

units known as Divisions, as determined by the Director and ratified by the Board. The Board of Youth Services sets all policies of the dDepartment and it is the responsibility and duty of the Director to carry out the policies as set by the Board.

Author: Department of Youth Services

Statutory Authority: Code of Ala. 1975, § 44-1-20, § 44-1-21, § 44-1-52

History: Amended: Filed November 6, 2018 _____effective December 12, 2018. **Amended:** Filed _____, 2023 effective _____, 2023.

~~950-1-1-.08 **Statutory Authority.** Code of Ala. 1975, Title 44, entitled Youth Services.~~

~~**Author:** Department of Youth Services~~

~~**Statutory Authority:**~~

~~**History:**~~

950-1-1-09 Effective Date. The Department was established by Act 816, 1973 Regular Session of the Alabama Legislature. The Department became operational in April 1974.

Author: Department of Youth Services

Statutory Authority:

History:

950-1-1-.10 Public Request For Information. Except as otherwise provided by law, and except as described herein, public records of the department are open for inspection by citizens of the State of Alabama.—Access to public records shall be provided in accordance with this chapter.

For purposes of this chapter, the following terms shall have the following meanings.

a. Standard request. A public-records request that seeks one or more specifically and discretely identified public records that the department determines would take less than eight hours of staff time to process considering the time needed to identify

and retrieve any responsive records and to redact or take other measures to withhold legally protected information. A standard request should require no or minimal clarification by the requester.

b. Time-intensive Request. A public-records request that the department determines would take more than eight hours of staff time to process considering the time needed to identify and retrieve any responsive records—including because the request is vague or overly broad—and any time needed to redact or take other measures to withhold legally protected information.

c. Confidential Records. Records of the department (including but not limited to youth case files) containing information of youth (youth case files) concerning any youth who are or have been in the custody of the department for whom the department has provided social services are not public records, and are required by state law to be kept confidential. (See, Code of Alabama, 1975, Section 44-1-39). —In addition certain records containing confidential information concerning individuals or businesses associated with the department, for example certain personnel records, investigative records, business records, and records the disclosure of which would be detrimental to the best interests of the public, are not public records and must be kept confidential.

Youth case files are Confidential Records and are retained by the Department a maximum of six (6) years. —Generally, Youth case files are retained by the department until the youth youth's eighteenth birthday, then forwarded for storage at the State Records Center for another five (5) until the youth attains the age of twenty-five years.— A sampling of youth case files is done prior to the destruction of the records. —Youth case files Youth case files will not be produced, except in the following limited circumstances including as described in Code of Alabama, 1975, Section 44-1-39, and only upon order of the committing juvenile court.÷

It is unlawful, except for purposes directly connected with the administration of the department, or as provided by statute, and in accordance with these regulations, for any person or persons to solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any information concerning any youth for whom the department provides social services or care and derived from the records, papers, files or communications of the department, or of any agency or facility utilized by the department in providing

~~services to any youth or acquired in the course of the performance of official duties.~~

~~The disclosure of a youth's information secured in the performance of functions under this chapter may only be produced upon order of the court which vested legal custody of the youth in the department, and only in any one of the following circumstances:~~

~~(1) In subsequent proceedings for delinquency involving the same youth;~~

~~(2) To other youth care agencies which subsequently provide services to the said youth;~~

~~(3) In any issue of custody before a court in which the court finds that such disclosure is necessary to protect the general welfare of the youth; or~~

~~(4) For research purposes where anonymity is preserved.~~

The department requires compliance with the Health Insurance Portability and Accountability Act (HIPAA), (Public Law 104-191) before producing any records subject to HIPAA information from a youth's case file. ~~In addition to an order from the committing court, t~~The department will require ~~the Youth's~~ written authorization from the subject before using or disclosing any personal health information about the youth. Certain other laws, for example the Family Educational Rights and Privacy Act (FERPA), may prohibit disclosure or require written authorization.

Public records of the ~~d~~Department that are not Confidential Records are otherwise available to citizens of the State of Alabama. ~~To~~ obtain public records or request copies of rules of the Department of Youth Services, a request should be made in writing to: Department of Youth Services, P. O. Box 66, Mt. Meigs, Alabama 36057. Attention: Legal Division. Telephone: (334) 215-3803.— The request must provide the legal name, and (Alabama) address, and contact information of the person/citizen or entity making the request, and the purpose for which the Alabama citizen is requesting the information, and must identify the requested records with reasonable specificity.

Fees and Costs: A non-refundable twenty-five dollar (\$205.00) research fee is required for each request.— The research fee includes up to twenty photocopies at no additional cost.

A fee for the cost of copies at the rate of fifty cents (\$.50) per page will be charged for all copies (in excess of twenty), which is the actual cost incurred for producing records.

If you, a citizen of Alabama, submit a legitimate request for non-privileged documents-Confidential Records are in the possession of the department, it is the department's intent that you will receive within two business days correspondence acknowledging your request.

If you, an Alabama citizen, submit a Standard Request the department intends to send you correspondence within two business days stating the number of pages and the amount (if any) of any-additional fee. -The department expects to be prepared within 15 business days to provide a substantive response to such standard request. Upon receipt of certified funds in the specified amount, the documents will be copied and sent via US mail to the address identified in the request.

If you, an Alabama citizen, submit a Time-intensive Request the department intends to notify you within 15 business days after the acknowledgment that the request qualifies as a Time-intensive Request. At that time, the department intends to notify you of any likely fees and allow you to withdraw the Time-intensive Request and submit a new request that is not a Time-intensive Request. If you elect to proceed with your Time-intensive Request, the department expects to be prepared to provide a substantive response fulfilling or denying the request within 45 business days after you elected to proceed with your Time-intensive Request. The department may extend this 45-business day period in 45-business-day increments by notifying you in writing.

Author: Department of Youth Services

Statutory Authority: Code of Alabama, 1975, Section 44-1-39

History: Amended: Filed November 6, 2018 _____effective December 12, 2018.

Department of Youth Services Organizational Chart

ALABAMA DEPARTMENT OF YOUTH SERVICES
ADMINISTRATIVE DIVISION
ADMINISTRATIVE CODE

CHAPTER 950-1-4
OVERVIEW OF THE LICENSING FUNCTION OF THE COMMUNITY SERVICES
DIVISION

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950-1-4-.01 Introduction.

(1) The Community Services Division of the Alabama Department of Youth Services ~~has made modifications to the structure of~~carries out the licensing that is carried out by the Department. ~~The licensing function for Programs is now allocated to the Community Services Division.~~ This chapter does not apply to approval of service providers who provide treatment to juvenile criminal sex offenders. (See Chapter 950-1-3).

(2) ~~The rules to follow will~~This chapter replaced when final the applicable sections of the rules previously appearing in Chapters 950-1-5, 950-1-6, 950-1-7, 950-1-10, 950-1-12, and 950-1-13.

(3) ~~The e~~Chapters ~~to follow~~ (950-1-5, 950-1-6, 950-1-7, 950-1-10, 950-1-12, and 950-1-13) ~~will~~ describe in greater detail the requirements of licensure for various types of Programs and services which the Department licenses. The description provided in this rule gives general procedures that are applicable to each type of Program the Department licenses. These general procedural rules are applicable to each such license issued by the Department.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, Title 44 as amended, §38-13-3, Act 98-392.

History: New Rule: Filed December 17, 2004; effective January 21, 2005. **Amended:** Filed November 6, 2018; effective December 12, 2018.

950-1-4-.02 **Statutory Authority.**

(1) §44-1-27(a) - "The Department of Youth Services is authorized and directed to establish and promulgate reasonable minimum standards for the construction and operation of detention facilities, Programs for the prevention and correction of Youth delinquency, and subsidies to local delinquency projects. The Standards shall include, but not be limited to, reasonable minimum Standards for detention facilities, foster care facilities (licensed under Community Residential Standards), group homes, and correctional institutions."

(2) §44-1-27(b)- "No county, city, public or private Agency, group, corporation, partnership, or individual shall establish, maintain, or operate any detention Facility or any foster care Facility for Youths found delinquent or in need of supervision by a juvenile Court without a license from the Department. A license shall be required on an annual basis or as determined by the Department. The Department shall revoke the license of any city, county, or public or private Agency, group, corporation, or individual conducting, operating or acting as a detention Facility or foster care Facility caring for children and Youths alleged or adjudged to be delinquent or in need of supervision that fails to meet the Standards prescribed by the Department. The Department may visit and inspect any public or voluntary detention Facility, foster care Facility, or group home as it deems ~~necessary.~~necessary..."

(3) §44-1-24 - The Department of Youth Services shall perform the following:~~—~~(: (4) "License and subsidize foster care facilities or group homes for Youths alleged to be delinquent pending Hearing before a juvenile Court or adjudged delinquent following Hearing, including detention, examination, study, care, treatment, and Training." (6) "Make and enforce all rules and regulations which are necessary and appropriate to the proper accomplishment of the duties and functions vested in the Department by law with respect to Youth services and which do not

(15) Delinquent Youth - ~~Also referred to as a juvenile delinquent or a criminal type offender, a~~ Youth who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(16) Department- The Alabama Department of Youth Services.

(17) Disciplinary Hearing - A non-judicial administrative Procedure to determine if substantial evidence exists to find an inmate guilty of a rule violation.

(18) Education Program - A program of formal academic education or a vocational Training activity designed to improve employment capability.

(19) Facility - A place, institution, building (or part thereof, set of buildings, or area (whether or not enclosing a building or set of buildings) that is used for the lawful custody and/or treatment of individuals. It may be owned and/or operated by public or private agencies and includes the staff and services as well as the buildings and grounds.

(20) First Aid - Care for a condition that required immediate assistance from an individual trained in First Aid care and the use of the Facility's First Aid kit.

(21) Governing Authority - In public/governmental agencies, the administrative Department or division to which the Agency reports; the Policy-setting body. In private agencies, this may be an administrative headquarters, central unit, or the board of directors or trustees.

(22) Health Authority - The physical health administrator, or Agency responsible for the provision of Health Care services at an institution or system of institutions; the Responsible Physician may be the Health Authority.

(23) Health Care - The sum of all action taken, preventative and therapeutic, to provide for the physical and mental well-being of a population. Includes medical and dental services, mental health services, nursing, personal hygiene, dietary services, and environmental conditions.

(24) Health Care Personnel - Individuals whose primary duty is to provide health services to residents in keeping with their respective levels of Health Care Training or experience.

(25) Hearing - A proceeding to determine a course of action, such as the placement of a juvenile or adult offender, or to

institution, community residential Facility, group home, or foster home.

(34) Records - Information concerning the individual's delinquent or criminal, personal, and medical history and behavior and activities while in custody, including but not limited to commitment papers, Court orders, detainers, personal property receipts, visitors' lists, photographs, fingerprints, type of custody, disciplinary infractions and actions taken, grievance reports, work assignments, program participation, and miscellaneous correspondence.

(35) Releasing Authority - The ~~decision-making~~decision-making body and/or individual that has the responsibility to grant, deny, and revoke release from a juvenile Program of supervision.

(36) Responsible Physician - An individual licensed to practice medicine and provide health services to the resident population of the Facility and/or the physician at an institution with final responsibility for decisions related to medical judgments.

(37) Right to Counsel The right accorded to any Youth to be presented by legal counsel at any stage of the juvenile process.

(38) Risk - The possibility or probability that loss can occur.

(39) Security Devices - Locks, gates, doors, bars, fences, screens, ceilings, floors, walls, and barriers used to confine and control detained individuals. Also included are electronic monitoring equipment, security alarm systems, security lights, auxiliary power supplies, and other equipment used to maintain Facility security.

(40) Standard - A statement that defines a required or essential condition to be achieved or maintained. Standards may include, for example federal regulations promulgated under the Prison Rape Elimination Act (PREA), Standards promulgated under the American Correctional Association (ACA), or licensure Standards under this Chapter.

(41) Time-Out Area - Any area used to separate a Youth from other program participants.

(42) Training - An organized, planned, and evaluated activity designed to achieve specific learning objectives and enhance the job performance of personnel. Training may occur on

site, at an academy or Training center, an institution of higher learning, during professional meetings, or through contract service or closely supervised on-the-job Training. It includes a formal agenda and instruction by a teacher, manager, or official; physical Training/ or other instruction programs that include a trainer/trainee relationship. Training programs usually include requirements for completion, attendance recording, and a system for recognition of completion. Meetings of professional associations are considered Training where there is clear evidence of this.

(43) Youth - Includes any of the following:

(a) Any person under the age of eighteen years; or

(b) Any person under the age of nineteen who has been charged with committing an act of ~~delinquency~~, delinquency;
or

(c) Any person under the age of twenty-one who is on probation, aftercare, or in the legal custody of the Department.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b); 44-1-24(4), (6); 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005. **Amended:** Filed November 6, 2018; effective December 12, 2018.

950-1-4-.04 Overview: Program Descriptions. Chapters to follow provide detailed information regarding the various Programs and licensing requirements for each type of Program licensed by the Department. The types of Programs licensed by the Department include:

- (1) **Juvenile Detention Centers. Chapter 950-1-5**
- (2) **Juvenile Residential Treatment Programs. Chapter 950-1-6**
- (3) **Juvenile Training School. Chapter 950-1-7**
- (4) **Comprehensive Youth Service Centers. Chapter 950-1-10**

(ix) Evidence of rehabilitation, including good conduct in prison or in the community, Counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful business or employment history, and the recommendation of his/her supervisors.

(x) The Department shall send a copy of the criminal history background information report received from the Department of Public Safety to the individual on whom a criminal history background information check has been requested. The affected individual shall have the opportunity to challenge the accuracy of the report with the Department of Public Safety.

(xi) The Department shall deny the initial application if the applicant receives a determination of unsuitability.

(xii) Only one criminal history background information check shall be required per individual. If the individual certifies on the Mandatory Criminal History Check Notice statement that a criminal history check has been performed by the Department of Human Resources or by the Department of Education, the Department shall issue a determination of suitability based on the criminal history report and automated updates received from the Department of Public Safety. If the previous report cannot be obtained or located, a new criminal history check shall be required by the Department.

(xiii) Any applicant or holder of a license or ~~six-months~~~~six-month~~ permit shall inform the Department of any subsequent criminal conviction. Oral reports by telephone to the Department or in person shall be made within twenty-four hours and followed by a written report within five days. This information shall be kept on file by the Department. The Department shall require the individual to provide detailed information about the conviction and submit fingerprints and completed forms for a criminal history background information check if a check has not already been performed. The Department shall use the information gathered to make a suitability determination regarding the conviction.

(xiv) The Department shall not be responsible for the payment of any fees required for obtaining criminal history background information on individuals.

(xv) Anyone who fails or refuses to complete the required forms, fingerprints, photo ID, required fee, or who reveals a disqualifying conviction in completing the form may not be issued a license or permit.

(i) No license may be issued without compliance with all mandatory Standards of the Minimum Standards. If certain areas of the non-mandatory Standards of the Minimum Standards are identified as lacking in the Facility, and if the applicant can demonstrate or document good faith action towards full compliance with the regulation(s), the Department may issue a ~~six months~~six-month license/permit to persons making initial application for a license to allow the Facility reasonable time to become eligible for a full license.

(ii) A full license will be issued when the Department determines that mandatory Minimum Standards have been met and at least 90% of non-mandatory standards have been met.

4. Renewal of a License

(i) A License Renewal Application to continue operating a Facility shall be made to the Department ninety days prior to the expiration date of the current license.

(ii) The Department shall Audit all mandatory and non-mandatory Standards of the Facility being licensed.

(iii) A renewal of a license shall be issued, if, upon completion of the Audit 100% of the mandatory Standards and 90% of the non-mandatory Standards and quality of life are in compliance.

5. Department Visits, Inspections and Consultation

(i) Visits to the Facility are made by representatives of the Department to determine continued conformity with licensing Standards and to provide consultative services.

(ii) The licensee shall have the opportunity to submit, in writing, information regarding complaints alleged against him/her and/or the Facility, and shall have the opportunity for a full discussion about such complaints.

(2) **Corrective Action**

(a) If an Audit indicates non-compliance with the mandatory Standards, or the situation warrants, a Plan of Action may be required to allow the licensee, upon approval, to achieve compliance with the mandatory Standards while continuing to care for Youth. The Plan of Action shall include:

1. A statement of each deficiency

2. A description of how the deficiency shall be corrected
3. The date by which corrections shall be completed
4. Approval of the Department of Youth Services Licensure and Standards Division

(4) **Revocation of a License.**

(b) Under certain circumstances as determined by the Department, waiver(s) may be issued for non-compliance with non-mandatory Standard(s).

(a) The Department may revoke or refuse to renew a permit of any Facility or refuse to issue a full license to the holder of a ~~six-month~~six-month license, should the licensee or holder of a ~~six-month~~six-month license/permit do any of the following:

1. Fail to maintain Standards prescribed and published by the Department
2. Violate the provisions of the license issued.
3. Furnish or make any misleading or any false statements or report to the Department.
4. Fail to immediately submit to the Department any reports, or refuse to make immediately available to the Department any Records required by the Department in making inspection of the Facility for licensing or investigative purposes.
5. Fail or refuse to admit authorized representatives of the Department at any reasonable time for the purpose of inspection or investigation.
6. Fail to provide, maintain, equip and keep in safe and sanitary condition premises established or used for care as required by any law, regulation or ordinance applicable to such Facility.
7. Fail to maintain financial Records and resources adequate for the satisfactory proof and care of Youth served in regard to upkeep of premises and provisions for personal care, medical services, appropriate educational services, clothing, learning experiences and other essentials in the proper care, rearing and Training of youth.

(1) The short-term detention facility provides that all new employees who provide direct care receive twenty-four hours orientation Training prior to undertaking their assignments. This Training includes at a minimum: (MANDATORY)

(a) orientation to the purpose, goals, policies, and procedures of the Facility

(b) working conditions and regulations

(c) employee rights and responsibility

(d) CPR and First Aide

(e) signs of suicide risk

(f) suicide precautions

(g) fire and emergency procedures

(h) severe weather emergency procedures

(i) medical emergency procedures

(2) The short-term detention facility provides that all administrative and managerial personnel receive forty hours Training each year that includes:

(a) general management

(b) labor law

(c) staff/management relations

(d) the Juvenile Justice System

(e) relationships with other service agencies

(3) The short-term detention facility provides that all new juvenile careworkers receive additional forty hours Training for full-time employees and twenty hours Training for part-time employees during their first year of employment and each year ~~there after~~thereafter which covers at a minimum the following: (MANDATORY)

(a) CPR (each year)

(2) The short-term detention facility maintains a record of each juvenile that includes at a minimum the following information:

(a) name, age, sex, place of birth, and race or nationality

(b) authority to accept juvenile

(c) referral source

(d) name, relationship, address, and phone number of parents/guardian/ and person juvenile resides with at time of Admission

(e) ~~drivers~~driver's license number, social security number, and Medicaid number when applicable

(f) signed release-of-information forms when required

(g) disciplinary policy signed by juvenile

(h) initial intake form

(i) final discharge or transfer report

(j) legal charge at time of intake

(k) signature of person obtaining information

(3) The short-term detention facility provides that for any juvenile transferred from one Facility to another that a copy of any information obtained is transferred simultaneously or at least within seventy-two hours.

(4) The short-term detention facility maintain a daily population report of all juveniles held in the Facility which includes the day they were admitted, accumulated days of stay, and the probation officer assigned. This report is transmitted to appropriate administrative staff.

(5) The short-term detention facility collaborates with DYS, Juvenile Justice Agencies, and other service agencies in information gathering, exchange, and standardization.

(6) Written Policy and Procedure governs the conduct of research at the short-term detention facility. This Policy

(4) Juvenile has access to operable shower with temperature controlled hot and cold running water. (MANDATORY)

(5) At a minimum ratio of one shower for every eight juveniles. Water for showers is thermostatically controlled to temperatures ranging from 100-120 degrees Fahrenheit to ensure the safety of juveniles and promote hygienic practices.

(6) Handicapped juveniles are housed in a manner that provides for their safety and security.

(7) Any time the Facility houses a female juvenile, female staff must provide direct supervision.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005. **Amended:** Filed November 6, 2018; effective December 12, 2018.

950-1-13-.10 Environmental Conditions.

(1) The Facility housing area provides at a minimum the following:

(a) lighting of at least ~~twenty-foot~~twenty-foot candles at desk level and in the personal grooming area

(b) natural light available from an opening or window that has a view to the outside, or from a source within twenty feet of the room

(c) access to drinking fountain

(d) heating, ventilation, and acoustical systems to ensure healthful and comfortable living and working condition for juveniles and staff

(2) Ventilation is available in the event of a power failure.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

implementing these Procedures. The manual is available to all staff and is reviewed at least annually and updated as needed.
(MANDATORY)

(3) The Facility maintains a daily report on juvenile population and movement.

(4) Written Policy, Procedure, and practice require staff to maintain a permanent log and prepare shift reports that record routine information, emergency situations, and unusual incidents. (MANDATORY)

(5) Written Policy, Procedure, and practice require at least weekly inspection and maintenance of all Security Devices and corrective action is initiated when necessary.
(MANDATORY)

(6) Written Policy, Procedure, and practice provide that instruments of restraint, such as handcuffs, leg irons, and ~~straightstrait~~-jackets, are never applied as punishment and are applied only with the approval of the facility director.
(MANDATORY)

(7) Written Policy, Procedure, and practice govern the control and use of keys.

(8) Written Policy, Procedure, and practice govern the use of personal vehicles for official purposes and include provisions for insurance coverage.

(9) Written Policy, Procedure, and practice require that personnel who use force to control juveniles submit written reports to the facility director no later than the conclusion of the tour of duty.

(10) Firearms are not permitted in the Facility except in emergency situations.

Author: Alabama Department of Youth Services, Office of Licensing and Standards

Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.

History: New Rule: Filed December 17, 2004; effective January 21, 2005. **Amended:** Filed November 6, 2018; effective December 12, 2018.

(4) There is a written plan, communicated to all staff, for the dispensing, storage, and disposal of all pharmaceuticals (prescription and non-prescription). This plan includes: (MANDATORY)

(a) a formulary of over the counter medication and indications for their usage and dosage.

(b) a system of individual accounting of medications disposed to juveniles

(c) dispensing procedures

(5) At the time of Admission, all staff are informed of the juvenilesjuvenile's special medical problems or of any physical problems that might require medical attention.
(MANDATORY)

(6) Written Policy, Procedure, and practice provide for 24 hour emergency medical, dental, and mental health care availability as outlined in a written plan that includes arrangements for the following: (MANDATORY)

(a) on site emergency first-aid and crisis intervention

(b) emergency evacuation of the juvenile from the Facility

(c) use of an emergency medical vehicle

(d) use of one or more designated hospital emergency rooms or other appropriate health facilities

(e) emergency on-call physician, dentist, and mental health professional services when the emergency health facility is not located in a nearby community

(f) security procedures providing for the immediate transfer of juveniles where appropriate

(7) written Policy, Procedure, and practice provide that juvenile careworker staff and other personnel are trained to respond to health-related situations within a four-minute response time.

950-1-13-.18 Admission.

(1) Written Procedures for Admission of juveniles new to the Facility include but are not limited to the following:

- (a) determination that juvenile is legally placed in the Facility
- (b) complete search of the juvenile and possessions
- (c) disposition of personal property
- (d) shower, if necessary
- (e) issue of clean, laundered clothing, as needed
- (f) issue of personal hygiene articles
- (g) medical and mental health screening
- (h) assistance to juvenile in notifying their families of their Admission and Procedures for visiting
- (i) assignment of a registered number to the juvenile
- (j) provision of orientation materials to juveniles
- (k) evidence of abuse and/or trauma

(2) The screening procedure prohibits the placement in the Facility of children who are runaways because of abuse, neglect, or abandonment. (MANDATORY)

(3) The short-term detention facility ensures that any juvenile placed in the Facility be brought before the Juvenile Court within seventy-two hours of Admission. (MANDATORY)

(4) The short-term detention facility limit the use of detention to cases involving protection of the public, prevention of ~~self-injury~~self-injury, ensuring the presence of the juvenile at subsequent Court Hearing, and transfers to other jurisdictions. (MANDATORY)

CHAPTER 950-2-2 SCREENING AND PLACEMENT

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950-2-2-.02 Statutory Authority

950-2-2-.03 Effective Date

950-2-2-.01 Statement Of Policy.

(1) The Youth Services Board's policies regarding screening and placement ~~were modified by the Youth Services Board effective June 1, 2017. These policies~~ may be amended by the Board from time to time.

(2) A multi-disciplinary committee led by the Administrator of Screening and Placement considers requests for admissions submitted to the department based upon a classification system. The classification system aids the committee in making decisions about the most appropriate housing, services, and interventions for each youth based on the youth's risk for continued delinquency and needs. Classification is a structured decision making process that includes a formal assessment of risk including factors such as:

- (a) The Youth's health and mental health status,
- (b) substance use or abuse,
- (c) suicidal ideation or attempt history,
- (d) age,
- (e) physical size,
- (f) current and past charges or court history,
- (g) gender,
- (h) educational level and educational needs,
- (i) history of sexually abusive behavior,
- (j) offensive or violent behavior, and

(k) history of victimization.

The reliability of the committee's actions is greatly affected by the thoroughness, completeness, and the accuracy of the written information submitted by the committing court.

Committed youth with incomplete reports will not be accepted until all requisite information is received. The requisite information is determined by the department, ~~and at a minimum~~ includes:

- (a) Commitment Order (on standard form)
- (b) Completed DYS Intake Summary Form
- (c) DYS Risk Assessment
- (d) Case Action Summary Sheet, or JPO Social Summary Detail of Charges (present and prior) including disposition
- (e) Needs Assessment
- (f) Immunization Record
- (g) Cumulative School Transcripts
- (h) Police Report (if juvenile criminal sex offender)
- (i) Most current Psychological Report or discharge summary (if applicable)

Additional requisite information may include:

- (a) Copy of Birth Certificate
- (b) Copy of Social Security Card
- (c) District Attorney report/findings/evaluations,
- (d) Police investigation report, including medical report on victim,
- (e) Victim statement information,
- (f) Child advocacy reports,
- (g) DHR records regarding current/previous contact/investigations,
- (h) Psychological/Psychiatric records.

(3) For purposes of placement of youth in compliance with statutory time limits, including acceptance by the Department facility or contract facility within seven days of notice of disposition, "notice" takes place on the date all requisite information is received.

If placement within seven days would place the department in violation of either a state statute or standard, then compliance with the statutory time limit is not required.

CHAPTER 950-2-3 SAFE POPULATION CAPACITY

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950-2-3-.02 **Statutory Authority**

950-2-3-.03 **Effective Date**

950-2-3-.01 **Statement of Policy.**

(1) In an effort to avoid overcrowded conditions within the facilities of the Department and to maintain safe capacity including adequate bed space to meet safety codes; and assuming compliance with current rated fire hazard capacity and adequate number of staff to supervise youth on each shift in compliance with policy or standards, the following maximum youth capacity will be placed on each facility:

(a) Vacca Campus 96

(b) Mt. Meigs Campus 321

(c) Autauga Campus 78

(h) Troy Group Home 10

Author: Department of Youth Services

Statutory Authority:

History: Amended: Filed November 6, 2018; effective December 12, 2018.

950-2-3-.02 **Statutory Authority.** Title 44, Code of Ala. 1975, Section 44-1-52.

Author: Department of Youth Services

Statutory Authority:

History:

950-2-3-.03 **Effective Date.** The policy for maintaining a maximum student capacity at each facility shall be effective September 25, 1981.

CHAPTER 950-3-1 COMMITTED YOUTH RELEASE POLICY

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950-3-1-.02 Procedure For Release

950-3-1-.03 Statutory Authority

950-3-1-.04 Effective Date

950-3-1-.01 Statement of Policy.

(1) It is the policy of the Department that committed youth (other than at short term facilities) shall be reviewed by ~~a~~ review committee or team prior to release from any DYS facility. Only upon concurrence with release recommendations by the committee or team will youth be released. This chapter applies to youth in DYS operated facilities. A contract facility program director, or designee, may facilitate a release review for committed youth in contract facilities.

(2) Committed youths' release shall be facilitated by the Administrator of Institutional Services and designated staff representing various areas of residential life. The committee shall review youths' progress toward release.

(3) The committee meets at regularly scheduled times, for example on the second and fourth Thursday of each month at Mt. Meigs Campus, on second and fourth Wednesday at Vacca.

(4) Proposed releases shall be submitted with written justification to the committee at least ten (10) days prior to proposed release date.

Author: Department of Youth Services

Statutory Authority: Title 44, Code of Ala. 1975, Section 44-1-24 (6); Title 44, Code of Ala. 1975, Section 44-1-36 (d).

History: Amended: Filed November 6, 2018; effective December 12, 2018.

950-3-1-.02 Procedure For Release.

(1) Request for review of a youth being considered for release along with written justification/documentation should be forwarded to the committee or team in advance of the proposed release date.

(2) The following materials and written information may accompany the request for release review:

(a) Academic achievements including pre and post-testing along with educational recommendations from teacher or principal. (If youth has not been involved in academic training, this may be noted.)

(b) Vocational achievement and recommendation if youth has been placed in this training area.

(c) Behavioral changes which reflect youth's adjustment in respective programs. Data may report both positive and negative response to program assignments, approved temporary absences, disciplinary reports, AWOL'S, out of assigned area, escapes, relationship to peers and staff, health/mental health status, etc.

(d) Aftercare recommendations or plans for youth upon release, plans for employment and living arrangements, school enrollment, etc., should be included, if known.

(3) Upon receipt of the written justification by the committee, a release hearing date will be established to review the request and to discuss all factors relating to the release. Release hearings will be held at regularly scheduled times, for example at Mt. Meigs Campus on the second and fourth Thursday of each month and at Vacca on the second and fourth Wednesday of each month.

(4) When a youth is determined by the professional staff assigned to the youth to have substantially completed his or her individual service plan, staff determines whether the youth is eligible for release consideration.

(5) A letter ~~is mailed~~ must be received by the committing court at least thirty (~~30~~10) days in advance notifying the court of release. ~~and the Administrator of Institutional Services youth is scheduled for a release~~ reviews each youth before release. ~~review by the Administrator of Institutional Services. Within two (2) weeks a~~ justification for release and certificate of completion is ~~sent~~ prior to the release

date. -No youth shall be released unless notice is received by the Court at least ten (10) days in advance.

(6) Upon appearing before the committee and receiving approval to proceed with release, the youth's release documentation is submitted for processing to the Deputy Director of Institutional Services prior to the date of release.

(7) After notice to the committing court, the subject youth is immediately released into the aftercare of the committing court. The committing court may determine terms and conditions of aftercare. When a committed youth has fulfilled his period of commitment, he or she shall be discharged from the department's custody, and any recommitment to the department must be based on a new offense and a new hearing.

(8) When the director determines that a particular youth has gained optimal rehabilitation from the programs of the department, such youth may be discharged without aftercare. The youth will not be received again by the department under the original commitment order.

Author: Department of Youth Services

Statutory Authority: Title 44, Code of Ala. 1975, Sections 44-1-2(1); 44-1-24 (6); 44-1-36 (d); 44-1-36(f); and 12-15-1(2).

History: **Amended:** Filed November 6, 2018; effective December 12, 2018.

950-3-1-.03 Statutory Authority. Title 44, Code of Ala. 1975, Section 44-1-24 (6); Title 44, Code of Ala. 1975, Section 44-1-36 (d).

Author: Department of Youth Services

Statutory Authority:

History:

950-3-1-.04 Effective Date. The revised Committed Youth Release Policy and Procedure is effective immediately.

Author: Department of Youth Services

Statutory Authority:

CHAPTER 950-3-2 ABSCONDER PROCEDURE

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950-3-2-.01 Statement Of Procedure

950-3-2-.02 Statutory Authority

950-3-2-.03 Effective Date

950-3-2-.01 Statement Of Procedure.

(1) An absconder is an escapee, absent without leave (AWOL), or absconder from a correctional facility. ~~Generally~~Generally, it is understood that an absconder is a youth in the custody of the Department of Youth Services whose whereabouts is unknown by department personnel after a reasonable search ~~not exceeding six hours~~ has been conducted, or a pick-up order has been issued ~~by the director of the facility~~, whichever comes first.

(2) The following procedure is established to maintain optimum security in finding and returning absconders to the respective campus:

(a) Upon verification that a youth is not in his/her proper area, staff immediately report the youth ~~as AWOL~~ to Ccampus Ssecurity or equivalent personnel and the Ccampus Aadministrator or facility directorequivalent personnel.

(b) Designated institutional staff ~~must~~ then ~~make an immediate~~ search ~~of~~ the campus and surrounding vicinity.

(c) Upon verification that the youth is not on the campus or facility premises, administrators should report the pertinent information to the Mt. Meigs security control center. local law enforcement officials should be notified. ~~Such Notification shall include all~~ pertinent information ~~such~~should include as clothing, height, weight, race, sex, complexion, color of hair, home town, etc. Administrators should also report the pertinent information to local law enforcement officials.

(d) TheAdministrators should notify local court staff and local law enforcement officials from the youth's home community ~~shall be notified~~ by phone, ~~followed by correspondence which includes pick-up order~~.

(e) Parents should also be notified ~~at the same time as the local authorities and followed up with correspondence. If the youth's parent/legal guardian is child welfare, the youth's case/social worker should be notified by the next business day.~~

(f) The StateDYS Central Office (a member of the Executive Staff) shouldall be notified of absconders.

(g) Pick-up orders ~~are to be issued by the superintendent or facility director~~ are orders directing any law enforcement officer or other person to take the child into custody and deliver the child to a place of detention, shelter, or other care designated by the juvenile court. A copy of the pick-up order should be sent to the ~~person in the Central Office designated as coordinator for the return of absconders~~ Mt. Meigs Control Center for entry into the NCIC and distribution.

~~(h) The pick-up order should be sent to the Administrator of Institutional Services, Administrator of Community Services, and the Screening and Placement.~~

~~(i) Once the Youth is apprehended, the pick-up order is cancelled and all parties involved are notified. Upon transfer of the Youth to a facility, the receiving facility is to be advised that the Youth is a risk to abscond or go AWOL. When a youth is AWOL more than one week, designated staff shall maintain contact with the local probation officer at least every two weeks to insure that local officials are still attempting to locate the youth.~~

~~(i) On the last Friday of each month, each campus shall notify the State Office in writing of all absconders for that month.~~

~~(3) The following steps should be taken for the return of an absconder once he/she has been located:~~

~~(a) The Central office coordinator for the return of absconders should be notified when a absconder is detained.~~

~~(b) The coordinator will contact each campus daily to determine if they have been notified of any of their youths being detained.~~

~~(c) AWOL's are NOT to be allowed to remain in jail, i.e., an adult facility, overnight unless there is some extreme circumstance.~~

~~(d) The transportation officers stationed at the Central Office would be notified of the time and location in which the absconder should be picked up. When it is possible, two staff members should be sent to return an AWOL youth. If it should be necessary for one staff member to return an AWOL youth, the campus or group home or detention center will have been contacted as to the youth's behavior.~~

~~(e) Staff designated to pick up AWOL's should at all times have with them positive departmental identification, a copy of the pick-up order, and a copy of the commitment order to the department. These documents will be on file in the Central Office and should be obtained before leaving to pick up the child.~~

~~(f) Children detained in the same geographic area will be picked up on the same trio.~~

~~(g) Children will be returned to the facility from which they are AWOL.~~

~~(h) Once returned, all appropriate persons, i.e., police officers, should be notified in writing.~~

Author: Department of Youth Services

Statutory Authority:

History: Amended: Filed November 6, 2018; effective December 12, 2018.

950-3-2-.02 Statutory Authority. Title 44, Code of Ala. 1975, Section 44-1-9.

Author: Department of Youth Services

Statutory Authority:

History:

950-3-2-.03 Effective Date. The department assumed responsibility for the operation of the three training schools in January 1975.

Author: Department of Youth Services

Statutory Authority:

CHAPTER 950-4-7 DYS COMMUNITY SERVICES DIVERSION PROGRAM

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950-4-7-.01 Introduction.

(1) These guidelines of the Department of Youth Services Community Services Division were developed by departmental staff and approved by the Youth Services Board on March 22, 1985, as the "Community Subsidy Plan". They were revised July 15, 1985 with recommendations from Department of Youth Services licensed facility directors. On ~~July-October 27~~, -2018 with recommendations from Department of Youth Services staff they were revised and renamed "Community Services Diversion Program".

(2) The Department of Youth Services is committed to the concept of effective rehabilitation of delinquent youth through the development and utilization of community based and community operated programs and facilities.

(3) The Department recognizes the need for financial assistance to community based programs to bring about well planned, coordinated and cooperative county-state efforts to improve outcomes for youth.

(4) These guidelines for the community diversion programs were developed to insure uniform opportunity for all ~~counties~~ counties to apply for any available funds and to establish standard criteria to be used to evaluate applications and to justify the allocations recommended for each applicant.

Author: Patrick J. Pendergast, Deputy Director for Community Services.

Statutory Authority: Title 44, Code of Ala. 1975, § 44-1-24 (4).(7) (7), § 44-1-28.

History: Adopted June 29, 1984; filed July 10, 1984. Emergency Repeal adopted March 22, 1985; filed May 10, 1985; effective May 10, 1985. Emergency Adoption of New Rule (same title) in lieu thereof March 22, 1985; filed Supp. September 30, 1985, May 10, 1985; effective May 10, 1985. Permanent Repeal adopted July 15, 1985; filed July 15, 1985; effective August 19, 1985. Permanent Adoption of new rule in lieu thereof July 15, 1985; filed July 15, 1985; effective August 19, 1985. **Amended:** Filed November 6, 2018; effective December 12, 2018.

950-4-7-.02 Glossary.

(2) "Diversion Funds" means those state funds available through the Department of Youth Services to provide financial assistance to eligible Community Services Diversion Programs ~~programs~~ or facilities.

Author: Patrick J. Pendergast, Deputy Director for Community Services.

Statutory Authority: Title 44, Code of Ala. 1975, § 44-1-24 (7), § 44-1-28.

History: Adopted June 29, 1984; filed July 10, 1984 entitled "Statutory Authority." Emergency Repeal adopted March 22, 1985; filed May 10, 1985; effective May 10, 1985. Emergency Adoption of New Rule entitled "Glossary" in lieu thereof March 22, 1985; filed May 10, 1985; effective May 10, 1985. Permanent Repeal adopted July 15, 1985; filed July 15, 1985; effective August 19, 1985. Permanent Adoption of new rule in lieu thereof July 15, 1985; filed July 15, 1985; effective August 19, 1985. **Amended:** Filed November 6, 2018; effective December 12, 2018.

950-4-7-.03 Statutory Authority.

The Department of Youth Services has the power and duty to:

(1) 44-1-24 (4) - "...subsidize foster care facilities or group homes for youths alleged to be delinquent following such hearing, including detention, examination, study, care, treatment, and training;"

(2) 44-1-24 (6) "Make and enforce all rules and regulations which are necessary and appropriate to the proper accomplishment