

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Youth Services
Rule No. 950-1-10
Rule Title: Minimum Standards for Comprehensive Youth Services Centers
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

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.

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 6-11-15

APA-2

Alabama Department of Youth Services

NOTICE OF INTENDED ACTION

AGENCY NAME: Youth Services

RULE NO. & TITLE: 950-1-10 Minimum Standards for Comprehensive Youth Services Centers

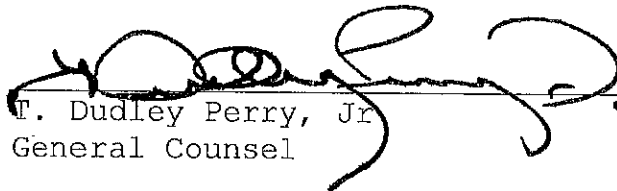
INTENDED ACTION: The Alabama Department of Youth Services proposes to amend Rule 950-1-10 of the Administrative Code.

SUBSTANCE OF PROPOSED ACTION: The Department proposes to amend Rule 950-1-10 to update the minimum standards for comprehensive youth services centers. The Department also proposes to amend the rule to simplify the procedures applicable to licenses for such programs. All procedures applicable to applications for such licenses including required content of such applications, background checks, review of applications, temporary permits, full license, revocations of licenses, and hearings, are found in Rule 950-1-4 and all such procedures in Rule 950-1-10 are repealed. The amendment also corrects typographical errors and omissions..

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 950-1-10
MINIMUM STANDARDS FOR COMPREHENSIVE YOUTH SERVICES CENTERS

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950-1-10-.01 Introduction.

(1) The Alabama Department of Youth Services is committed to the concept of effective rehabilitation of ~~status-offenders/delinquent youth~~Delinquent Youth through the development and utilization of community operated programs and facilities.

(2) These minimum ~~standard~~Standards for Comprehensive Youth Services Centers, or day treatment programs, were developed in order to bring about well planned, coordinated and cooperative local-state efforts to increase and improve ~~program~~Programs for ~~status-offender/delinquent youth~~Delinquent Youth.

(3) Comprehensive Youth Service Centers are emerging as a form of day treatment programs for youths who live at home. The centers provide in one ~~agency~~Agency: education, counseling, career guidance, job development, recreation, and skills for independent living. The general ~~program~~Program goal is to provide a community based ~~Yyouth~~ ~~Facility~~ with treatment and rehabilitative educational services. The Comprehensive Youth Services Center should not be considered a panacea of care for all youths. It is a distinct resource in its own right that is a

part of the whole broad spectrum of resources available to troubled youth.

(4) These minimum ~~standard~~Standards represent the first guidelines established which address the specific programmatic, fiscal, and administrative area necessary to establish sound Comprehensive Youth Services Centers. We hope that through a state-local cooperative effort, communities will be encouraged to develop and enhance these type ~~program~~Programs.

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 June 19, 2018

Effective:

950-1-10-.02 Glossary.

~~(1) "Comprehensive Youth Services Centers" means a comprehensive program for the treatment of delinquent and/or child in need of supervision behaviors in a non-residential site with or without an in-house educational component, established by any person, group of persons, agency, association, or organization, whether established for profit or otherwise, who or which receives youths for care and treatment."~~

~~(2) "Child in Need of Supervision." -- A youth who:~~

~~(a) Being subject to compulsory school attendance, is habitually truant from school; or~~

~~(b) Disobeys the reasonable and lawful demands of his parents, guardian, or other custodian and is beyond their control; or~~

~~(c) Has committed an offense established by law but not classified as criminal or one applicable only to children; and~~

~~(d) In any of the foregoing, is in need of care or rehabilitation.~~

~~(3) "Right to Counsel" means the right accorded to any youth to be presented by legal counsel at any stage of the juvenile process.~~

~~(4) "Court" means the Juvenile Court.~~

~~(5) "Court Intake" means the process whereby an officer of the Court receives a verified complaint alleging delinquency, dependency, or child in need of supervision, and determines further appropriate action.~~

~~(6) "Delinquent Child" means a youth who has committed a delinquent act and is in need of care or rehabilitation.~~

~~(7) "Department" means the Department of Youth Services.~~

~~(8) "Petition" means a written verified charge whereby a youth is brought within the jurisdiction of the Juvenile Court.~~

~~(9) "Youth" means:~~

~~(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, or is a child in need of supervision, prior to reaching the age of eighteen; for the purpose of continuing to provide services; or~~

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

~~(10) "Time-Out Area" means any area used to separate a youth from other program participants.~~

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

~~Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.~~**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.~~**History: New Rule: Filed December 17, 2004; effective January 21, 2005. Repealed: Filed June 19, 2018**

Effective

(1) Board of Directors: Each center shall be incorporated with a Board of Directors of where established by a local unit of government; the governing body shall serve as the Board of Directors, having the following functions:

(a) The Board and the Department:

1. The Board shall consult with the Department prior to establishing a new center, changing the basic ~~program~~Program, or extending services into additional ~~program~~Programs or geographic areas.

2. The Board shall notify the Department when there is a change of the Executive and/or the Chief Officer of the Board.

3. The Board shall provide financial information for the Department upon request.

(b) Board Responsibilities:

1. The Board shall articulate the purpose, goal, and function of the center.

2. The Board shall establish written by-laws governing the organization, duties, and operation of the Board.

3. The Board shall establish written operating policies concerning organizational structure, personnel practices, and policies of intake, care, treatment, and release of youths from the center.

4. The Board shall provide a plan for at least an annual update of goals, policies, purpose and ~~procedure~~Procedures of the center with the input from the staff through the administrator.

5. The Board shall acquaint its members with specific requirements of minimum standards, and familiarize itself with, and promote progressive philosophies of youth care, and shall seek constantly to provide a professionally sound ~~program~~Program for youths.

6. The Board shall employ a qualified administrator and delegate to him the responsibility for administration of the center.

(c) The Board and Financing:

1. The Board shall be responsible for providing operating and capital funds. Financial policies and practices shall be in accord with sound budgeting, disbursement, and ~~audit~~Audit ~~procedure~~Procedures.

2. The Board shall provide evidence that sufficient funds are available for operation of the center.

3. The Board shall approve the annual budget in advance and submit the approved budget as a part of its application for a license to the Department for approval.

4. The Board shall provide for proper bonding of Board Officers and employees who handle operating or capital funds of the center.

5. The Board shall provide for an annual ~~audit~~Audit by a qualified auditor, not on the staff of the center and if operated by a licensed youth care institution, the auditor shall not be on the staff of the parent organization.

6. The Board shall, upon request, provide a copy of the ~~audit~~Audit to the Department.

(2) Administrative Responsibilities and Duties: The duties of the administrator shall include, but are not limited to the following:

(a) Direct and evaluate a ~~program~~Program of youth care services within the limits of ~~pp~~olicy and ~~P~~rocedure as established by the Board and approved by the Department.

(b) Make regular comprehensive reports to the Board on all phases of the operation of the center.

(c) Prepare the annual budget, and supervise expenditure of funds with Board approval.

(d) Plan and direct the professional administration of the center and delegate responsibility to staff members, as appropriate.

(e) Make regular reports to the Department in accordance with requirements by the Department.

(f) Recruit, appoint, evaluate and terminate staff consistent with sound personnel or merit system practices.

(g) Develop a plan for orientation, development, and ~~training~~Training of new staff members.

(h) Make provision for continuity of administrative authority in his own absence.

(i) Notify the Board in the event of an incident which might endanger the life of a youth, staff member, or other person.

(j) Assess the total operation of the center at least annually, prepare agenda for each Board meeting with the Chairman of the Board, report to the Board at each Board meeting the successes and failures, the progress and problems, and make appropriate recommendations to the Board.

(k) Interpret program to interested individuals and groups.

(l) Enlists financial support in accordance with the Board's direction and approval. The administrator, however, shall not be assigned nor shall he assume any primary responsibility for fund-raising or other activities which interfere in any way with his administrative responsibilities in conducting the center unless another full-time staff member is assigned responsibility and authority for day-to-day youth care of the center.

(m) Maintain daily population report on each youth which includes youth's name, age, reason referred and county, and name of person making referral.

(n) Conduct regular staff meetings regarding policies, ~~procedure~~Procedures, methods of handling problems, program planning and staff attitudes.

(o) Oversee all phases of the daily ~~program~~Program including:

1. Academic ~~program~~Program as appropriate for each youth,
2. Purchasing of supplies and equipment, maintaining inventory control list,
3. Staff shift schedules,
4. Maintenance of physical plan,
5. Food services,
6. Housekeeping,

7. Organized recreation,

8. Use of volunteers.

(p) Prepare an evaluation of the ~~program~~Program by a method approved by the Department and submit to the Board and Department at least annually.

(3) Administrative Regulation:

(a) Written personnel policies which have been developed by the Board and Administrator shall include policies to insure confidentiality of personnel files, policies regulating salaries, fringe benefits, working hours, sick leave, vacation, holidays, retirement, annual evaluation, personnel grievance, and termination ~~procedure~~Procedure and shall be on file and shall be available to each employee.

(b) Administrative files shall also include, but are not limited to the following:

1. Qualifications and job descriptions for all positions, which shall be reviewed annually by the Board and the Administrator and the Department.

2. A confidential file shall be established for each employee, to include at least the application for employment, reference contacts, annual evaluations, documentation of entrance and in-service ~~training~~Training programs completed, and report of ~~physical examination~~Physical Examinations as required. A memorandum shall be made concerning any verbal reference contact. Files shall be available for review by the Department upon request.

(4) Staffing Requirements:

(a) All employees of the center shall meet the specific qualifications for their particular position, as stated in job descriptions of the center. No person may be excluded from consideration due to race, creed, or sex.

(b) Any staff member having full responsibility for youth care shall be at least nineteen years old.

(c) Medical examinations for staff shall be made at least annually and shall be on file.

(d) There should be sufficient number of qualified staff to give individual attention to each youth's physical and

emotional needs at all times. There will be at least one counselor for every 15 students, and where an educational component is included, there shall be at least one teacher for every 15 students. At no time should youths be left unsupervised, even temporarily.

(5) Administrative Staff:

(a) In centers where the staff consists of at least an administrator and counselors, the administrator shall have at least the following qualifications:

1. A baccalaureate degree in the field of behavioral science, social work, psychology, administration, or a related field, from a college or university accredited by one of the six regional accrediting associations of the United States.

2. Preferably, successful employment as a youth care worker, probation officer or social worker with experience in family and children's services.

(b) In centers where no separate positions for an administrator exists, the counselor or teacher can be the administrator. This employee must meet the same minimum requirements as outlined for the administrator.

(c) In those centers where administrative functions and youth care functions are vested in the same person, the following shall apply:

1. Where the center is a satellite program of a parent youth care institution, supervision and consultation for the youth care worker shall be provided by the parent organization.

2. Where the center is unrelated to another ~~agency~~Agency or institution, ongoing consultation for the youth care worker/administrator shall be provided at least monthly. Consultation may be secured by such resources as the probation officers of the county juvenile ~~court~~Court, a mental health clinic, the Department, or another recognized social ~~agency~~Agency. The consultation plan must be developed and approved by the Department prior to receiving a license.

(d) All staff persons employed within the center are required to meet the minimum entrance and in-service ~~training~~Training requirements approved or provided by the Department.

(6) Youth Care Staff: Youth care staff are those persons whose major responsibility is the direct care of youths. Except as provided under paragraph 5b, youth care staff shall at least have the following qualifications:

- (a) A high school diploma or a GED certificate.
- (b) Physical health adequate to participate, when appropriate, in the activities of youths, as documented by the annually required medical examinations.
- (c) Minimum age of nineteen years.
- (d) Good moral character, personal maturity, and emotional stability as evidenced by reference or other appropriate documentation. This shall not exclude ex-offenders of consideration for employment.
- (e) Successful completion of required entrance and in-service ~~training~~Training as approved or provided by the Department.

(7) Clerical Staff: Where clerical staff are employed, the following shall apply:

- (a) Staff shall be selected on the basis of personal and technical qualifications and job descriptions.
- (b) Staff shall be sufficient in number to keep correspondence, ~~records~~Records, bookkeeping, and files current and in good order.

(8) Case Worker /Counselor:

- (a) The center shall:
 1. Employ its own Case Worker/Counselor staff; or
 2. Contract with a cooperating ~~agency~~Agency or agencies to provide social and counseling services. A written agreement shall be drawn between the center and the social service ~~agency~~Agency providing such services. The agreement shall detect specific duties to be performed for the center relative to ~~admission~~Admissions, discharges, and treatment planning.
 3. A center shall not be required to employ or contract for social services if the Department, probation officer staff of the juvenile ~~court~~Court or other agencies agree to provide social services. Such agencies shall insure by written

| agreement that weekly ~~counseling~~Counseling with each youth for whom they are responsible will be provided.

(b) The Case Worker/Counselor shall:

1. Have at least a baccalaureate degree from an accredited college or university, with graduate training in a behavioral science field.
2. In lieu of graduate training, have two years of full-time, supervised work in employment in an ~~agency~~Agency serving families and children; or
3. In centers where social services are supervised by an individual who has graduate training, a person with a baccalaureate degree without experience may be employed as a case worker/counselor.

| (9) Ancillary Staff: The ~~program~~Program or center shall make arrangements to obtain professional services offered by psychiatrists, psychologists, teachers, and other specialists as those services may be appropriate. Also, the center shall make arrangements to obtain teacher aides, van drivers, and secretaries when those services are appropriate or needed. All specialists used by the center shall be qualified and/or licensed in their respective professional fields.

(10) Volunteers:

(a) Volunteers shall not be permitted to assume total responsibilities or duties of any paid staff members.

(b) If the center uses volunteers, it shall:

| 1. Develop a plan for the screening, orientation, ~~training~~Training and use of volunteers.

2. Designate a staff member to assign, supervise, and evaluate volunteers.

| 3. Keep on file documentation of ~~training~~Training received and the schedules of the hours and activities of volunteers.

(c) Recruitment of volunteers should involve representatives of a cross section of the community.

(d) All rules that apply to volunteers shall apply to interns in the center. Plans for work responsibility and

supervision shall be made in conjunction with the school making the intern placement.

(11) Confidentiality of Records and Information About Youth and Their Families:

(a) Confidential information concerning youths shall not be used or disclosed for any purpose without ~~court~~Court order or signed consent for release of information from youth and legal guardian.

(b) Confidentiality of all information about youth and their families shall be maintained as follows:

1. By keeping case ~~records~~Records in files that are locked when unattended, with both files and ~~records~~Records marked "Confidential."

2. By restricting any disclosure of the whereabouts of the youths except to the juvenile ~~court~~Court having jurisdiction or person(s) holding legal custody, unless prohibited by order of the juvenile ~~court~~Court.

3. By treating as confidential any and all discussion of information about youths and their families.

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.

950-1-10-.04 Program And Services. A center licensed by the Department must be designed for the treatment of delinquent and/or children in need of supervision behaviors.

(1) Admissions Procedure:

(a) Admissions shall be limited to youths for whom the ~~program~~Program or center is equipped by staff, ~~program~~Program, and equipment to serve. No youth shall be placed in any ~~program~~Program or center unless that center can meet the particular youth's needs and it can be shown that any center at a lesser degree of penetration into the system would be ineffectual for that particular youth.

(b) Admission should be a process which involves the youth, the youth's parents or guardian or relative, if applicable, the probation officer or counselor and ~~program~~Program or centers professional staff. A copy of services and ~~procedure~~Procedures should be given to parent or guardian.

(c) The center shall respond within thirty days to the referring ~~agency~~Agency as to the disposition of the application.

(d) Records:

1. The administrator of the center shall maintain individual case ~~records~~Records on youths under care. Complete social information for the plan of care should be obtained prior to ~~admission~~Admission except in cases of emergency placement. All ~~records~~Records should contain the following:

(i) Copy of order for non-residential care and/or any agreement with youth, parent, or guardian, if applicable.

(ii) Social case history of the youth and his family.

(iii) The results and recommendations from any initial testing and interviews.

(iv) Complete medical and dental records including all treatment, tests, and immunizations.

(v) Comprehensive treatment team plan.

(vi) Behavior observation logs on a daily basis relative to interaction with other youths and staff members, special discipline problems, sexual problems, depressions, etc.

(vii) Any instruction relative to prescribed medication being administered.

(viii) Any special medical problems needing or receiving treatment or identified at time of ~~admission~~Admission or after, such as seizures, or bruises, cuts, infections, dental problems, fever, etc.

(ix) All ~~records~~Records shall be confidential.

(e) A monthly report shall be completed and sent to the Department at the end of the calendar month to include ~~admission~~Admissions and discharges, as well as the remaining population in the center.

(f) Youths diagnosed as mentally ill or deficient, or physically handicapped may be referred to more appropriate resources for care and treatment.

(g) The youth shall be advised of all rules and regulations of the center which apply to him, given a copy and sign an acknowledgement form that he has received a copy. These rules and regulations will be posted in a prominent place for youth and staff reference.

(2) Treatment: A treatment plan with measurable goals and objectives shall be developed with a method for evaluating each component.

(a) The treatment plan should be reviewed, evaluated, and signed by staff and participants every month and include a review of the youth's behavior and goals of the treatment plan.

1. Evaluation conferences should include the youth, parents, guardians, probation staff, or other agencies involved in working with the youth.

2. Treatment plans for each youth should include:

- (i) Social needs
- (ii) Medical and dental needs
- (iii) Psychological needs
- (iv) Educational needs
- (v) Vocational needs
- (vi) Personal needs
- (vii) Recreational needs
- (viii) Family needs
- (ix) Psychiatric needs

(b) If there are youths in the center who are subsequently diagnosed as mentally ill, mentally retarded, or physically handicapped, who are determined to be in need of special treatment or of medical care, or both, the ~~program~~Program or center shall seek the advice and recommendation of appropriate ~~community resource~~Community Resources regarding the possible referral elsewhere for treatment or special techniques to

adequately deal with the unique problem within the ~~program~~Program structure.

(c) The center staff should make provisions for psychological testing, psychiatric examination and treatment if indicated, vocational counseling and ~~training~~Training, or other specialized services, according to the ~~youth~~Youth's needs.

(d) The administrator shall be responsible for the thorough understanding by all staff members of policies and practices concerning discipline ~~procedure~~Procedures.

(e) Discipline:

1. Youth are not intentionally subjected to corporal or unusual punishment, humiliation, disease, property damage, mental or personal abuse or harassment, personal injury, or punitive interference with the daily function of living, such as eating or sleeping. ~~Physical abuse, or ill treatment, as well as harsh and humiliating discipline is prohibited.~~

2. The use of group discipline for an offense by an individual is prohibited.

3. Discipline shall not be administered by peers.

4. Housekeeping duties and other work may be shared with focus on the needs of the ~~youth~~Youth rather than on getting the work done or as a means of discipline it shall be different from the regularly assigned duties of the ~~youth~~Youth.

5. When discipline is required, it shall be fair, consistent, briefly related to, and in proportion to the offense, and in accordance with the center's written policies.

6. Restriction of recreational privileges, being sent to the ~~time-out area~~Time-Out Area, and reasonable additional work assignments are acceptable disciplines when not administered arbitrarily.

7. Time-Out Room: The time-out room should be lighted and under constant visual observation. It should not be used for punishment but as a means of gaining control of the ~~youth~~Youth's behavior.

8. Use of restraining straps, straight jackets, or other physically restraining apparatus and corporal punishment is ~~not recommended and is strongly discouraged~~prohibited by the Department.

9. A written record of all discipline must be maintained which contains the nature of the incident, the name of the staff member administering the discipline as well as the name of the ~~youth~~Youth and the type of discipline.

(i) The administrator shall analyze these to determine if there is any correlation between particular staff personalities and reports of disciplinary action.

(ii) Copies of these reports shall be made available to the Department upon request.

10. Withholding food, including snacks and or altering the established menu as a disciplinary action is prohibited.

(f) Educational opportunities shall be part of the ~~program~~Program and should conform with legal requirements of the state. The ~~program~~Program staff should maintain contact with the local school superintendent to plan jointly with the school personnel in alleviating special learning problems.

(g) Recreation: Provision shall be made for adequate daily recreation.

(h) Truants:

1. Truants from non-residential centers must be reported to probation officers or caseworkers or other agencies immediately.

2. A full written report of the circumstances surrounding truants should be made to the administrator and to the ~~juvenile court~~Court or other agencies.

(3) Physical Care:

(a) Medical Care:

1. Each ~~program~~Program or center shall make provision and establish ~~procedure~~Procedure for medical, hospital, and surgical care for the ~~youth~~Youths including emergency ~~procedure~~Procedures.

2. Medications shall be dispensed as prescribed. Medications may only be administered by a parent or legal guardian or by health trained staff in compliance with the rules and regulations of the Alabama Board of Nursing.

3. Any suspected child abuse shall be reported promptly to the Alabama Department of Human Resources.

(b) Personal Hygiene: The center shall carry out a program of instruction in personal hygiene for all youthYouths.

(c) Nutrition:

1. If lunch is served, it shall meet one third (1/3) of the minimum daily nutritional requirements. There shall be documentation that the facility's system of dietary allowance is reviewed at least annually by a dietician to ensure compliance with nationally recommended food allowances.

2. If youthYouth is in center five hours or more, provision shall be made for each youthYouth in the ~~program~~Program to have at least thirty minutes for mealtime break.

3. Weekly menus should be planned and kept on file for examination by the Department upon request, if food is prepared.

(d) Housekeeping Duties:

1. The youthYouth should not be asked to do any hazardous tasks, nor should he/she work outside the center in violation of child labor laws and regulations.

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. **Amendment** Filed June 19, 2018 **Effective**

950-1-10-.05 Physical Standards. ~~Any center constructed and in operation prior to the adoption of these standards, in which the existing building does not conform to the following physical standards, may file a waiver request for consideration by the Department of Youth Services. In the event it is determined after investigation by the Department that certain requirements cannot be met, due to monetary considerations or other restricting problems, the Department shall assign a staff member to confirm that the disadvantages or problems brought about by the compliance would seriously outweigh the advantages. With this confirmation, the Department shall be authorized to grant a temporary waiver for a period of six months. Renewal of a temporary waiver shall be contingent upon a subsequent waiver request properly filed, with documented evidence of continued~~

~~efforts toward meeting minimum standards of submission of an acceptable alternative plan to approach minimum standards. Every center constructed, renovated or acquired after the adoption of these standards, shall be required to meet the following minimum standards:~~

(1) Location:

(a) The neighborhood in which the ~~program~~Program or center is located must be conducive to the general welfare and wholesome development of ~~youth~~Youth.

(b) A center should be located in a neighborhood that is accepting of the center and its purpose.

(2) Ordinances and Codes:

(a) All buildings of the center shall conform to state and/or municipal building and zoning codes.

~~_____~~ (b) Every center shall maintain a system of fire safety that provides for fire protection and compliance/conformity with the fire safety codes of the organization or individual designated by statute, regulation, administrative rule or ~~policy~~Policy that is responsible for the specified activity, function, or operation. All buildings of the center shall comply with all state and municipal fire codes, with annual inspections.

(c) All buildings of the center shall meet the safety regulations of the local fire department, with annual inspections.

(d) All buildings of the center shall meet the health and sanitation regulations of the state ~~and local department~~Departments of health, with annual inspections.

(e) Insurance coverage should be adequate to protect liabilities involved.

(3) Grounds and Equipment:

(a) Attractive, well-kept grounds with a minimum of seventy-five square feet per ~~youth~~Youth of outdoor space should be available for recreational activities, unless other resources such as public parks, playgrounds, or recreational centers are located nearby and available to the ~~youth~~Youths.

(b) Recreational equipment shall be safe, functional, and available for the recreational program involving all ~~youth~~Youths in the center.

(c) All buildings shall be equipped with furnishings which are sufficient to sustain the basic function of the building, adequate in condition, attractiveness and durability, and appropriate to the age and size of the ~~youth~~Youths who will be using the building.

(d) All buildings shall have easily accessible exits from each floor level which can be used in case of emergencies. Some of these may be windows which can be broken or quickly removed, or an exit onto a porch from which one could jump with reasonable safety.

(e) There shall be a written plan for the evacuation of all buildings and everyone in the center should be familiar with this plan. Quarterly emergency drills shall be held and should be documented. Evacuation plans and ~~procedure~~Procedure shall be conspicuously posted.

(4) Bathroom Area: Bathrooms shall be located under the same roof of the center building. There should be one commode and one lavatory for every ten students. The restrooms shall be separated and designated as male and female. There should be a modesty wall between each commode and between the commode and lavatory.

(5) General Instructional Area: There shall be thirty-five square feet of floor space per ~~youth~~Youth per classroom. The instructional area shall be equipped adequately to meet the needs of the ~~youth~~Youths in the ~~program~~Program.

(6) Ventilation, Heating, and Lighting:

(a) Adequate air space and ventilation shall be provided in all areas of the center.

(b) Screens shall be provided for all windows and doors unless the center is totally air-conditioned.

(c) Facilities for heating during the winter months shall be provided.

(d) The heating system must be safe and in good repair and of sufficient size to comfortably keep the center warm.

(e) Heating equipment should be inspected annually by a heating expert and there should be available at the time of

licensing a signed statement indicating the method of heating is safe, and the equipment is in good repair.

(7) Counseling Area: Each counselor's office should have a minimum of one hundred square feet.

(8) First Aid Facilities:

(a) Staff should be familiar with routine ~~first-aid~~ First Aid practices and ~~procedure~~ Procedures.

(b) First aid equipment shall be on the premises and easily accessible to all staff.

(c) The ~~facility~~ Facility shall maintain an inventory control list.

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. **Amendment** Filed June 19, 2018 **Effective**

950-1-10-.06 Training Requirements.

(1) A minimum of twelve hours of ~~training~~ Training shall be completed within the first week of assuming duties.

(a) Training shall be the responsibility of the Board, local ~~agency~~ Agency and/or the Department.

(b) Training should include, but not be limited to:

1. Communication skills;
2. Working with the troubled adolescent;
3. Learning theories and behavior management;
4. Methods of behavior observation;
5. Juvenile ~~court~~ Court philosophy and ~~procedure~~ Procedure;
6. Role of probation officer, counselor, social worker;

7. Role of other program staff;
8. Role of natural parents or ~~youth~~Youth's own family.
9. Staff shall be trained in ~~first-aid~~First Aid and CPR.

(2) Training shall be ongoing at a minimum of forty hours annually.

(a) Available ~~community resource~~Community Resources should be utilized in formulating and conducting ~~training~~Training plans and sessions.

(b) Instruction time should include topics to increase skills in behavioral management, as well as allow time for discussions of individual problems encountered in the group.

(c) Weekly staff meetings should be held to evaluate specific problems, individual treatment plans and goals, as well as to formulate unified approaches toward problem solving.

(d) Attendance in specialized workshops and child care conferences is encouraged.

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. **Amendment** Filed June 19, 2018 **Effective**

950-1-10-.07 Manual Of Operating Procedures-And Application For License.

(1) A manual of operating procedures shall be developed by each ~~program~~Program or center and submitted to the Department as an application for license by the Department.

(a) The manual/application must be signed by the Chairman of the Board and the ~~program~~Program or center's administrator.

(b) It is the responsibility of the center or program administrator to forward any proposed changes or revisions in the manual of operating procedures to the Department.

(c) The Department will offer consulting assistance in the development of these operating procedure manuals regarding all prescribed minimum ~~standards~~ Standards and regulations for the operating of the particular program or center.

(2) The Manual of Operating Procedures shall include information and a thorough explanation of the following areas, but is not limited to the listed areas:

- (a) Project Title:
 - 1. Address;
 - 2. Date submitted;
 - 3. Program description (brief description of the project)
 - 4. Date of projected implementation.
- (b) Board of Directors:
 - 1. Names, positions, addresses;
 - 2. Size and representative membership distribution;
 - 3. By-laws;
 - 4. Charter;
 - 5. Articles of incorporation;
 - 6. Policies, target areas, and priorities;
 - 7. Committees;
 - 8. Advisory board members -- names, profession and address;
 - 9. Organization flow chart.
- (c) Budget:
 - 1. Budget for current year;
 - 2. Accounting system and responsibility;

3. Budget justification of each category;
 4. Funding sources and amounts contributed;
 5. Evidence of availability of funds to carry the ~~program~~Program or ~~faeility~~Facility through the first year;
 6. Long range fiscal plans;
 7. Cost analysis with comparative ~~program~~Programs;
 8. Cost analysis per ~~youth~~Youth;
 9. Auditing procedures.
- (d) Administration Positions and Titles:
1. Staff job qualifications, responsibilities, list of positions necessary to operate ~~program~~Program or center, current staff, name (when possible), positions, qualifications, personnel ~~policy~~Policy (sick leave, vacation, compensatory leave, medical retirement, accidents);
 2. Organization flow chart;
 3. Work schedules of all staff and time sheets;
 4. Annual medical examinations of staff;
 5. Staff meeting schedules; purpose;
 6. Method for staff evaluation;
 7. Employee records and applications;
 8. In-service ~~training~~Training:
 - (i) Name and dates of ~~training~~Training ~~p~~Program;
 - (ii) Type of ~~program~~Program (conference, workshop, etc.)
 - (iii) Number of trainees;
 - (iv) Materials to be used;
 - (v) Evaluation criteria;
 - (vi) Funding sources for ~~training~~Training.

9. Staff orientation ~~policy~~Policy and requirements: |
 - (e) Building and Grounds:
 1. Lease or purchase agreements;
 2. Insurance coverage, types;
 3. Taxes;
 4. Methods of upkeep;
 5. Zoning requirements;
 6. Building inspection (last date)
 7. Annual fire inspection (last date)
 8. Annual health inspection (last date)
 9. Annual heating/cooling facilities inspections;
 10. Number and size of bathrooms;
 11. Renovations (cost);
 12. Repairs;
 13. General furnishings (complete or incomplete);
 14. Recreational outlets and equipment.
 - (f) Office:
 1. Office hours and policies;
 2. Phone answering ~~policy~~Policy; |
 3. Record keeping and filing system;
 4. Office equipment;
 5. Confidentiality provisions.
 - (g) Records Kept:
 1. Intake sheets (testing, social, legal, medical, school information);

2. Progress reports;
 3. Volunteer time sheets;
 4. Log of visitors, functions, and events;
 5. Petty cash;
 6. Travel vouchers and ~~policy~~Policy;
 7. Counseling notes;
 8. Allowances;
 9. Tax exemption forms;
 10. Evaluation Sheets;
 11. Staff notes;
 12. Group notes;
 13. Applications;
 14. Fact sheet on clients;
 15. Court orders;
 16. Property inventory list;
 17. Purchase orders;
 18. Statement of compliance with Section 504,
Rehabilitation Act of 1973;
 19. Vouchers;
 20. Statement of Compliance with Civil Rights Act of
1964;
 21. Other forms.
- (h) Children's Files:
1. Complete social history of child and his/her
family;
 2. School data;

3. Staff notes regarding behavioral observations and adjustment;

4. Intake information report;

5. Contracts;

6. Referral source;

7. Medical and dental records;

8. Testing results;

9. Court records and custody order;

10. Placement notes;

11. Evaluation forms;

12. Follow-up.

(i) Program Information:

1. Project setting:

Description;

(ii) Social setting.

2. Basic objectives and information.

3. Selection of children:

(i) Admission criteria;

(ii) Admission policies;

(iii) Admission practices;

(iv) Diagnostic differentiation.

4. Referral sources;

5. Diagnosis;

6. Screening;

7. Casework-treatment planning;

8. Treatment policies:

- (i) General philosophy;
 - (ii) Orientation program;
 - (iii) Medical;
 - (iv) Legal;
 - (v) Discipline;
 - (vi) Education and ~~training~~Training;
 - (I) Evaluation;
 - (II) Placement;
 - (III) Follow-up;
 - (IV) Tutoring;
 - (V) Special resources.
9. Method for evaluation and follow-up of the ~~program~~Program and each youth enrolled in the ~~program~~Program;
10. Consultation plan:
- (i) Written agreements specifying responsibilities.
11. Personal and social adjustment:
- (i) Individual and group ~~counseling~~Counseling;
 - (ii) Psychotherapy;
 - (iii) Psychiatry;
 - (iv) Rap sessions;
 - (v) Topic areas -- sex, drugs, law, jobs, education, ~~training~~Training, family, authority figures, hygiene, personal appearance, self concept, identity crisis, etc.;
 - (vi) Family ~~counseling~~Counseling.
12. Recreation:
- (i) Individual;

- (ii) Group;
- (iii) Arts and crafts;
- (iv) ~~Community resource~~ Community Resources, libraries; |
- (v) Teams.

13. Counseling and rehabilitation technique practices
(indicate major technique and practices being demonstrated in project).

14. Volunteers:

- (i) Orientation;
- (ii) Training;
- (iii) Recruiting;
- (iv) Forms;
- (v) Monitoring.

15. Treatment team meetings:

- (i) Notes and documentation;
- (ii) Planning;
- (iii) Evaluation of techniques;
- (iv) Evaluation of self;
- (v) Flexibility.

(j) Kitchen:

- 1. Staff and responsibilities;
- 2. Youth's role;
- 3. Menus;
- 4. Ordering/purchasing;
- 5. Storage;
- 6. Nutrition;

7. Inspection and ~~standard~~Standards.

(k) First aid and medication plans

(1) Youth involvement

(m) Program linkages:

1. Private;

2. Civic;

3. Business;

4. Agency.

(3) Examination and Investigation of Operation Manual:

(a) Upon receipt of the completed operation manual, an examination of the premises of the ~~program~~Program or center and an investigation of the persons responsible for the function of the ~~program~~Program or center shall be made by a representative of the Department.

(b) The examination and investigation will include, but not be limited to, visits to the center and interviews with appropriate officers and staff, and with other persons who can help to verify the allegations of the manual.

~~(4) Six-Month Permit:~~

~~(a) If specific areas of the minimum standards are identified as lacking in the basic services of the program or center, the Department may issue a six-month license to allow the program or center reasonable time to become eligible for a full license.~~

~~(b) Issuance of a six-month license implies that the Department approves a program or center's temporary operation without having fully met all minimum standards.~~

~~(c) All minimum standards shall be met before the end of the six-month period covered by the license. No renewal of a six-month license shall be permitted.~~

~~(d) The Department's decision to issue a six-month license shall be after the program or center has fully met the following requirements:~~

~~1. Written statement of approval from the fire and health department.~~

~~2. Sufficient staff, with references and medical examinations to comply with the youth/staff ratio.~~

(5) Disposition of the Application:

(a) Upon receipt of the complete operating manual, a decision to approve or to deny the application will be made within thirty days by the Department based on the findings of the examination and investigation.

(b) If the decision is to license the ~~program~~Program or center, a license will be issued to the center.

(c) The license becomes effective on the date it is issued by the Department and it must be appropriately displayed in the ~~program~~Program or center.

(d) A ~~full~~-license may be issued only upon a determination by the Department that the minimum ~~standard~~Standards prescribed for the type ~~program~~Program or center for which the application has been made have been fully complied with.

(e) A ~~full~~-license will remain in force and effect for a period of one year from the date it was issued unless revoked by the Department for due cause.

(f) If denial of the application is indicated, the Department will notify the applicant, verbally and in writing, of the decision, pointing out and discussing those areas of the minimum ~~standard~~Standards which have not been met. Consultation will be provided by the Department to advise the ~~program~~Program or center on how to attain prescribed minimum ~~standard~~Standards.

(6) Renewal of a License:

(a) Application for renewal of a license to continue operating a program or center shall be made to the Department three months prior to the expiration date of the current license.

(b) The Department shall re-examine and re-evaluate every area of the center included in the application process. Attachments or revisions to the operating manual must be submitted with renewal request.

(c) A renewal, for one year, of a license shall be issued, if, upon re-examination, the Department is satisfied that

the ~~program~~Program or center, officers and staff of the center continue to meet and to maintain the prescribed ~~standard~~Standards.

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. Amendment Filed June 19, 2018 **Effective**

950-1-10-.08 Revocation Of A License.

(1) Conditions for Revocation of a License are described in 950-1-4-.06. Interested parties should refer to that section for the applicable rule governing revocation of a license.

~~(1) Conditions for Revocation of a License:~~

~~(a) The Department may revoke or refuse to renew the license, or refuse to issue full license to the holder of a six-month license should the licensee fail to comply with the following:~~

~~1. Consistently fail to maintain standards prescribed and published by the Department, including all new and additional standards which the Department may prescribe.~~

~~2. Violate the provisions of the license issued.~~

~~3. Furnish or make misleading or any false statement or report to the Department.~~

~~4. Refuse to submit to the Department any reports, or refuse to make available to the Department any records required by the Department in making investigation of the center for licensing purposes; provided, however, that the Department shall not revoke or refuse to renew a license in such case unless it has made written demand on the person, firm or corporation operating the center requesting such report or reports, and such person, firm or corporation fails or refuses to submit such records for a period of ten days.~~

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

~~**Statutory Authority:** Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.~~**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.~~
History: New Rule: Filed December 17, 2004; effective January 21, 2005. Repealed: Filed June 19, 2018
Effective

950-1-10-.09 Appeal For Fair Hearing And Review.

~~(1) Procedure for Appeal and Review:~~

~~(a) In the event an application is denied or a license or a six-month license is revoked or in the event an application for such a license or renewal of a license is not acted upon with reasonable promptness, the aggrieved party may appeal to the Department for a fair hearing on the application.~~

~~(b) The decision or action of the Department on any fair hearing shall be final and binding.~~

~~(c) Any aggrieved party is entitled to a review of such final decision or action by filing a petition for a review with the Circuit Court in the county in which the center is located or in the Circuit Court of Montgomery County, Alabama, within thirty days from the date of the final decision or action.~~

~~(d) Notice and opportunity for a fair hearing and notice of right to counsel shall be given the appellant by the Department.~~

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

~~Statutory Authority: Code of Ala. 1975, §§44-1-27(a), (b), 44-1-24(4), (6), 38-13-4.~~
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.~~
History: New Rule: Filed December 17, 2004; effective January 21, 2005. Repealed: June 19, 2018
Effective

950-1-10-.10 Statutory Authority. Title 44, Code of Ala. 1975.

(1) §44-1-27(a) - "The Department of Youth Services is authorized and directed to establish and promulgate reasonable minimum ~~standard~~Standards for the construction and operation of detention facilities, programs for the prevention and correction of youth delinquency, in-service ~~training~~Training for probation officers, consultation from local officials and subsidies to local delinquency projects. The said ~~standard~~Standards shall include, but not be limited to, reasonable minimum ~~standard~~Standards for detention facilities, foster care facilities, group homes, and correctional institutions and aftercare services."

(2) §44-1-27(b) - "No county, or city in the state nor any public or private ~~agency~~Agency, group, corporation, partnership, or individual shall establish, maintain, or operate any detention ~~facility~~Facility or foster care ~~facility~~Facility for youths found delinquent or in need of supervision by a juvenile ~~court~~Court, without a license from the ~~department~~Department. A license shall be required on an annual basis or as determined by the ~~department~~Department. The ~~department~~Department shall revoke the license of any city, county, or public or private ~~agency~~Agency, group, corporation, or individual conducting, operating, or acting as a detention ~~facility~~Facility, or foster care ~~facility~~Facility caring for children and youths alleged or adjudged to be delinquent or in need of supervision, that fails to meet the ~~standard~~Standards prescribed by the ~~department~~Department. The ~~department~~Department is authorized to visit and inspect any public or voluntary detention ~~facility~~Facility, foster care ~~facility~~Facility or group homes as it deems 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~~Hearing before a juvenile ~~court~~Court or adjudged delinquent following ~~hearing~~Hearing, including detention, examination, study, care, treatment, and ~~training~~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~~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~~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.

950-1-10-.11 Effective Date

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.

~~ED NOTE: Chapter content was previously Chapter 950-4-6, Minimum Standards for Comprehensive Youth Services Centers, as per certification filed December 17, 2004; effective January 21, 2005. See Chapter 950-4-6 for previous history.~~