



**STATE OF WASHINGTON
JUVENILE REHABILITATION**

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June 23, 2017

TO: JR Policy Holders

FROM:

A handwritten signature in cursive script that reads "Marybeth Queral".

Marybeth Queral, Assistant Secretary
Rehabilitation Administration

SUBJECT For Distribution: JR Policy 2.20, *Managing Youth Financial Obligations*

The JR Policy Committee has completed the revisions to Policy 2.20, *Managing Youth Financial Obligations*. The Committee is releasing this policy and its new forms and procedure in order to address specific practices relating to restitution payments. The policy will continue to be developed in the upcoming year.

The attached policy summary provides an overview of the policy.

This policy has a scheduled effective date of July 10, 2016. If you have questions regarding the policy, please contact JR's policy staff at jrapolicy@dshs.wa.gov.

Policy 2.20 – Managing Youth Financial Obligations *Summary*

- Establishes plans for youth payment of legal financial obligations (LFO) including court ordered restitution, fees and claims for damages by Juvenile Rehabilitation (JR)

Background:

The existing policy was issued in 2008, and reflects practices which have received legal complaint by youth and their attorneys. The policy has been in development to address practices that align more closely with our rehabilitative focus, and with other changes to the RCW in 2015.

Policy Summary

The policy has been heavily revised in alignment with legal advice received from our Attorney General and from JR's Legal Services attorney. The policy requires that JR facilitate repayment of LFOs for both JR youth and YOP youth. The policy requires a repayment plan to be created collaboratively with youth. The plan must consider individual circumstances for post-release needs, and will be documented on a new form. Automatic percentages of money deducted are not authorized, unless specified in a court order. Payments to LFO may only be paid from earned income, and staff must not deduct money from a youth's earned income unless the repayment plan is signed. Youth may access Legal Services to discuss potential modifications to their LFO balance based on the YEAR Act from the 2015 Legislative Session. Youth who are employed and making payments will be provided a monthly status on their LFO balance. The LFO process, including outstanding balances, will be discussed at the Intake RTM. Youth will review and re-sign the payment plan when they become employed, as well as when youth transfer to a community facility, release to parole, and discharge from JR. The Claims for Damages process limits claims to the real cost of the damage or loss, and requires documentation of the itemized cost of replacement or repair. Completed claims will be reviewed and approved by the superintendent, Regional Administrator or designee. The reviewing authority may assign local community service hours or may refer the incident to law enforcement. Claims for damages will be added to the repayment plan and youth will approve payments. Youth may access Legal Services to assist in responding to claims for damages.

Changes from Current Practice

- The practice of automatically deducting 50% of a youth's earnings is no longer authorized.
- A new form 27-139 (Financial Obligations Repayment Plan) has been developed to support staff in developing repayment plans for LFOs. ITM Intake Specialists will complete the form with the youth during the intake process, and it will be reviewed at the initial RTM.
- A new form 20-311 (Final LFO Summary) has been developed to support staff in providing youth with the most up-to-date information on their balances and help with payment after release.
- Youth who are employed and making payments will be provided a monthly status on their balance.
- Form 20-225 (Claims for Damages) has been updated to reflect new policy requirements.

Policy Effective Date: July 10, 2017

*Staff are responsible for reading and understanding the information contained in the full policy.
Review of this summary is not sufficient for full understanding.*

POLICY 2.20 MANAGING YOUTH FINANCIAL OBLIGATIONS

Policy Committee Chair

Lori Kesl
Regional Administrator, Regions 1 & 2
Juvenile Rehabilitation

Approved



Marybeth Queral, Assistant Secretary
Juvenile Rehabilitation
6/23/2017

**Authorizing Sources
RCW 13.40.190**

Information Contact

Andrea Ruiz
Policy, Planning & Lean Administrator
Juvenile Rehabilitation

Effective Date (*Technical Edit 12/12/19*)¹
7/10/2017

Sunset Review Date
7/10/2021

I. PURPOSE AND SCOPE

This policy establishes plans for youth payment of legal financial obligations (LFO) including court ordered restitution, fees and claims for damages by Juvenile Rehabilitation (JR) due to property damage or loss.

All staff, contractors, volunteers, and interns working in or for Juvenile Rehabilitation (JR) are responsible for reviewing and complying with JR policies.

II. POLICY

- 1. Youth are responsible for court-ordered restitution, fees and financial obligations.**
- 2. Youth in the DOC's Youthful Offender Program (YOP) will be assisted to pay financial obligations in the same manner as JR youth.**
- 3. JR will facilitate the payment of court-ordered financial obligations as part of each youth's treatment plan.**
- 4. The youth's case manager and parole counselor will be responsible for encouraging and supporting the payment of financial obligations.**
 - 4.1. Parole counselors are not responsible for directly monitoring payments.
 - 4.2. Parole counselors may facilitate communication between youth and the committing court or court clerk regarding payments.

¹ 12/12/19 Technical Edit: Updated DSHS references and forms to DCYF.

Policy **2.20**, **Managing Youth Financial Obligations 7/10/2017****LEGAL FINANCIAL OBLIGATIONS (LFO)**

- 5. Payment plans for LFO will be determined on an individual, case by case basis and documented on the Restitution and Financial Obligations Payment Plan (DCYF Form 27-139). (See Procedure 2.20.1, Managing the LFO Plan)**
 - 5.1. Discussion must consider circumstances requiring funds for housing, child support, independent living or other needs upon release.
 - 5.2. Youth will be encouraged to send a set payment per month to LFO. A recommended percentage for payment is 25% of earnings.
 - 5.3. If the court order specifies a percentage must be deducted from a youth's wages, JR must follow the court order.
- 6. The ITM Intake Specialists will discuss the restitution process with the youth at intake.**
 - 6.1. Each youth will be asked to sign the Restitution and Financial Obligations Payment Plan (DCYF Form 27-139) indicating consent for deductions and payments once they become employed.
- 7. The Payment Plan must be reviewed regularly throughout the youth's stay in JR.**
 - 7.1. The initial payment plan will be reviewed for signature by the RTM Facilitator during the initial RTM.
 - 7.2. The payment plan will be reviewed and re-signed when a youth becomes employed while in a residential facility, ensuring the youth has approved the schedule of payments.
 - 7.3. The payment plan must be reviewed with the youth at transfer to a community facility, when the youth is released to parole, and when discharged from JR commitment.
 - 7.4. Payment plans must be scanned and uploaded to ACT through Document Uploader and a copy must be provided to the youth when revisions are made.
- 8. JR staff will not deduct money from a youth's earned income unless the Restitution and Financial Obligations Payment Plan (DCYF Form 27-139) has been signed and the payments approved by the youth.**
 - 8.1. JR will deduct payments to LFO only from JR earned income.
 - 8.2. Money sent from family or other outside sources will not be used for payment of LFO, unless the youth chooses to do so.
 - 8.3. Youth who wish to make additional payments or have more deducted from their pay may do so. The decision will be documented on the Restitution and Financial Obligations Payment Plan (DCYF Form 27-139).
- 9. Youth with court orders not requiring payments until after release may choose to make payments using JR earned income. Payments will be encouraged, but will not be required. Youth decision will be documented on the Restitution and Financial Obligations Payment Plan (DCYF Form 27-139).**
- 10. When the restitution hearing is scheduled after JR intake, JR staff will request a copy of the final order when the hearing is complete. Orders must be scanned and uploaded to ACT through Document Uploader upon receipt.**

Policy **2.20**, **Managing Youth Financial Obligations 7/10/2017**

- 11. Youth may access JR Legal Services for assistance with modifications to LFOs.**
- 12. While they are employed and making payments, youth will be provided a monthly status on the restitution payments and balance due on each account while in residence at a JR facility.**
 - 12.1. Once out of residence, youth may contact the committing court for balance information.
- 13. When youth are discharged or transferred to DOC, the case manager must provide a comprehensive review of their Legal Financial Obligations within 30 days. The review will include each cause number, with initial balance, record of payment, and court mailing address for future payments.**
- 14. The Final Summary LFO form (DCYF Form 20-311) will be completed by the Transition Specialist and reviewed with the youth and family at the Release RTM. Records of payment by JR will be attached.**
 - 14.1. Community facilities may use the CF Ledger of Payments to LFO form (DCYF Form 20-312) to document payments.
 - 14.2. Completed forms must be scanned and uploaded to ACT through Document

Uploader. **CLAIMS FOR DAMAGES**

- 15. Residential youth may be charged for causing damage to or loss of JR property.**
 - 15.1. Claims must be limited to the real cost of the damage or loss.
 - 15.2. Punitive damages are prohibited.
- 16. Program staff may initiate a claim when damage is against facility property.**
 - 16.1. Staff will complete the Claim for Facility Damages (DCYF Form 20-225).
 - 16.2. Documentation must be attached showing an itemized cost of replacement or repair.
 - 16.3. Both youth and staff must sign the completed form.
- 17. Completed claims for damages must be reviewed and approved by the Superintendent, Regional Administrator or designee.**
 - 17.1. The reviewing authority will interview the youth prior to approving claims.
 - 17.2. The reviewing authority may assign local community service hours for the youth to complete instead of collecting money.
 - 17.3. The reviewing authority may consider a referral to law enforcement if significant damage has occurred.
- 18. Approved claims for damages must be added to the Restitution and Financial Obligations Payment Plan (DCYF Form 27-139). Youth must sign the revised agreement committing to pay a portion of each month's payment to the claim.**
- 19. Youth will be informed JR Legal Services are available to assist in responding to claims for loss or damage to JR's property.**

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20. Youth have the right to appeal JR decisions regarding claims for damages according to Policy 2.10, *Handling Youth Complaints*.

20.1. At the time the claim is initiated, the youth must be informed of this right and directed to Policy 2.10, *Handling Youth Complaints*.

20.2. Staff will ensure youth understand this right and the appeal procedure.

21. Claims for loss or damages to youth’s personal property will be handled in accordance with Policy 2.30, *Managing Youth Property and Residential Accounts*.

III. DEFINITIONS

Damages: financial responsibility for damage to or loss of property belonging to the state determined to be the responsibility of the youth.

Court-ordered Restitution, Fees or Financial Obligations: A specific amount of money a youth has been ordered to pay by the court. In this policy, “financial obligation” includes restitution and both court fees and fines.

Payment Plan: A proposed plan for payment of restitution or damages taking into account the amount of the restitution and post-release needs for living expenses.

IV. RELATED JR POLICIES

Policy 2.10 – Handling Youth Complaints

Policy 2.30 – Managing Youth Property and Residential Accounts

V. FORMS AND DOCUMENTS

Document Title	Available In ACT	Link to Paper form
Claim for Facility Damages		DCYF Form 20-225
JR Restitution and Financial Obligations Payment Plan		DCYF Form 27-139
Final Summary of LFO		DCYF Form 20-311
CF Ledger of Payments to LFO		DCYF Form 20-312
PRO 2.20.1, Managing the LFO Plan		

Procedure 1 – Policy 2.20 – Managing Legal Financial Obligations
Managing the LFO Payment Plan

Authorizing Sources	Information Contact
Policy 2.20	Andrea Ruiz Policy, Planning & Lean Administrator Juvenile Rehabilitation
Effective Date <i>(Technical Edit 12/12/19)</i> ¹ 7/10/2017	Sunset Review Date 7/10/2021

<i>Action by:</i>	<i>Action</i>
ITM Intake Specialist	1. Review court order for LFO information
Secretary	2. Document LFO on the Repayment Plan form (DCYF Form 27-139)
Senior RTM Facilitator	3. Review with youth and ensure it is signed with youth’s consent to pay obligations when employed*
JR Case Manager	4. Forward completed form to institution Secretary Senior
	5. Upload signed form to ACT using Document Uploader
	6. Ensure that the form has been signed during review of the Legal Domain during the initial RTM
	7. Provide a copy to parents during initial RTM
	8. Review payment plan form upon youth employment
	9. Route completed form to designated staff for payment
	a. In the institution, the form is sent to the CIBS Office
	b. In the CF, the form is managed by the designated staff
	10. Review form with youth at transition for any needed updates

** If youth does not consent to pay during the intake process, the form should be signed and reviewed by the case manager during individual sessions.*

¹ 12/12/19 Technical Edit: Updated DSHS forms to DCYF.