

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Youth Services  
Rule No. 950-1-5  
Rule Title: Minimum Standards for Detention Facilities and Programs  
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

REC'D & FILED  
JUN 19 2018

(DATE FILED)  
(STAMP)

APA-2

Alabama Department of Youth Services

NOTICE OF INTENDED ACTION

AGENCY NAME: Youth Services

RULE NO. & TITLE: 950-1-5 Minimum Standards for Detention Facilities and Programs

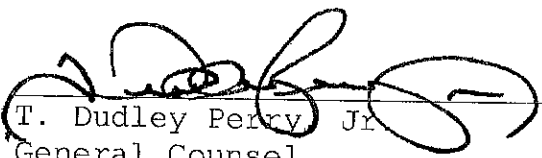
INTENDED ACTION: The Alabama Department of Youth Services proposes to amend Rule 950-1-5 of the Administrative Code, and repeal certain subsections as described below.

SUBSTANCE OF PROPOSED ACTION: The Department proposes to amend Rule 950-1-5 to simplify the procedures applicable to licenses for detention facilities and 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 950-1-5 are repealed.

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 950-1-5  
MINIMUM STANDARDS FOR DETENTION FACILITIES AND PROGRAMS

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950-1-5-.01 ACA Minimum Standards For Juvenile Detention Facilities, 1991, And Revisions As Presented In The 2004 ACA Supplement

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950-1-5-.07 ~~Licensing Procedures And Application For License~~  
~~Repeal~~

950-1-5-.08 ~~Revocation Of A License~~  
~~Repeal~~

950-1-5-.09 ~~Appeal For Fair Hearing And Review~~  
~~Repeal~~

950-1-5-.09 Statutory Authority

950-1-5-.10 Effective Date

950-1-5-.01 ACA Minimum Standards For Juvenile Detention Facilities, 1991, And Revisions As Presented In The 2004 ACA Supplement. The Department of Youth Services has adopted the ACA Minimum Standards for Juvenile Detention Facilities, 1991, including the 2004 Standards Supplement, and as subsequently amended. Facilities must comply with these ~~standard~~Standards within one year of operation. Copies of these ~~standard~~Standards can be obtained from the American Correctional Association.

**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.

950-1-5-.02 Reserved.

950-1-5-.03 Reserved.

950-1-5-.04 Reserved.

950-1-5-.05 Reserved.

950-1-5-.06 Reserved.

950-1-5-.07 Licensing Procedures And Application For License.

~~(1) Application and Procedure for a License. The application and procedure for obtaining a license is described in 950-4-4-.06. These procedures replace the procedures previously described in 950-4-5-.07. These procedures, entitled 950-4-5-.07, are repealed. Persons applying for a license should refer to 950-1-4-.05 and .06 for the applicable rules and procedures for making application for licensure.~~

~~(2) A Manual of Operating Procedures will be required as a part of the application process. The Office of Licensing and Standards will provide information regarding the specific requirements for the development of the manual.~~

~~(3) The Department will offer consulting assistance in the development of these operating procedure manuals regarding all prescribed minimum standards and regulations for the operating of the particular facility.~~

~~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) 44-1-2(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:**

**950-1-5-.08** Revocation Of A License. ~~Conditions for Revocation of a License: The Department may revoke or refuse to issued full license to the holder of a six-month license should the licensee fail to comply with licensing requirements. Those requirements and conditions are described in 950-1-4-.07. Interested parties should refer to that section for information and procedures which are related to revocation of a license.~~

~~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, §§ 1-27(a), (b), 44-2-24(4), 6, 38-13-4. Repealed: Filed

~~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:

**950-1-5-.09** Appeal For Fair Hearing And Review.

~~(1) The procedures for Appeal For Fair Hearing and Review are described in 950-1-4-.07. Interested parties should refer to that section for the applicable rules governing the appeal and fair hearing procedures.~~

~~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:

**950-1-5-.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, ~~program~~Programs for the prevention and correction of ~~youth~~Youth delinquency, in-service 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, group, corporation, partnership, or individual shall establish, maintain, or operate any detention facility or foster care facility for ~~youth~~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 ~~youth~~Youths alleged or adjudged to be delinquent or in need of supervision, that fails to meet the ~~standard~~Standards prescribed by the Department. The Department is authorized to visit and inspect any public or voluntary detention facility, foster care facility or group homes as it deems necessary."

(3) §44-1-24 - The Department of Youth Services shall perform the following duties and functions: (4) "License and subsidize foster care facilities or group homes for ~~youth~~Youths alleged to be delinquent pending ~~hearing~~Hearing before a juvenile 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 by law with respect to ~~youth~~Youth services and which do not conflict with or exceed the provisions of law vesting the duties and functions in the Department."

(a) §44-1-28 - "The functions and facilities related to ~~youth~~Youth detention facilities, licensed by the Department of Youth Services of each county or counties, acting together may, upon the express written agreement of each such county or such counties acting together and the ~~department~~Department, receive funds from the ~~department~~Department according to formulas for disbursement established by the ~~department~~Department and in accordance with the terms of written agreements between each such county or such counties acting together and the ~~department~~Department, relative to detention care. Any county or

counties acting together shall retain control of such detention functions and detention and shall continue to have financial responsibility for their operation, unless otherwise provided for by the ~~department~~Department. All detention programs and facilities shall maintain ~~standard~~Standards prescribed by the ~~department~~Department. All funds expended by the ~~department~~Department will be contingent upon the recipients of said funds meeting the ~~standard~~Standards established by 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.

**950-1-5-.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 950-4-2, Minimum Standards for Detention Facilities and Programs, as per certification filed December 17, 2004; effective January 21, 2005. See Chapter 950-4-2 for previous history.~~