

Montana Judicial Branch Policies & Procedures

Subject: Levels of Supervision	Policy No.: 1320
Chapter: 41-5 et al, MCA, Youth Court Act	Pages: 3
Section: Youth	Revision Date: August 13, 2025
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1.0 Policy:

In accordance with 41-5-2006 and 41-5-102 MCA, it is the policy of the Judicial Branch to develop and support levels of supervision in youth court services which adhere to the following:

- 1.1 Preserve the unity and welfare of the family whenever possible and provide for the care, protection, and wholesome mental and physical development of a youth coming within the provisions of the Montana Youth Court Act.
- 1.2 Prevent and reduce youth delinquency through a system that does not seek retribution but that provides:
 - 1.2.1 immediate, consistent, enforceable, and avoidable consequences of youths' actions.
 - 1.2.2 a program of supervision, care, rehabilitation, detention, competency development, and community protection for young people before they become adult offenders.
 - 1.2.3 in appropriate cases, restitution as ordered by the youth court; and(d) that, whenever removal from the home is necessary, the youth is entitled to maintain ethnic, cultural, or religious heritage whenever appropriate.

2.0 Definitions:

In addition to terms defined in 41-5-103 MCA, additional commonly used terms include:

- 2.1 “No further action” – means a disposition pertaining to an informal inquiry whereupon the juvenile probation officer or assessment officer terminates the inquiry upon the determination that no further action be taken as per 41-5-1204 (2). The term “No further action” equates to the term “Dismissed” in an informal proceeding.
- 2.2 “Diversion” – means any manner in which a youth’s offense is diverted from formal or informal probation. A Diversion Agreement ought to be completed within 60-90 days.
- 2.3 “Probation” – means a disposition for an offense(s) committed by a youth that consists of intensive oversight of the youth. In addition to a disposition of Probation, other dispositions may include those listed in 41-5-1304, 41-5-1501,

41-5-1512 and/or 41-5-1513. Components can consist of “Standard Conditions of Probation” found in JCATS or locally produced, district specific conditions that are focused on community protection, accountability and competency development.

- 2.4 “Supervision: - means the practice of implementing, monitoring & assessing the efficacy of the conditions of probation and typically involves developing an individualized case plan targeting dynamic risk factors as determined by the PACT Full Screen Risk Assessment & subsequent re-assessments.
- 2.5 “Youth in need of intervention” - means a youth who is adjudicated as a youth and who: (ii) continues to exhibit behavior, including running away from home or habitual truancy, beyond the control of the youth’s parents, foster parents, physical custodian, or guardian despite the attempt of the youth’s parents, foster parents, physical custodian, or guardian to exert all reasonable efforts to mediate, resolve, or control the youth’s behavior;

3.0 Procedure:

Under the Montana Youth Court Act, MCA 41-5 et al, the supervision of youth offenders is structured to balance community safety, accountability to victims, and the rehabilitation (competency development) of the youth.

The following procedure outlines the supervision process as mandated by the Act:

- 3.1 Initiation of Preliminary Inquiry: Youth are referred to the Youth Court by various entities, including law enforcement, schools and parents/guardians. Upon referral, a preliminary inquiry (intake) is conducted to determine the appropriate course of action.
- 3.2 Informal vs. Formal Proceedings: Depending on the severity of the offense, history of delinquency and risk level, cases may proceed informally (handled by a Juvenile Probation Officer without court involvement) or formally (involving court hearings and potential adjudication).
- 3.3 Assignment of Juvenile Probation Officer: A Juvenile Probation Officer (JPO) is assigned to supervise the youth. The JPO’s responsibilities include:
 - 3.3.1 Developing a diversion or supervision plan tailored to the youth’s individual needs.
 - 3.3.2 Coordinating with community resources for services such as counseling, education or competency development resources.
 - 3.3.3 Monitoring compliance with diversion agreements, probation conditions and court orders.
 - 3.3.4 Reporting progress and any violations to the Youth Court as appropriate.

3.4 Termination of Supervision:

- 3.4.1 Completion: Supervision concludes when a youth fulfills the conditions of their informal agreements or formal dispositions.
- 3.4.2 Early Termination: In some cases, the Youth Court may end the youth's supervision based on the youth's positive progress and compliance with conditions of probation.
- 3.4.3 Revocation: Failure to comply with probation conditions may result in revocation and the imposition of alternative dispositions, including commitment to the Department of Corrections.

4.0 Informal Proceeding:

Refers to any of the processes, determinations, dispositions and requirements described in the Montana Youth Court Act, Part 12. Preliminary Investigation [except for 41-5-1205 (2)] and Part 13. Informal Proceeding.

5.0 Formal Proceeding:

Refers to any of the processes, determinations, dispositions and requirements described in the Montana Youth Court Act, Part 14. Formal Proceeding – Procedure, Part 15. Formal Proceeding – Hearing – Disposition and Part 16. Extended Jurisdiction Prosecution Act.

6.0 Closing

The application of this policy is consistent with the best evidence-based practices, direction and recommendations by the Office of the Court Administrator and the Youth Court Judge of each Judicial District.

Questions about this policy should be addressed at the Office of the Court Administrator at the following address:

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