

**PROBATION DEPARTMENT
JUVENILE MANUAL**

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NON-DEPARTMENTAL PLACEMENTS

**Notes and
References**

I. General

- A. Residential programs utilized by the Probation Department for youth in foster care are known as Short-Term Residential Treatment Programs (STRTP). These programs are licensed by the State of California and other states when located outside of California. The placement of youth into them is controlled by law and regulation, and requires various levels and types of authorization, approval, and certification. The Probation Department may only recommend the use of a STRTP when pursuing congregate foster care for a ward of the Juvenile Court.
- B. Parents of a youth that fall under the jurisdiction of the Juvenile Court will sometimes pursue residential treatment for a youth on their own and with their own financial resources based on their assessment of their child's needs. This can include mental health, behavioral, and substance abuse needs. A parent may enter into an agreement with a private residential program for the care and treatment of their child and are not required to abide by the laws, rules, and regulations that govern Probation Department placements.
- C. This policy addresses the occasions when parents of youth involved in Juvenile Court proceedings or who are under Probation supervision indicate their intent to place their child in a private residential program.

II. Private Placements by Parents

- A. Residential programs utilized by the Probation Department are licensed to operate and are monitored by Community Care Licensing (CCL), a branch of the California Department of Social Services. Generally, the residential programs pursued by parents are not licensed for use by probation agencies by CCL. They may be licensed according to other regulatory requirements or entities in other states akin to CCL.
- B. Officers are not to indicate their support or lack of support for a specific private residential program placement being pursued by a parent under the Juvenile Court's jurisdiction. The Probation Department will not financially support any such placement.

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- C. Upon notification to a Deputy Probation Officer (DPO) that private placement is being considered by a parent, the following steps should be taken.
1. Obtain the name, location, and program statement or description from the parent or by reviewing information about the program available online, including any stated treatment focus areas or target population.
 2. Determine if any agency or organization has licensed or accredited the program, and if those licenses and accreditations are current and valid.
 3. Determine what treatment and other services are provided and by whom, including mental health, physical health, education, recreation, and support services.
 4. Ascertain the probable length of stay for the youth based on the program description or capacity of the parent to fund the placement privately.
 5. Contact local law enforcement and probation agencies about their experiences with or use of the program.
 6. Contact CCL or another appropriate licensing agency regarding the program's license status and the history of complaints or investigations.
- B. Once the information described above has been obtained, insure the parent is familiar with the program, any licensing issues, and any concerns that may have been discovered. If the parent wishes to continue pursuing the placement, Officers are to discuss the matter further with the Unit Supervising Probation Officer (SPO) to consider any implications such a placement may have for the youth and his or her status on probation or with any pending proceedings. This includes youth under the Juvenile Court's jurisdiction for community or court-diversion, probation without wardship, deferred entry of judgment, and those who are wards.

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- C. While the Probation Department will not generally concur with or not concur with the parental placement of a youth in a private residential program, Officers are to insure that the Juvenile Court is properly advised of the intent of the parent. Usually, this will be in the form of an Informational Report that provides the information described above as well as an overview of the youth's status and progress while on probation or while involved in Juvenile Court proceedings. Officers may offer insight into the treatment needs of a youth and what interventions have been accessed to date.
- D. In anticipation of a court hearing that will address the proposed placement, the following steps are to be taken:
1. Have the parent and youth sign a consent to release of information form for the appropriate person at the proposed program and confirm with the program representative that the youth has been accepted into their program and the anticipated entry date.
 2. Determine the proposed travel plans the program and parent have for bringing the youth to the program, including details about how that transportation will be accomplished with an uncooperative youth.
 3. Provide proposed language for the court order in the event the Juvenile Court allows the youth to be placed by the parent in the proposed program. The order should address the following:
 - a. If the youth is in custody, that the youth may be released to the parent or guardian for parental placement at the specific program.
 - b. If the youth is not in custody, that the youth may reside at the parental placement at the direction of the parent.
 - c. That the youth or parent contact the Probation Officer of the youth's entry into and discharge from the parental placement, and of any home visits while still in the program.
 2. While the rules for the Interstate Compact on Juveniles and the Intestate Compact for the Placement of Children will generally not apply, Officers should review current rules for either compact to insure applicability.

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- 3. Set a review hearing on the Juvenile Court calendar for an appropriate date based on the anticipated length of stay at the proposed program. This will usually be on a monthly basis.

 - E. In cases where the parent or youth’s attorney has indicated the parental intent to privately place the youth during a court hearing and Probation has not been given prior notice, the Court Hearing Officer (CHO) will request a continuance to obtain and to provide the Court with the information outlined in II, C. Additionally, the DPO will complete a written report outlining the information obtained and file it with the Court prior to the subsequent hearing. This will allow the Court to make an informed decision regarding the appropriateness of the placement for youth.
- III. Special Education Local Plan Area (SELPA) Placements
- A. The local SELPA collaborates with local education agencies, parents, and others in providing services pursuant to an Individualized Education Plan (IEP) for students with disabilities. Information on SELPA services can be found here: <https://www.sbcselpa.org/>.
 - B. SELPA services include the private placement of a youth by a parent when that youth’s IEP indicates that a residential academic setting is necessary to meet the youth’s disabilities and behavioral needs that interfere with a traditional school setting.
 - C. SELPA school placements by a parent require extensive coordination and collaboration between involved persons and Officers will need to maintain communication with SELPA representatives and parents.
 - D. While technically a private parental placement, SELPA placements are administered through a government organization authorized by the California Department of Education. Thus, while not a Probation placement such as a STRTP, the Probation Department can speak to the potential benefits of such a placement for a youth who meets eligibility and who is under the Juvenile Court’s jurisdiction.
 - E. The information outlined in II, C, above will need to be obtained and provided as described for a private parental placement, as well as any other information made available by SELPA staff.