

# **RISE COURT PROGRAM AGREEMENT**

## **INTRODUCTION**

The commercial sexual exploitation of children (CSEC) is one of the fastest growing epidemics in our country, as well as in San Diego County. A significant number of children in the juvenile justice system are, or are at risk of becoming, victims of commercial sexual exploitation. They present with complex forms of trauma. RISE (Resiliency Is Strength and Empowerment) Court is a new specialty calendar in the San Diego Juvenile Court that has been created to address the unique needs of these children.

This Agreement is by, and between, the Superior Court for the County of San Diego, the County of San Diego Probation Department, the County of San Diego Office of the District Attorney, the County of San Diego Office of the Primary Public Defender, the County of San Diego Health and Human Services Agency Behavioral Health Services, and the County of San Diego Health and Human Services Agency Child Welfare Services. The anticipated start date of the program is October 16, 2017.

## **MISSION STATEMENT**

RISE Court is a collaborative, engaged, and trauma-informed court that uses a multidisciplinary approach to address the needs of youth who may have a history of, or may be at risk for, commercial sexual exploitation.

## **GOALS STATEMENT**

RISE Court aims to engage and support youth and their families to achieve their full potential by using the "Five Cs" model of positive youth development: competence, confidence, character, connection, and contribution (Pittman, 2002).

## **TARGET POPULATION AND ELIGIBILITY**

The primary eligibility guidelines for acceptance and participation in RISE Court are:

1. Jurisdiction has been taken pursuant to Welfare and Institutions Code section 602.
2. The minor has a suspected or confirmed history of sexual abuse and/or exploitation.
3. The minor's risk for exploitation has been confirmed by the WestCoast Children's Screening Tool (CSE-IT = Commercial Sexual Exploitation Identification Tool).
4. The minor does not pose an imminent and credible threat of harm to self or others.
5. The minor voluntarily agrees to participate in RISE Court.
6. The minor is not already participating in JFAST, Drug Court, or Dual Status Court.

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All minors will be assessed for eligibility on a case-by-case basis. Possible disqualifying factors are significant violent history, significant gang involvement, pimping, recruiting, and/or the commission of an offense listed in WIC § 707(b). Minimum custody time is not a requirement.

## **PARTNERS AND AGENCY INVOLVEMENT**

The following partners will make up the RISE Court Team:

- Juvenile Probation Department
- Juvenile Court
- Primary Public Defender
- District Attorney
- HHS Behavioral Health Services
- HHS Child Welfare Services

The following agencies and individuals may be added to the RISE Court Team:

- Community treatment providers
- School District representative
- Other mental health professionals
- Other community representative
- Voices for Children

Each partner may withdraw from this Agreement if circumstances change.

Each partner will have a designated member assigned to the RISE Court Team. It is anticipated that each RISE Court probation officer will have a maximum 20:1 caseload ratio.

The Team, presided over by a Juvenile Court Judge, will meet prior to each calendar to: (1) screen candidates for the program; (2) develop service plans; (3) review participants' progress in the program; and (4) determine advancement and graduation from the program.

## **INFORMATION SHARING AND PRIVACY**

All members of the Team may share information with each other pursuant to sections 827 and 830 of the Welfare and Institutions Code. All members may also share information with other individuals as directed by the RISE Team and as allowed by law.

## **TARGET BEHAVIORS**

The following list includes behaviors that might be displayed by the target population before entry into, and during participation in, RISE Court. The Team will use a combination of empowerment activities, incentives, and accountability to address the behaviors and motivate compliance with the program requirements.

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- Leaving placement without permission (AWOL)
- Probation violations
- New offenses
- Drug or alcohol use
- Curfew violation
- Missed appointments
- Uncooperative behaviors
- Truancy, unexcused absences
- Self-harm
- Inappropriate use of electronic devices

## **PROGRESS OF CASE THROUGH RISE COURT**

Any party may initiate a referral in the Juvenile Court home department by setting a special hearing or by making the request at a regularly scheduled hearing. The referral may be made at any time after jurisdiction is taken by way of admission or true finding on a petition pursuant to Welfare and Institutions Code section 602. The home department will set a RISE Court Screening Meeting on the first Monday in Dept. 1 at 1:30 p.m. that is at least two full weeks out if the minor is detained and that is at least three full weeks out if the minor is not detained. The home department will also set a RISE Court Screening Hearing in the home department two court days after the Screening Meeting (normally on a Wednesday). The Office of the Primary Public Defender will be given access to the minor's case file and records for the screening process.<sup>1</sup> If the minor is accepted into the program, the Primary Public Defender will be appointed for all purposes, and any other previously appointed attorney will be relieved. If there is a retained attorney, the Primary Public Defender may be appointed for all purposes or the retained attorney may continue to represent the minor but is expected to participate in RISE Court.

A referral will initiate a screening assessment by the Probation Department. The assigned Probation Officer will prepare a RISE Court Suitability Report that addresses the minor's suitability for the program and treatment needs. If the minor is accepted, a multidisciplinary service plan will be developed and ordered at the minor's first RISE Court Hearing. At the hearing the service plan will be adopted and the minor will be ordered to complete the plan and to comply with any other conditions of probation. If the minor is not accepted, the case will remain in the home department.

## **PHASES OF RECOVERY**

After adoption of the service plan, the case will be calendared for a review hearing at least once each month or more frequently as necessary. Prior to the hearing, the case manager will provide Probation with an update regarding the minor's progress on the case plan. Probation will prepare an update addressing the minor's progress in meeting the service plan objectives and compliance with probation conditions and make a recommendation for further orders of the court. The case manager's update will be submitted with the Probation update. All reports and updates are due on the Friday before a scheduled Team meeting or hearing. The Probation Officer will email the report to the RISE Court clerk, the clerk's supervisor, the Juvenile Court Manager, and each member of the

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<sup>1</sup> The minor's original appointed or retained attorney may participate in the screening process at his/her/their discretion.  
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RISE Team by noon on the Friday before the meeting or hearing. If any member of the RISE Team does not have a confidential secured email, the Probation Officer will fax the report to that person. The court clerk will print and file the report. The Team will review progress and make joint recommendations. At the hearing the court will make orders as appropriate and set a future court date. Probation will have the authority to calendar hearings for probation violations and/or failure to progress with the service plan.

## **GOALS FOR TEAM, MINOR, AND CAREGIVER**

The overall goal for RISE Court is to create a nonadversarial, supportive service plan for each participant utilizing a community approach and positive youth development framework, including case management, wraparound services, education assistance, individual/family therapy, and empowerment activities, while addressing safety, security, physical, social, and emotional health, shelter/placement, and basic needs.

The Six Principles of Positive Youth Development (Benson, et al., 2007):

1. All youth have the inherent capacity for positive growth and development.
2. A positive developmental trajectory is enabled when youth are embedded in relationships, contexts, and ecologies that nurture their development.
3. The promotion of positive development is further enabled when youth participate in multiple, nutrient-rich relationships, contexts, and ecologies.
4. All youth benefit from these relationships, contexts, and ecologies. Support, empowerment, and engagement are important developmental assets for all youth, regardless of race, ethnicity, gender, or family income. However, the strategies and tactics for promoting these developmental assets can vary considerably as a function of social isolation.
5. Community is a viable and critical "delivery system" for positive youth development.
6. Youth are major actors in their own development and are significant (though underutilized) resources for creating the relationships, contexts, ecologies, and communities that enable positive youth development.

For the Team:

- Work as a collaborative team (each Team member has his/her/their respective role and represents his/her/their agency or organization but is committed to working collaboratively with other members of the Team to ensure the safety and meet the needs of the minor)
- Use a trauma-informed, culturally competent, and responsive approach in working with the minor and the parent or caregiver
- Collect data and measure outcomes to develop best practices

For the minor:

- Lives in a secure and safe placement
- Attends a school that is appropriate for his/her/their educational needs
- Receives appropriate medical, dental, mental, and reproductive health care
- Has access to and receives counseling by professionals trained in treating trauma victims and approved by Probation and the Court

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- Has an appropriate adult support system (case managers, peer support advocates) to assist the minor's rehabilitation
- Receives treatment for alcohol or drug use, if needed
- Understands the status of any legal proceedings that involve him/her and is prepared to meaningfully participate in those proceedings
- When eligible, is aware of and receives assistance in applying for victim services and advocacy through the CA Victims of Crime Compensation Program
- Builds or strengthens resiliency through empowerment activities and events
- Receives job skills training and/or internship for employment readiness

For the parent or caregiver of the minor:

- Actively participates and communicates with the minor's treatment team
- Receives and participates in a family treatment service plan that specifically addresses the minor's need for support and rehabilitation
- Has access to and receives trauma-responsive services by trained professionals to address his/her/their own trauma
- Improves his/her/their understanding of CSEC and how it affects the minor, family, and caregiver(s)
- Learns effective communication skills to improve his/her/their relationship with the minor and assist the minor's return to the family
- When eligible, is aware of and receives assistance in applying for victim services and advocacy through the CA Victims of Crime Compensation Program

#### **DATA COLLECTION AND MEASUREMENTS (Suggested data points)**

- Gender (including LGBTQ+ identification) and ethnicity
- Age (both at onset of CSEC and current age)
- Current school (including if behind on school credits vs. at grade level)
- Existence of or need for IEP
- History of truancy and tardiness
- Current placement (home, relatives, Probation custodial facility, CBO or RTF)
- History of prior placements
- Prior WIC § 602 petitions
- Prior CWS referrals and their outcomes
- Prior WIC § 300 petitions
- Prior physical or sexual abuse (never reported to CWS)
- History of alcohol and/or substance abuse
- History of self-harming behavior
- History of hospitalizations

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- Prior mental health treatment providers
- History of pregnancy and/or parenthood
- Medical status (e.g., chronic conditions, psychotropic or other medication)
- Result of the CSE-IT

## **GRADUATION CRITERIA**

Each participant must successfully comply with program requirements as defined in the service plan. The Team will develop and adopt an aftercare program for the graduate.

## **ACCOUNTABILITY**

The following accountability measures may be used by the Team to address target behaviors and motivate compliance with the program requirements:

- Admonishment from the court
- Detention
- Extended probation period
- Modification of service plan
- Community service
- Home supervision and/or electronic surveillance
- Written essay(s)
- Adjustment of curfew
- Modification of probation conditions
- Loss of personal privileges
- Termination from the RISE program

## **INCENTIVES**

The following incentives may be used by the Team to address target behaviors and motivate compliance with the program requirements:

- Recognition from the court, including a Certificate of Achievement
- Removal of consequences
- Monetary incentives/gift cards
- Empowerment activities
- Shortened probation period
- Graduation
- Successful termination of probation
- Dismissal of charges
- Sealing of records<sup>2</sup>

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<sup>2</sup> Because WIC 707(b) offenses are not legally subject to sealing, it is not contemplated sealing will be offered as an incentive for those offenses.

## **AMENDMENTS**

Any party may propose amendments to this Agreement by providing written notice of such amendments to the other parties. This Agreement may only be amended by a written amendment signed by each party's administrative representative.

## **TERMINATION FOR CONVENIENCE**

All parties may, by written notice stating the extent and effective date, terminate this Agreement for convenience in whole or in part, at any time.

## **COMPLIANCE WITH LAWS**

All parties shall comply with all laws, codes, regulations, rules and orders applicable to the services to be provided hereunder.

## **GOVERNING LAW**

This Agreement shall be governed, interpreted, construed and enforced in accordance with the laws of the State of California.

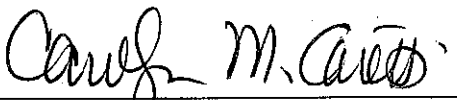
## **AUTHORITY TO ENTER INTO AGREEMENT**

All individuals executing this Agreement hereby warrant that authorization has been given to them by their respective departments/agencies.

## **COUNTERPARTS**

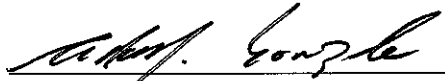
This Agreement may be executed in any number of separate counterparts, each of which shall be deemed an original but all of which when taken together shall constitute one and the same instrument.

## **SIGNATURES:**



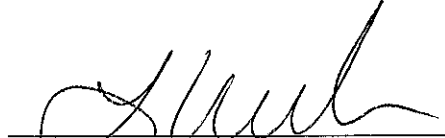
Carolyn Caletti  
Presiding Judge of the Juvenile Court  
County of San Diego Superior Court

Date: 10/27/17



Adolfo Gonzales  
Chief Probation Officer  
County of San Diego Probation Department

Date: 10/27/2017



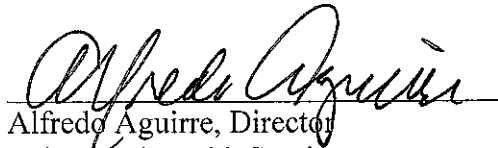
Lisa Weinreb  
Chief of the Juvenile Division  
County of San Diego District Attorney Office

Date: 11/13/17



Mary Beth Wirkus  
Supervising Attorney of the Juvenile Division  
County of San Diego Office of the Primary Public Defender

Date: 11/9/17



Alfredo Aguirre, Director  
Behavioral Health Services  
County of San Diego Health and Human Services Agency

Date: 11/4/17



Cathi Palatella, Director  
Child Welfare Services  
County of San Diego Health and Human Services Agency

Date: 11-7-17