

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Youth Services  
Rule No. 950-1-1  
Rule Title: General Provisions and Organization  
       New X        Amend        Repeal        Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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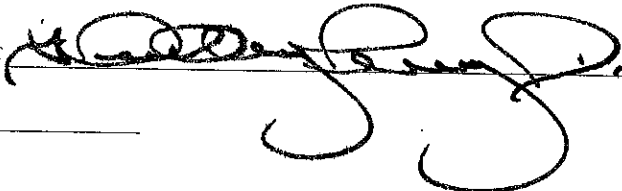
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer   
Date 6-19-18

(DATE FILED)  
(STAMP)

APA-2

Alabama Department of Youth Services

NOTICE OF INTENDED ACTION

AGENCY NAME: Youth Services

RULE NO. & TITLE: 950-1-1 General Provisions and Organization

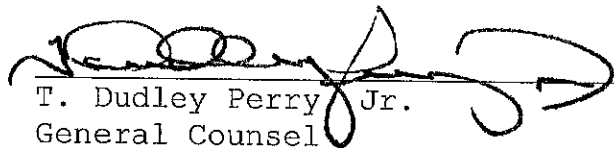
INTENDED ACTION: The Alabama Department of Youth Services proposes to amend Rule 950-1-1 of the Administrative Code.

SUBSTANCE OF PROPOSED ACTION: The Department proposes to amend Rule 950-1-1 to reflect current statutory powers and duties, current organizational structure, and to clarify the procedures for requests for public information.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing to ADYS Legal Division, P.O. Box 66, Mt. Meigs, AL 36057 or orally at the ADYS Board Room on August 8, 2018 at 10:00 am at 1000 Industrial School Rd., Mt. Meigs, AL 36057.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 8, 2018

CONTACT PERSON AT AGENCY: T. Dudley Perry, Jr. (334) 215-3803

  
T. Dudley Perry, Jr.  
General Counsel

ALABAMA DEPARTMENT OF YOUTH SERVICES ADMINISTRATIVE CODE

CHAPTER 950-1-1 GENERAL PROVISIONS AND ORGANIZATION

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950-1-1-.01 Creation Of Department. There is hereby created and established a department of the state to be known as the department of youth services. The department shall be composed of the youth services board, the director and such divisions and administrative sections as the board may establish. The principal offices of the department shall be located at the state capital. The department shall have the powers and duties and shall perform the functions prescribed in this chapter.

(Acts 1973, No. 816, p. 1261, § 3.

**Author:** Department of Youth Services

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

**History:**

950-1-1-.02 Purpose. The purpose of this Act is to promote and safeguard the social well-being and general welfare of the youth of the state through a comprehensive and coordinated program of

public services for the prevention of juvenile delinquency and the rehabilitation of delinquent youth. This State program shall provide the following: (a) social and educational services and facilities for any youth whom a juvenile judge deems in need of such state services; (b) the establishment of standards for social and educational services and facilities for such youth; (c) cooperation with public and voluntary agencies, organizations, and citizen groups in the development and coordination of programs and activities directed toward the prevention, control and treatment of delinquency; (d) the promotion and improvement of community conditions, programs, and resources to aid parents in discharging their responsibilities for the care, development and well-being of their children; (e) and the promotion of improved communications between the public and voluntary agencies and bodies of this state responsible for said youth, and the juvenile courts of this state.

**Author:** Department of Youth Services

**Statutory Authority:** Code of Ala. 1975, § 44-1-1.

**History:**

**950-1-1-.03 State Youth Services Director.**

(1) The state youth services director shall have at a minimum a master's degree in behavioral or social science or a related field from an accredited school and shall have at least six years' experience in the field of services to children and youth, with at least three years of that experience being in the field of juvenile delinquency services. The last three years of such experience must have been in an administrative and/or management position with demonstrated competence as indicated by promotion or other indications of responsibility.

(2) The director may be removed from office by a vote of nine members of the board for reasons fully set forth in the minutes of the meeting at which such removal takes place. (3) The director shall have the following powers and duties:

(a) Subject to the provisions of the state merit system, to appoint all officers and employees of the department, or to authorize any superintendent, division or bureau head or other administrator to select with his approval all staff members and employees.

(b) To exercise supervision over all the officers and employees of the department, and should any such officer or employee fail to perform faithfully any of the duties which are lawfully prescribed for him or if he fails or refuses to observe or conform to any rule, regulation or policy of the board, to remove him from office, in conformity with the state merit system law.

(c) To make agreements with the heads of other executive departments of the state providing for the coordination of the functions of the various departments of the state.

(d) Serve as the administrator of the Interstate Compact on Juveniles. (Acts 1973, No. 816, p. 1261, § 11.)

**Author:** Department of Youth Services

**Statutory Authority:** Code of Ala. 1975, § 41-1-21

**History:**

**950-1-1-.04 Powers And Duties Generally.** The Department of Youth Services shall have the following powers, duties and functions:

(1) Provide services for youths who have run away from their own communities in this state or from their home communities in other states to this state, and provide such services, care, or cost for the youths as may be required pursuant to the provisions of the Interstate Compact on Juveniles.

(2) Provide for the expansion of local detention care for youths alleged to be delinquent pending court hearing.

(3) Secure the provision of medical, hospital, psychiatric, surgical, or dental service, or payment of the cost of such services, as may be needed for committed youths.

(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.

(5) Establish, maintain, and subsidize programs to train employees of the department, juvenile courts, and law enforcement personnel in such subject matters and techniques as may be necessary to assure efficient and effective

administration of services in accordance with the purpose of this chapter.

(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 conflict with or exceed the provisions of law vesting the duties and functions in the department.

(7) Enter into contracts with any other state or federal agency or with any private person, organization, or group capable of contracting, if the department finds the action to be in the public interest.

(8) Upon approval of the Attorney General, file and prosecute civil actions in any court in the name of the department to enforce this chapter and enforce such rules and regulations as may be promulgated under this chapter. Civil actions may include actions for an injunction to restrain any person, agency, or organization from violating any provision of this chapter or any rule or regulation promulgated under this chapter.

(9) Accept gifts, trusts, bequests, grants, endowments, or transfers of property of any kind and prudently to manage the property in accordance with sound financial principles.

(10) Prescribe and furnish forms to clerks of probate and juvenile courts for use in connection with any action to be taken under this chapter.

(11) Enter into reciprocal agreements with appropriate agencies of other states relative to youth services programs.

(12) Engage in research in the field of youth services, enter into contracts with public or voluntary organizations, including educational institutions, and with individuals for the purpose of securing research and to make provisions for any pay grants to such organizations or individuals in accordance with the rules of the department, as may be necessary to secure the performance of the research.

~~(a) To provide services for youths who have run away from their own communities in this state or from their home communities in other states to this state, and to provide such services, care or cost for such youths as may be required pursuant to the provisions of the Interstate Compact on Juveniles;~~

~~(b) To provide for the expansion of local detention care for youths alleged to be delinquent pending court hearing;~~

~~(c) To encourage the expansion of juvenile probation services to youths alleged or adjudged to be delinquent or in need of supervision;~~

~~(d) To establish and promulgate reasonable minimum standards for juvenile probation services;~~

~~(e) To establish and promulgate reasonable minimum standards for juvenile probation officers and certify any applicant meeting such standards for the position of juvenile probation officer;~~

~~(f) To secure the provision of medical, hospital, psychiatric, surgical or dental service, or payment of the cost of such services, as may be needed for committed youths;~~

~~(g) To 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 such hearing, including detention, examination, study, care, treatment and training;~~

~~(h) To establish, maintain and subsidize programs to train employees of the department, juvenile courts and law enforcement personnel in such subject matters and techniques as may be necessary to assure efficient and effective administration of such services in accordance with the purpose of this chapter;~~

~~(i) To 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 conflict with or exceed the provisions of law vesting such duties and functions in the department;~~

~~(j) To enter into contracts with any other state or federal agency or with any private person, organization or group capable of contracting, if it finds such action to be in the public interest;~~

~~(k) Upon approval of the attorney general of the state, to file and prosecute civil actions in any court in the name of the department to enforce the provisions of this chapter and to enforce such rules and regulations as may be duly promulgated under the provisions of this chapter. Such civil actions may~~

~~include actions for an injunction to restrain any person, agency or organization from violating any provision of this chapter or any rule or regulation duly promulgated under the provision of this chapter;~~

~~(l) To accept gifts, trusts, bequests, grants, endowments or transfers of property of any kind and prudently to manage such property in accordance with sound financial principles;~~

~~(m) To prescribe for and furnish forms to clerks of probate and juvenile courts for use in connection with any action to be taken under the provisions of this chapter;~~

~~(n) To enter into reciprocal agreements with appropriate agencies of other states relative to youth services programs; and~~

~~(o) To engage in research in the field of youth services, to enter into contracts with public or voluntary organizations, including educational institutions, and with individuals for the purpose of securing such research and to make provisions for any pay grants to such organizations or individuals in accordance with the rules of the department, as may be necessary to secure the performance of such research. (Acts 1973, No. 816, p. 1261, § 13, 14.)~~

**Author:** Department of Youth Services

**Statutory Authority:** Code of Ala. 1975, § 44-1-24.

**History:** Amendment Filed June 19, 2018 Effective

**950-1-1-.05 Board Of Youth Services.** There is hereby created and established the Alabama youth services board. The principal offices of the board shall be located at the state capital. The board shall have the powers and duties and shall perform the functions described in this Code.

**Author:** Department of Youth Services

**Statutory Authority:** Code of Ala. 1975, § 44-1-50, § 44-1-51,

**History:**

**950-1-1-.06 Powers Of The Board.** The youth services board shall have the following powers:



(a) To appoint the state youth services director and to fix his salary.

(b) To institute and defend legal proceedings in any court of competent jurisdiction and proper venue.

(c) To contract with any private person, organization or entity or any combination thereof capable of contracting, if it finds such act to be in the public interest.

(d) To establish and promulgate reasonable rules, policies, orders and regulations for the carrying out of its duties and responsibilities.

(e) To purchase or lease land or to acquire property by eminent domain and to purchase, lease, let, sell, exchange or otherwise transfer property, land or buildings in order to carry out its duties and responsibilities under the provisions of this chapter. (Acts 1973, No. 816, p. 1261, § § 6, 15.)

**Author:** Department of Youth Services

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

**History:**

**950-1-1-.07 Organizational Structure/Method Of Operation.** The Department is organized and broken into major responsibility units ~~as shown on the attached chart~~ known as Divisions, as determined by the Director. The Board of Youth Services sets all policies of the Department and it is the responsibility and duty of the Director to carry out the policies as set by the Board. ~~The Director has established the method of operation as outlined on the chart.~~

**Author:** Department of Youth Services

**Statutory Authority:**

**History:** Amendment Filed June 19, 2018 Effective

**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, public records of the department are open for inspection by citizens of the State of Alabama. Access to records shall be provided in accordance with this chapter.

Records of youth (youth case files) who are or have been in the custody of the department are not public records, and are required by state law to be kept confidential. Youth case files 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) years. A sampling of youth case files is done prior to the destruction of the records. Youth case files will not be produced, except in the following limited circumstances:

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 information from a youth's case file. In addition to an order from the committing court, the department will require the Youth's written authorization before using or disclosing personal health information about the youth.

Public records of the Department are available to citizens of the State of Alabama. To obtain information 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 Secretary — Alabama Administrative Procedure Law. Telephone: (205334) 832215-39103803. The request must provide the legal name and address of the person or entity making the request and must identify the requested records with reasonable specificity.

A non-refundable twenty-five dollar (\$25.00) 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 non-privileged documents are in the possession of the department, you will receive correspondence stating the number of pages and the amount (if any) of any additional fee. Upon receipt of certified funds in the specified amount, documents will be copied and sent via US mail to the address identified in the request.

Author: Department of Youth Services

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

History: Amendment Filed June 19 , 2018 Effective

Department of Youth Services Organizational Chart

Appendix al2301