills will be generalised to other settings. • Link the young person to information or education that is appropriate for the person. 	<ul style="list-style-type: none"> • May experience difficulty initiating and self-motivating, difficulty with abstract thinking and reasoning. With more severe ABI, physical symptoms for example; a lack of coordination may also be present • ABI is often described as the 'hidden' disability, and research indicates that 90% of people who have had a head injury experienced long-term yet undiagnosed effects. Young people with an ABI are therefore less likely to be known by the disability system or to have attended specialist education. • Histories of violence and abuse and/or early use of drugs and alcohol may be initial indicators of ABI though the impairment may not be obvious. • Formal assessment will provide information on the specific area of the brain that is damaged and how this will affect the young person. Assessment can also provide specific strategies for workers to compensate for the identified impairment. • People with an ABI may have memory problems, how they think, plan and organise things. Therefore, it is important that workers don't add to the confusion that the person may already feel. • When interacting with a person who has an ABI workers should not: <ul style="list-style-type: none"> • overload information • do too many things at once • be judgemental. • When interacting with a person who has an ABI workers should: <ul style="list-style-type: none"> • repeat information in a consistent manner 	<ul style="list-style-type: none"> • Excessively narrow, intense or unusual interests. • Adherence to rigid routines or rituals. • Intolerance of change. • Excessive sensitivity to some smells, tastes, textures, colours, sounds, dietary allergies. • Presentation varies depending on age, gender, IQ and personality.

	Intellectual disability	Acquired brain injury (ABI)	Autism spectrum disorder (ASD)
	<ul style="list-style-type: none"> Seek secondary consultation/advice. 	<ul style="list-style-type: none"> talk about one point at a time be patient and give the person time to respond. Sometimes a person with an ABI may not understand what has happened to them. They may lack insight which may result in feeling that nothing has changed and others around them are making a big deal about nothing. They can become angry when people make suggestions about how they could manage with their cognitive impairment. 	

Appendix 2: Disability Services Regional Intake and Response Services

Metropolitan regions

Eastern Metropolitan

Telephone: 9843 6312

Fax: 9843 6575

TTY: 9843 6638

Email: Eastern.Disability@dhs.vic.gov.au

North and West Metropolitan

Telephone: 1800 783 783

Fax: 9412 5466 (Fitzroy)

TTY: 9412 2647 (Fitzroy)

Fax: 9275 7240 (Footscray)

TTY: 9689 2369 (Footscray)

Email: Northern.Disability@dhs.vic.gov.au

Western.Disability@dhs.vic.gov.au.

Southern Metropolitan

Telephone: 1300 131 079

Fax: 9585 1590

Email: Southern.Disability@dhs.vic.gov.au

Rural regions

Barwon South Western

Telephone: 1800 675 132

Fax: 5226 4566

Email: Barwon.Disability@dhs.vic.gov.au

Gippsland

Telephone: 5136 2474

Fax: 5136 2411

Email: Gippsland.Disability@dhs.vic.gov.au

Grampians

Telephone: 1800 670 143

Fax: 5333 6505

TTY: 5333 6815

Email: Grampians.Disability@dhs.vic.gov.au

Hume

Telephone: 1300 650 152

Fax: 5722 0577

TTY: 5722 0623

Email: Hume.Disability@dhs.vic.gov.au

Loddon-Mallee

Telephone: 1800 229 822

Fax: 5430 2302

Email: Loddon.Disability@dhs.vic.gov.au

Appendix 3: Juvenile justice centres and regional juvenile justice unit locations

Juvenile justice custodial centres

Malmsbury Juvenile Justice Centre
Calder Highway, Malmsbury
Telephone: 5421 3100
Fax: 5421 3101

Melbourne Juvenile Justice Centre
900 Park Street, Parkville
Telephone: 9389 4200
Fax: 9389 4204

Parkville Youth Residential Centre
930 Park Street, Parkville
Telephone: 9389 4400
Fax: 9389 4403

Juvenile justice units (community-based)

North and West Metropolitan Juvenile Justice Unit

679–85 High Street, Preston 3072
Telephone: 1300 664 977
Fax: 1300 669 522

35 Hertford Road, Sunshine
Telephone: 9312 2244
Fax: 9312 6760

Eastern Metropolitan Juvenile Justice Unit

883 Whitehorse Road, Box Hill 3128
Telephone: 9843 6481
Fax: 9843 6200

Southern Metropolitan Juvenile Justice Unit

Level 5, 26 McCrae Street, Dandenong 3175
Telephone: 8710 2700
Fax: 8710 2750

21–23 Keys Road, Frankston
Telephone: 9784 3280
Fax: 9784 3288

Gippsland

Bairnsdale
66 McCulloch Street, Bairnsdale
Telephone: 5152 6244
Fax: 5152 1169

Morwell
11 Hazlewood Road, Morwell
Telephone: 5136 2400
Fax: 5136 2411

Sale
52–54 McCarthur Street, Sale
Telephone: 5144 4166
Fax: 5144 7873

Grampians

Ballarat
Corner Mair and Doveton Streets, Ballarat
Telephone: 5333 6530
Fax: 5333 6831

Horsham
21 McLachlan Street, Horsham
Telephone: 5381 9708
Fax: 5381 9710

Barwon/South West Region

Geelong
Cnr Fenwick and Little Mallop Streets, Geelong
Telephone: 5226 4540
Fax: 5226 4741

Warrnambool
Shop 1, 109 Lava Street, Warrnambool
Telephone: 5561 9444
Fax: 5561 9400

Hume Region

Shepparton
163 Welsford Street, Shepparton
Telephone: 5832 1500
Fax: 5831 1851

Seymour
16 Station Street, Seymour
Telephone: 57936400
Fax: 5792 3946

Wodonga

5 Jack Hore Place, Wodonga
Telephone: 02 6055 7777
Fax: 02 6055 7700

Wangaratta

29 Templeton Street, Wangaratta
Telephone: 5722 0555
Fax: 5722 0577

Loddon Mallee**Bendigo**

165 Hargreaves Street, Bendigo
Telephone: 5430 2412
Fax: 5430 2411

Mildura

253 Eleventh Street, Mildura
Telephone: 5022 3111
Fax: 5022 3133

Appendix 4: Court Advice Services

Regional Court Advice (Children's Court and Adult Court and Advice Support Service)

Contact your regional Juvenile Justice unit as listed in Appendix 3.

Melbourne Children's Court

Criminal Division – First floor
677 Little Lonsdale St
Melbourne 3000
Ph: 8601 6740

Melbourne Central Adult Courts

The Adult Court Advice and Support (ACAS) service covers Melbourne Magistrates' Court, County Court and Supreme Court for young people aged 18 up to 21 years of age.

Melbourne Magistrates' Court
Level 4
233 Williams St
Melbourne 3000
Ph: 9600 1885