

# Chapter 24: Nondelinquency Proceedings—Family in Need of Services (FINS) Referral to Juvenile Counselor

## [24.1] Overview

A Family in Need of Services (FINS) referral requirement to a juvenile counselor statutorily requires that FINS eligible youth and their families receive appropriate and available services before a FINS petition may be filed in the tribal juvenile court.<sup>35</sup>

## [24.2] Model Code Example

(1989) BIA Tribal Juvenile Justice Code

1-17 FAMILY IN NEED OF SERVICES—INITIATION OF PROCEEDINGS

**1-17 A. Who May Submit Requests**

Requests stating that a family is “in need of services” may be submitted by the child; the child's parent, guardian, or custodian; an appropriate social services agency; and/or the juvenile counselor. A request stating that a child is habitually and without justification absent from school may also be submitted by an authorized representative of a local school board or governing authority of a private school but only if the request is accompanied by a declaration in which the authorized representative swears that the school has complied with each of the steps set forth in section 1-17 G of this code.

**1-17 B. Referral of Requests to Juvenile Counselor**

Requests stating that a family is “in need of services” shall be referred to the juvenile counselor, who shall assist either a child or a child’s parent, guardian, or custodian in obtaining appropriate and available services as well as assisting in any subsequent filing of a petition alleging that the family is “in need of services.”

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<sup>35</sup> Characterizations of state juvenile justice system process are taken from Cox et al., *Juvenile Justice*.

## [24.3] Tribal Code Commentary

Referral of Requests to Juvenile Counselor—The Sault Ste. Marie statute omits 1989 BIA Tribal Juvenile Justice Code Section 1-17 B:

*Requests stating that a family is “in need of services” shall be referred to the juvenile counselor, who shall assist either a child or a child’s parent, guardian, or custodian in obtaining appropriate and available services as well as assisting in any subsequent filing of a petition alleging that the family is “in need of services.”*  
(Emphasis added.)

The 1989 BIA Tribal Juvenile Justice Code at Section 1-17 mandates that FINS youth be referred to a juvenile counselor who must assist the youth and his or her parents (or guardian or custodian) in accessing needed services. It would appear under the Sault Ste. Marie statute that the juvenile probation officer is not mandated to provide services to an allegedly status offending youth and his or her family short of direction from a court order. Consistent with the evidence-based trend for working with status offenders to divert them from juvenile court process to community-based services whenever possible, the model code provision is recommended as it provides an additional diversion point and mandate for a juvenile justice system officer to provide access to services.

## [24.4] Exercises

The following exercises are meant to guide you in writing the “referral to juvenile counselor” section of the tribal juvenile code.

- Find and examine your juvenile code’s provisions governing juvenile counselors and/or juvenile probation officers. Does your juvenile code set out a process for their intake and handling of youth? If you can, flow chart it.
- Make a list of the services juvenile counselors and/or juvenile probation officers are required to provide to, or refer for, youth.

Make a list of the services and programs you would like to develop or contract for and make subject to the juvenile counselor’s and/or juvenile probation officer’s intake/referral/supervision process.

## **Read and Discuss\***

Should you be lobbying your tribal councils and Congress to provide funding for comprehensive precourt services for youth and their families? And/or do you need to reform our existing service array?

### **Hillsborough County, Florida**

#### **Children in Need of Services/Families in Need of Services Program (CINS/FINS)**

##### **Goal . . .**

The goal of both the residential and nonresidential Children in Need of Services/Families in Need of Services (CINS/FINS) Program is to reduce juvenile crime while assisting, supporting, and strengthening the youth and families in Hillsborough County.

##### **Mission . . .**

The mission of CINS/FINS Program is to provide the highest quality care and treatment for the youth and families we serve every day.

##### **Program Components . . .**

The Hillsborough County CINS/FINS Program has two components: residential and nonresidential services, designed to help families whose youth exhibit risk factors that make them more susceptible to becoming involved with Juvenile Delinquency or Dependency system.

##### **Youth Served . . .**

The youth served in the CINS/FINS program are youth that have not been adjudicated delinquent and who have not been adjudicated dependent, but are at risk for adjudication without intervention services. These risk factors include school problems and truancy, family behavioral problems and ungovernability, runaway behaviors or homelessness, poor peer relations, and or the use of drugs and/or alcohol.

##### **(CINS/FINS) Residential Program**

- Youth that are experiencing significant issues within the home
- Youth that need a safe place to stay
- A short-term residential respite program which offers a youth an average length stay of 14 days for youth ages 10 to 17
- Youth receive . . .
  - individual, group and family counseling

- milieu services to help youth learn more appropriate behavior and participate in family life without resorting to ungovernable behavior
- a physical health screening and mental status exam
- educational support
- a variety of community overlay services
- behavioral incentives and recognition opportunities

#### **(CINS/FINS) Non-Residential Program**

- Youth and families may also receive help in a community setting
- Trained counselors provide individual and family therapy to youth ages 7 to 17 at sites throughout Hillsborough County with flexible daytime and evening hours
- A nationwide system of Safe Place sites where runaway youth may request services at designated sites throughout Hillsborough County and receive free transportation to the CINS/FINS shelter
- Case Staffing Committee where parents may file a Seven-Day Letter which is a formal document to request their child's case be brought to the attention of a judge

Screening for services is available 24 hours a day for the CINS/FINS Residential Program and Monday through Friday, 8:00 am to 5:00 pm, for the CINS/FINS Non-Residential Program.

\*Taken from the Hillsborough County (Florida) Government website. Go to <http://www.hillsboroughcounty.org/index.aspx?NID=1046>.