

Advocating for Youth Checklist: Probation

This checklist describes the steps a legal guardian, parent, or advocate can take when a youth with mental health issues is placed on probation. This resource can be accessed online at: <http://www.mass.gov/mhlac/dys.html>.

What happens

- The most common disposition for court-involved youth is probation, a court-ordered status of supervision in the community.
- If a youth is placed on probation, the probation officer will complete a report, based on interviews with the youth, as well as with his parent or legal guardian. This report includes a detailed profile of the youth, including a risk/need classification that is used to develop supervision plans.
- The risk/need assessment measures nine “risk categories” including: prior delinquency record, prior periods of probation, age at first offense, school discipline problems within the past year, changes in residence within the past year, response to caretaker discipline, peer relationships, substance use and attitude.
- If a youth is put on probation and not committed to DYS, there will be conditions of probation. Examples of such conditions include not getting re-arrested, going to school (or work) daily and on time, obeying residential rules, reporting to a probation officer or program, paying money (if the youth stole or damaged property) and following the conditions of a curfew.

What you should do

- Participate in the interview being conducted by the probation officer.
- Examine the proposed conditions of probation. If any of the proposed conditions would be difficult to satisfy, tell the youth’s lawyer (since a violation of probation conditions is a frequent cause of DYS commitment). For example, if a proposed condition is regular school attendance and the youth has a history of truancy, tell the lawyer so that the condition can be modified or other conditions can be substituted for it.
- If the youth’s probation officer thinks the youth has broken a rule, the officer will send the youth a letter called a “surrender notice” requiring him or her to come to court for a hearing. When the youth arrives at court, he or she will be appointed a lawyer. If the youth liked his or her original lawyer and wants him or her reappointed for this hearing, he should: 1) let the original lawyer know about the surrender notice and the hearing date; and 2) ask the judge to have the same lawyer reappointed -- citing trust, communication, and knowledge of the youth’s unique circumstances.

The information in this checklist has been adapted from the book Just for Youth: Advocating for Youths in the Massachusetts Department of Youth Services (2010) by the Mental Health Legal Advisors Committee, <http://www.mass.gov/mhlac/Justforyouthfinal.pdf>.

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