

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Youth Services
Rule No. 950-1-6

Rule Title: Minimum Licensure Standards for Residential Facilities and Programs

_____ New ☒ 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 6-19-18

APA-2

Alabama Department of Youth Services

NOTICE OF INTENDED ACTION

AGENCY NAME: Youth Services

RULE NO. & TITLE: 950-1-6 Minimum Licensure Standards for Residential Facilities and Programs

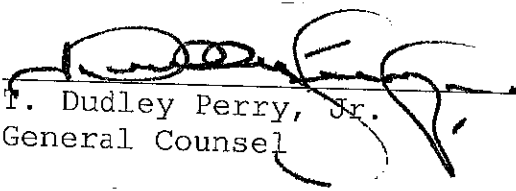
INTENDED ACTION: The Alabama Department of Youth Services proposes to amend Rule 950-1-6 of the Administrative Code.

SUBSTANCE OF PROPOSED ACTION: The Department proposes to amend Rule 950-1-6 to update the minimum standards applicable to licensed residential programs and 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 950-1-6 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
COMMUNITY SERVICES DIVISION
ADMINISTRATIVE CODE

CHAPTER 950-1-6
MINIMUM LICENSURE STANDARDS FOR RESIDENTIAL
FACILITIES AND PROGRAMS

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950-1-6-.01 Introduction.

(1) The Alabama Department of Youth Services is committed to the concept of effective rehabilitation of ~~delinquent youth~~Delinquent Youth through the licensure of community based and community operated ~~program~~Programs and facilities.

(2) These minimum licensure standards for residential facilities and ~~program~~Programs, to include institutional extensions, were developed in order to assure that the ~~program~~Programs developed within the state meet recognized practices in order to meet the needs of ~~delinquent youth~~Delinquent Youth who are placed in these ~~program~~Programs and facilities.

(3) Residential Facilities Programs represent small living units within the community as a form of group care and treatment for certain ~~youth~~Youth, particularly adolescents, and a transition place between large institutional care and return to family life. Such ~~program~~Programs offer adult guidance and

professional services to the ~~youth~~Youth living away from their home and yet keeps the ~~youth~~Youths in the community setting. They represent a resource that has tremendous flexibility in giving specialized care and supervision for ~~youth~~Youth in need of alternative placements to their own homes or institutional care. These group living ~~program~~Programs provide a type of care that is not available through traditional foster families or institutions. They are not meant to replace either of these types of care, but present a unique opportunity to combine different aspects of treatment from both resources. The group living ~~program~~Program should not be considered a panacea of care for all ~~youth~~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~~Youth.

(4) These minimum standards represent the guidelines established which address the specific programmatic, fiscal, and administrative area necessary to establish a sound effective group living resource.

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.

950-1-6-.02

Glossary.

~~(1) Absconder — a juvenile who fails to report for probation or aftercare supervision or an escapee or runaway from a juvenile placement.~~

~~(2) Admission — the process of entry into a program. During admission processing, the juvenile offender receives an orientation to program goals, rules, and regulations. Assignment to living quarters and to appropriate staff also is completed at this time.~~

~~(3) Affirmative Action — a concept designed to ensure equal opportunity for all persons regardless of race, religion, age, sex, or ethnic origin. These equal opportunities include all personnel training, such as selection, retention, rate of pay, demotion, transfer, layoff, termination, and promotion.~~

~~(4) Aftercare — control, supervision, and care exercised over juveniles released from facilities through a stated release program.~~

~~(5) Agency — the unit of a governing authority that has direct responsibility for the operations of a corrections program, including the implementation of policy as set by the governing authority. For a community residential center, this would be the administrative headquarters of the facilities. A single community facility that is not a part of a formal consolidation of community facilities is considered to be an agency. In a public agency, this could be a probation department, welfare department, or similar agency. For a juvenile correctional organization, this would be the central office responsible for governing the juvenile correctional system for the jurisdiction.~~

~~(6) Alternative Meal Service — special food provided to comply with the medical, religious or security requirements. Alternative meals must always be designed to ensure that basic health needs are met and are provided in strict compliance with the policies signed by the chief executive officer, the chief medical officer, and for the religious diets, by the appropriate religious leader.~~

~~(7) Audit — an examination of agency or facility records or accounts to check their accuracy, which is conducted by a person or persons not directly involved in the creation and maintenance of these records or accounts. An independent audit results in an opinion that either affirms or disaffirms the accuracy of records or accounts. An operational or internal audit usually results in a report to management that is not shared with those outside the agency.~~

~~(8) Case Conference — a conference between individuals working with the juvenile offender to see that court-ordered services are being provided.~~

~~(9) Casework — the function of the caseworker, social worker, or other professional in providing social services, such as counseling, to individuals in custody.~~

~~(10) Chemical Agent — an active substance, such as tear gas, used to defer activities that might cause personal injury or property damage.~~

~~(11) Child Care Facility or Program — any facility or program, whether residential or program, whether residential or non-residential, established by any person, group or persons, agency, association, or organization, whether established for profit or otherwise, who or which receives or arranges for care, treatment or placement of one or more youths.~~

- ~~(12) Child In Need of Supervision. A child 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 offence 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.~~
- ~~(13) Classification — a process for determining the needs and requirements of those for whom confinement has been ordered and for assigning them to housing units and programs according to their needs and existing resources.~~
- ~~(14) Code of Ethics — a set of rules describing acceptable standards of conduct for all employees.~~
- ~~(15) Committing Authority — the agency or court responsible for placing a juvenile in a program.~~
- ~~(16) Community Resources — human services agencies, service clubs, citizen interest groups, self-help groups, and individual citizen volunteers that offer services, facilities, or other functions that can meet the needs of the facility or have the potential to assist residents. These various resources, which may be public or private and national or local, may assist with material and financial support, guidance, counseling, and supportive services.~~
- ~~(17) Contraband — any item possessed by confined juvenile offenders or found within the facility that is illegal by law or expressly prohibited by those legally charged with the administration and operation of the facility or program.~~
- ~~(18) Contractor — a person or organization that agrees to furnish materials or to perform services for the facility or jurisdiction at a specified price. Contractors operating in correctional facilities are subject to all applicable rules and regulations for the facility.~~
- ~~(19) Contractual Arrangement — an agreement with a private party to provide services to juvenile offenders for compensation.~~

~~(20) Corporal Punishment — any act of inflicting punishment directly on the body, causing pain or injury.~~

~~(21) Counseling — planned use of interpersonal relationships to promote social adjustment. Counseling programs provide opportunities to express feelings verbally with the goal of resolving the individual's problems. At least three types of counseling may be provided: individual (a one-to-one relationship), small-group counseling, and large-group counseling in a living unit.~~

~~(22) Court — Juvenile Court.~~

~~(23) Court Intake — 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 actions.~~

~~(24) Delinquent Act — an act that, if committed by an adult, would be considered a crime.~~

~~(25) 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.~~

~~(26) Detainer — a warrant placed against a person in a federal, state, or local correctional facility that notifies the holding authority of the intention of another jurisdiction to take custody of that individual when he or she is released.~~

~~(27) Delinquent Child — a child who has committed a delinquent act and is in need of care or rehabilitation.~~

~~(28) Department — the Department of Youth Services.~~

~~(29) Dependent Child — a child:~~

~~(a) Who, for any reason is destitute, homeless or dependent on the public for support; or~~

~~(b) Who is without a parent or guardian able to provide for his/her support, training or education; or~~

~~(c) Whose custody is the subject of controversy; or~~

~~(d) Whose home, by reason of neglect, cruelty or depravity on the part of his/her parent, parents, guardian, or~~

~~other person in whose care he/she may be, is an unfit and improper place for him/her; or~~

~~(e) Whose parent, parents, guardian or other custodian neglects or refuses, when able to do so or when such service is offered without charge, to provide or allow medical, surgical or other care necessary for such child's health or well-being; or~~

~~(f) Who is in such condition or surroundings, or is under such improper or insufficient guardianship or control as to endanger his/her morals, health or general welfare; or~~

~~(g) Who has no proper parental care or guardianship; or~~

~~(h) Whose parent, parents, guardian or custodian fail, refuse or neglect to send such child to school in accordance with the terms of the compulsory school attendance laws of this state; or~~

~~(i) Who has been abandoned by his/her parents, guardian or other custodian; or~~

~~(j) Who is physically, mentally, or emotionally abused by his/her parents, guardian or other custodian or who is without proper parental care and control necessary for his/her well-being because of faults or habits of his/her parents, guardian or other custodian or their neglect or refusal, when able to do so, to provide them; or~~

~~(k) Whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child; or~~

~~(l) Who has been placed for care or adoption in violation of law; or~~

~~(m) Who for any other cause is in need of the care and protection of the state; and~~

~~(n) In any of the foregoing, is in need of supervision.~~

~~(30) Detention Care - the short-term care of delinquent youth or youths alleged to be delinquent, in secure custody, pending court action.~~

~~(31) Detention Facility - a facility licensed by the Department, other than a jail, affording secure, short-term~~

~~eustody for delinquent youths, or youths alleged to be delinquent.~~

~~(32) Direct Supervision — a method of resident management that ensures continuing direct contact between residents and staff by posting an officer(s) inside each housing unit. Officers in general housing units are not separated from residents by a physical barrier. Officer(s) provide frequent, non-scheduled observation of and personal interaction with residents.~~

~~(33) Disciplinary Hearing — a non-judicial administrative procedure to determine if substantial evidence exists to find a resident guilty of a rule violation.~~

~~(34) Due Process Safeguards — those procedures that ensure just, equal, and lawful treatment of an individual involved in all stages of the juvenile or criminal justice system, such as a notice of allegations, impartial and objective fact finding, the right to counsel, a written record of proceedings, a statement of any disposition ordered with the reasons for it, and the right to confront accusers, call witnesses, and present evidence.~~

~~(35) Education Program — a program of formal academic education or a vocational training activity designed to improve employment capability.~~

~~(36) Emergency — any significant disruption of normal facility or agency procedure, policy, or activity caused by riot, escape, fire, natural disaster, employee action, or other serious incident.~~

~~(37) Emergency Care — care of an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call. Emergency care shall be provided to the resident population by the medical director, physician, or other staff, local ambulance services, and/or outside hospital emergency rooms. This care shall be expedited by following specific written procedures for medical emergencies described in the standards.~~

~~(38) Environmental Health — all conditions, circumstances, and surrounding influences that affect the health of individuals or groups in the area.~~

~~(39) 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.~~

~~(40) Facility Administrator -- any official, regardless of local title (e.g., sheriff, chief of police, administrator, warden/superintendent) who has the ultimate responsibility for managing and operating the facility.~~

~~(41) First Aid -- care for a condition that requires immediate assistance for an individual trained in first aid care and the use of the facility's first aid kits.~~

~~(42) Fiscal Position Control -- the process that ensures that individuals on the payroll are legally employed, positions are authorized in the budget, and funds are available.~~

~~(43) Footeandle -- a unit for measuring the intensity of illumination, defined as the amount of light thrown on a surface one foot away from the light source.~~

~~(44) Foster Home -- a facility licensed by the Department, other than a jail, affording secure, short-term custody for delinquent youths, or youths alleged to be delinquent.~~

~~(45) Furlough or Temporary Leave -- a period of time during which a resident is allowed to leave the facility and go into the community unsupervised.~~

~~(46) 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.~~

~~(47) Grievance/Grievance Process -- a circumstance or action considered to be unjust and grounds for complaint or resentment and/or response to that circumstance in the form of a written complaint filed with the appropriate body.~~

~~(48) Handicapped -- having a mental or physical impediment or disadvantage that substantially limits an individual's ability to use program or services.~~

~~(49) Health Authority -- the physician, 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.~~

~~(50) 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.~~

~~(51) 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.~~

~~(52) Health-trained personnel or Medically-trained personnel — supervisory staff or other direct care staff who may be trained and appropriately supervised to carry out specific duties with regard to the administration of health care.~~

~~(53) Hearing — a proceeding to determine a course of action, such as the placement of a juvenile offender, or to determine guilt or innocence in a disciplinary manner. Argument, witnesses, or evidence are heard by a judicial officer or administrative body in making the determination.~~

~~(54) Hearing Examiner — an individual appointed by the release authority who conducts hearings for the authority. His/her power of decision making may include, but not be limited to, making discharge recommendations to granting or denying discharge.~~

~~(55) Holidays — all days legally designated as non-workdays by statute or by the chief governing authority of a jurisdiction.~~

~~(56) Independent Operator — a person or persons who contract with a correctional agency or other governmental agency to operate and manage a correctional program or facility.~~

~~(57) Indigent — an individual with no funds or source of income.~~

~~(58) Information System — the concepts, personnel, and supporting technology for the collection, organization, and delivery of information for administrative use. There are two such types of information:~~

~~(a) standard information, consisting of the data required for operations control such as the daily count, payroll data in a personnel office, aftercare/discharge success rates, referral sources, and caseload levels;~~

~~(b) demand information, consisting of information that can be generated when a report is required, such as information~~

~~on the number of residents in educational and training programs, duration of residence, or the number of residents eligible for discharge during a twelve-month period by offense, sentence, and month of release. (Also referred to as a management information system)~~

~~(59) Informed Consent — the agreement by a resident to treatment, examination, or procedure after the resident receives the material facts regarding the nature, consequences, risks, and alternatives concerning the proposed treatment, examination, or procedure.~~

~~(60) Interstate Compact for the Supervision of Probationers — an agreement entered into by eligible jurisdictions in the United States and its territories that provides the criteria for these jurisdictions to cooperate in working with aftercare or release.~~

~~(61) Interstate Compact on Juveniles — an agreement authorizing the interstate supervision of juvenile delinquents. This can also include the cooperative institutionalization of special types of delinquent juveniles, such as psychotics and defective delinquents.~~

~~(62) Institution — any residential facility operated by the Department to provide care for youth whose custody has been placed with the Department.~~

~~(63) Judicial Review — a proceeding to reexamine the course of action or continued confinement of a juvenile in a secure detention facility. Arguments, witnesses, or evidence are not required as part of the review. Reviews may be conducted by a judge, judicial officer, or an administrator who has been delegated the authority to release juveniles from secure detention with the approval of a judge.~~

~~(64) Juvenile — a person under the age of 21, or as defined in the local jurisdiction as under the age of majority.~~

~~(65) Juvenile Community Residential Program — a program housed in a structure without security fences and security hardware or other major restraining construction typically associated with correctional facilities, such as a converted apartment building or private home. They are not considered as or intended to be detention facilities. Except for daycare programs, they provide twenty-four hour care, programs, and supervision to juveniles in residence. Their focus is on providing the juvenile with positive adult models and program activities that assist in resolving problems specific to this age~~

~~group in an environment conducive to positive behavior in the community.~~

~~(66) Major Equipment — all equipment that is securely and permanently fastened to the building or any equipment with current book value of \$1,000 or more.~~

~~(67) Major Infraction — a rule infraction involving a grievous loss and requiring imposition of due process procedures. Major infractions include (a) violations that may result in disciplinary detention or administrative segregation; (b) violations for which punishment may tend to increase a resident's sentence, such as extending commitment; (c) violations that may result in a forfeiture, such as loss of days; and (d) violations that may be referred for criminal prosecution.~~

~~(68) Medical Records — separate records of medical examinations and diagnoses maintained by the responsible physician. The date and time of all medical examinations and copies of standing or direct medical orders from the physician to the facility staff should be transferred to the resident record.~~

~~(69) Medical Screening — a system of structured observation/initial health assessment to identify newly arrived juvenile offenders who pose a health or safety threat to themselves or others.~~

~~(70) Mentally Retarded — describes an individual who functions at a subaverage general intellectual level and is deficient in adaptive behavior.~~

~~(71) Not Applicable — a term used in the accreditation process to describe a standard that does not apply to the facility being audited. While the initial determination of applicability is made by Department staff/audit team, the final decision rests with the hearing panel.~~

~~(72) Offender — an individual convicted or adjudicated of a criminal offense.~~

~~(73) Official Personnel File — a current and accurate record of the employee's job history, including all pertinent information relating to that history.~~

~~(74) Parent — the individual with whom a juvenile regularly lives and who is the natural, adoptive, or surrogate parent.~~

~~(75) Petition — an application for a court order or other judicial action. For example, a delinquency petition is an~~

~~application for the court to act in the matter of a juvenile apprehended for a delinquent act. Petition means written verified charge whereby a youth is brought within the jurisdiction of the juvenile court.~~

~~(76) Physical Examination -- a thorough evaluation of a patient's current physical condition and medical history conducted by or under the supervision of a licensed professional.~~

~~(77) Placing Authority -- the agency or body with the authority to order a juvenile into a specific dispositional placement. This may be the juvenile court, the probation department, or another duly constituted and authorized placement agency.~~

~~(78) Plan of Action -- a description of action steps designed to correct a condition that has caused a determination of noncompliance with a standard.~~

~~(79) Policy -- a course or line of action adopted and pursued by an agency that guides and determines present and future decisions and actions. Policies indicate the general course or direction of an organization within which the activities of the personnel must operate. They are statements of guiding principles that should be followed in directing activities toward the attainment of objectives. Their attainment may lead to compliance with standards as well as compliance with the overall goals of the agency or system.~~

~~(80) Probation -- a court-ordered disposition alternative through which a convicted juvenile offender or adjudicated delinquent is placed under the control, supervision, and care of a probation field staff member.~~

~~(81) Procedure -- the detailed and sequential actions that must be executed to ensure that a policy is fully implemented. It is the method of performing an operation or a manner of proceeding on a course of action. It differs from a policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy.~~

~~(82) Professional Staff -- social workers, probation officers, and other staff assigned to juvenile offender cases. These individuals generally possess bachelor's degrees and advanced training in the social or behavioral sciences.~~

~~(83) Program -- the plan or system through which a correctional agency works to meet its goals; often this program requires a distinct physical setting, such as a correctional~~

~~institution, community residential facility, group home, or foster home.~~

~~(84) Program Director - the individual directly in charge of the program, who may also be called the administrator, superintendent, or houseparent.~~

~~(85) Protective Custody - a form of separation from the general population for residents requesting or requiring protection from other residents for reasons of health or safety. The resident's status is reviewed periodically by the classification committee or other designated group.~~

~~(86) 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.~~

~~(87) Referral - the process by which a juvenile offender is introduced to an agency or service that can provide the assistance needed.~~

~~(88) Releasing Authority - the decision-making body and/or individual that has the responsibility to grant, deny, and revoke release from a juvenile institution or program of supervision. In some jurisdictions it is called the release board.~~

~~(89) Renovation - a significant structural or design change in the physical plant of a facility.~~

~~(90) 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.~~

~~(91) Right to Counsel - the right accorded to any youth to be represented by legal counsel at any stage of the juvenile process.~~

~~(92) Serious Incident - a situation in which injury serious enough to warrant medical attention occurs involving a resident, employee, or visitor on the grounds of the institution. Also, a situation containing an imminent threat to the security~~

~~of the institution and/or to the safety of residents, employees, or visitors on the grounds of the institution.~~

~~(93) Severe Medical Disturbance — a condition in which an individual is a danger to self or others or is incapable of attending to basic physiological needs.~~

~~(94) Service Plan — an individualized assessment based on the resident's short and/or long term goals. The treatment plan provides residents with a range of supportive and rehabilitative services, individual or group counseling and/or self-help groups that physician deems appropriate.~~

~~(95) Shelter Facility — any non-secure public or private facility designated to provide either temporary placement for alleged or adjudicated status offenders prior to the issuance of a disposition order or long-term care under a juvenile court disposition order.~~

~~(96) Sheriff — the elected or appointed chief executive officer of a county law enforcement agency. Sheriffs can serve several functions, including responsibility for law enforcement in unincorporated areas, operation of the county jail, and assignment of officers of the court.~~

~~(97) Special Needs Resident — a resident whose mental and/or physical condition requires special handling and treatment by staff. Special needs residents include, but are not limited to, drug or alcohol addicts or abusers, the emotionally-disturbed, mentally retarded, suspected mentally ill, physically handicapped, chronically ill, and disabled or infirmed.~~

~~(98) Status Offender — a juvenile who has been charged with or adjudicated for conduct that under the law of the jurisdiction in which the offense was committed would not be a crime if committed by an adult.~~

~~(99) Strip Search — an examination of a resident's naked body for weapons, contraband, and physical abnormalities. This also includes a thorough search of all of the individual's clothing while it is not being worn.~~

~~(100) Temporary Release — a period of time during which a resident is allowed to leave the program or institution and go into the community unsupervised for various purposes consistent with the public interest.~~

~~(101) 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, 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 of recognition of completion. Meetings of professional associations are considered training where there is clear evidence of the above. Whether it occurs on site, at an academy or training center, through contract services, or professional meetings, the activity must be part of an overall training program.~~

~~(102) Treatment Plan - a series of written statements that specify the particular course of therapy and the roles of medical and non-medical personnel in carrying it out. A treatment plan is individualized, based on assessment of the individual resident's needs, and includes a statement of the short and long term goals and the methods by which the goals will be pursued. When clinically indicated, the treatment plan provides residents with access to a range of supportive and rehabilitative services, e.g., individual or group counseling and/or self-help groups that the physician deem appropriate.~~

~~(103) Urine Surveillance Program - a program whereby urine samples are collected on an irregular basis from offenders suspected of having a history of drug use to determine current or recent use.~~

~~(104) Volunteer - an individual who donates his/her time and effort to enhance the activities and programs of the agency. They are selected on the basis of their skills or personal qualities to provide services in recreation, counseling, education, religion, and etc.~~

~~(105) Waiver - a commission panel decision that releases the facility/program from the responsibility of preparing a plan of action to bring the facility/program into compliance with a standard.~~

~~(106) Youth - any person under the age of eighteen years, or 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, youth also means any person under the age of twenty-one who already is on probation, aftercare, or in the legal custody of 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.~~
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~~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

950-1-6-.03 Administration.

(1) Section A

(a) The ~~agency~~Agency operating a Community Residential Program is a legal entity or part of a legal entity.

(b) The Board of Directors, or where established by a local unit of government, the ~~governing authority~~Governing Authority, shall consult with the Department of Youth Services prior to:

1. establishing a new ~~program~~Program or ~~facility~~Facility

2. changing the basic program

3. extending services into additional ~~p~~Program or geographic area

(c) The ~~governing authority~~Governing Authority of the Community Residential Program holds meetings at least annually (quarterly recommended) with the administrator and appropriate staff to facilitate communication, establish ~~policy~~Policy, and ensure conformity to legal and fiscal requirements.

(d) Written ~~policy~~Policy, procedure, and practice provide that the ~~facility~~Facility has documented long range goals and objectives.

(e) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that the ~~facility~~Facility and its ~~program~~Programs are managed by a single administrative officer.

(f) The qualifications for the position of facility administrator include, at a minimum, a bachelor's degree in an appropriate discipline and demonstrated administrative ability and leadership.

(g) The ~~facility~~Facility has a plan in place that ensures a continuity of service. These measures should include provisions for providing service following fire, natural disasters, or other major disruptions in the ongoing operation of the ~~program~~Program.

(h) There is a written document that describes the ~~facility~~Facility, including an organizational chart that delineates lines of authority.

(i) The ~~facility~~Facility has an Advisory Board that is representative of the community in which it is located, that meets at least annually.

(j) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for operating and maintaining the ~~facility~~Facility as specified in a manual that is accessible to all employees and the public.

(k) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that new or revised policies and procedure are disseminated to appropriate staff and volunteers.

(l) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for regular meetings, at least monthly, between the administrator and key staff members.

(m) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that the ~~facility~~Facility develops ~~procedure~~Procedure to assess its progress in meeting its mission as defined by its stated long range goals and objectives. The assessment is conducted at least annually.

(n) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide media-access to the ~~facility~~Facility. These ~~procedure~~Procedures should include details addressing:

1. juvenile rights to confidentiality and privacy
2. maintenance of order and security
3. a program of public information
4. designation of individuals authorized to speak on behalf of the ~~facility~~Facility

5. identification of areas of the ~~facility~~Facility accessible to media representatives

(o) The ~~facility~~Facility has a written ~~policy~~Policy conforming to statutes and regulations governing campaigning, lobbying, and political practices.

(p) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that firearms are not permitted in the ~~facility~~Facility or on ~~facility~~Facility grounds, except in the instances of police officers in the performance of their duties.

(2) **Section B - FISCAL MANAGEMENT**

(a) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that the administrator is responsible for fiscal policy, management, and control. Management of fiscal operations may be delegated to a designated staff person.

(b) The ~~facility~~Facility has written fiscal policies and procedure adopted by the ~~governing authority~~Governing Authority sufficient to meet ~~facility~~Facility fiscal operations.

(c) The ~~facility~~Facility prepares an annual written budget of anticipated revenues and expenditures that is approved by the appropriate ~~governing authority~~Governing Authority.

(d) The facility administrator participates in budget reviews conducted by the governing board.

(e) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that when ~~facility~~Facility services are provided on a regional basis, all contract users are charged an equal per diem rate.

(f) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that all the monies collected at the ~~facility~~Facility are placed in an officially designated and secure location.

(g) The ~~facility~~Facility, at a minimum, prepares and distributes to its ~~governing authority~~Governing Authority, income and expenditure statements, funding sources, financial reports, and independent ~~audit~~Audit reports.

(h) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for an independent financial ~~audit~~Audit of the ~~facility~~Facility, conducted at least every three years. The ~~audit~~Audit is available to DYS upon request.

(i) The ~~facility~~Facility utilizes a system of property inventory and control for purchasing and requisitioning supplies and equipment.

(j) The ~~facility~~Facility maintains insurance on its building and properties. It is highly encouraged to maintain comprehensive general liability insurance.

(k) Written, ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that any financial transaction permitted between juveniles, juveniles and staff, or juveniles and volunteers, must be approved by the facility administrator.

(3) **Section C - PERSONNEL**

(a) The ~~facility~~Facility maintains a personnel manual that is available to all employees and is approved by the ~~governing authority~~Governing Authority, that covers, at a minimum, the following areas:

1. Organizational chart
2. Recruitment and selection
3. Promotion
4. Job qualifications and job descriptions
5. Affirmative action
6. Sexual harassment
7. Grievance and appeal procedure
8. Orientation
9. Employee evaluation
10. - Staff-development and ~~training~~Training
11. Personnel records
12. Benefits
13. Holidays
14. Leave
15. Hours of work

16. Compensation
17. Travel
18. Disciplinary procedures
19. Termination
20. Resignation

(b) The facility administrator reviews the ~~facility~~Facility's personnel policies on an annual basis and submits any recommended changes to the ~~governing authority~~Governing Authority.

(c) Written ~~policy~~Policy and ~~procedure~~Procedure specifies that equal employment opportunities exist for all positions.

(d) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice prohibit sexual harassment.

(e) Written policy and procedure specifies support for a drug-free workplace for all employees.

(f) Written ~~P~~Policy, ~~procedure~~Procedure, and practice provide that there are written job descriptions for all positions in the ~~facility~~Facility. Each job description includes, at a minimum, the following: job title, responsibilities of the position, required minimum experience, and education.

(g) Compensation and benefit levels for all personnel are comparable to similar occupational groups in the community.

(h) A criminal record check and a clearance check of the Alabama Department of Human Resources Central Registry of Child Abuse and Neglect is conducted on all new employees.

(i) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that employees who work with juveniles receive a ~~physical examination~~Physical Examination.

(j) All employees are appointed initially for a probationary term of at least six months, but no longer than one year.

(k) After a probationary period, involuntary termination or demotion is permitted only for a good cause.

(l) The ~~facility~~Facility maintains a current, accurate, confidential personnel record of each employee.

(m) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that employees may challenge information in their personnel file. The information is corrected or removed if proven inaccurate.

(n) An annual written performance review of each employee is provided. The review is based on defined criteria, and the results are discussed with the employee.

(o) Employees, consultants, and contract personnel who work with juveniles are informed in writing about the ~~facility~~Facility's policies on confidentiality of information and agree in writing to abide by them. This agreement is made a part of the personnel file.

(4) **Section D - TRAINING AND STAFF DEVELOPMENT**

(a) The ~~facility~~Facility provides forty hours of initial orientation for all new employees prior to assuming duties. This orientation/~~training~~Training includes, at a minimum, the following: a historical perspective of the ~~facility~~Facility, ~~facility~~Facility emergency plans, ~~facility~~Facility goals and objectives, program rules and regulations, job responsibilities, personnel policies, juvenile supervision, report preparation, and medical administration. The employee signs and dates a statement indicating that orientation has been received. Up to twenty hours can be on the job training working with knowledgeable fellow employees.

(b) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that the ~~facility~~Facility's ~~training~~Training and staff development program uses ~~community resources~~Community Resources.

(c) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice encourage continuing staff development by providing administrative leave and/or reimbursement for attending approved educational programs, professional meetings, seminars, or similar work related activities.

(d) All administrative, managerial, and professional staff receive forty hours of ~~training~~Training in addition to orientation ~~training~~Training during their first year of employment and forty hours of ~~training~~Training each year thereafter. It is recommended that this ~~training~~Training include general management, labor law, employee-management relations, the

juvenile justice system and relationships with other service agencies.

(e) In addition to orientation, all new Juvenile Careworkers receive an additional forty hours of ~~training~~Training during their first year of employment and forty hours of ~~training~~Training each subsequent year. At a minimum this ~~training~~Training should cover the following:

1. security procedures
2. supervision of juveniles
3. signs of suicide risks and suicide precautions
4. report writing
5. use of force regulations/restraint techniques
6. juvenile rules and regulations
7. rights and responsibilities of juveniles
8. fire and emergency procedures
9. safety procedures
10. key control
11. interpersonal relations
12. social/cultural lifestyles of the juvenile population
13. communication skills
14. ~~first-aid~~First Aid/CPR
15. communicable diseases
16. ~~counseling~~Counseling techniques
17. cultural diversity

(f) All clerical/support employees who have minimal contact with juveniles receive an additional sixteen hours of ~~training~~Training in addition to orientation during their first year of employment and sixteen hours each year thereafter.

(g) All volunteers and contract personnel receive formal orientation appropriate to their assignment and additional ~~training~~Training as needed.

(5) **Section E - JUVENILE RECORDS**

(a) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice govern case record management, including at a minimum; the establishment, use and content of juvenile records; rights to privacy; secure placement and preservation of records; and schedule for retiring or destroying inactive records. These policies and procedure are reviewed annually.

(b) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that a record is maintained for each juvenile and includes at a minimum the following information:

1. court order
2. face sheet detailing vital basic information
3. information from referral source, if available
4. social history
5. medical record, when available
6. individual service plan
7. signed release of information forms, where applicable
8. evaluation or progress reports
9. ~~program~~Program rules and disciplinary policy, signed by juvenile
10. court order placing ~~youth~~Youth in ~~facility~~Facility, when applicable
11. grievance and disciplinary record
12. documentation of treatment provided in accomplishing ISP

(c) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for the review of juvenile records at least monthly.

(d) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice require that entries in juvenile files are dated and that the author is identified.

(e) Appropriate safeguards exist to minimize the possibility of theft, loss or destruction of records.

(f) Appropriate safeguards exist to protect from unauthorized or improper disclosure of records. Records are marked as confidential and access is limited to appropriate personnel.

(6) **Section F - RESEARCH**

(a) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that the administrator reviews and approves all research projects prior to implementation to ensure conformity with state and federal guidelines for legal consent and release of information.

(b) The ~~facility~~Facility/agency~~Agency~~ participates in providing monthly statistical data to the Department of Youth Services and, when appropriate, other state agencies to define the population being served, document the services being provided, and the plan for future needs.

(c) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that all research results are made available to the facility administrator for review and comment prior to publication or dissemination.

(d) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice govern the voluntary participation of juveniles in non-medical, non-pharmaceutical, and non-cosmetic research programs.

(7) **Section G - VOLUNTEERS**

(a) There is a staff member who is responsible for the supervision of a citizen involvement and volunteer service program for the benefit of juveniles.

(b) A file shall be established for each volunteer who individually has direct contact on a continuing basis with juveniles in circumstances other than under direct supervision of ~~agency~~Agency staff. The files include at least the following:

1. an application for a volunteer position

2. information regarding the character and suitability of the person, to include a criminal background check and clearance of the Alabama Department of Human Resources Central Registry of Abuse and Neglect

3. documentation that the volunteer has completed an appropriate orientation and ~~training~~ Training program prior to beginning their assignment. Both the volunteer and staff member providing the ~~training~~ Training certify its provision

(c) Written ~~policy~~ Policy specifies that volunteers may perform professional services only when they are certified or licensed to do so. The certification is made a part of the volunteer's file.

(d) Written ~~policy~~ Policy, ~~procedure~~ Procedure, and practice provide that the ~~program~~ Program director may curtail, postpone, or terminate the services of a volunteer or volunteer organization when there are substantial reasons for doing so.

(e) Volunteers agree in writing to abide by ~~facility~~ Facility policies, particularly those relating to the security and confidentiality of information.

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.

950-1-6-.04 Physical Plant.

(1) **Section A - SAFETY CODES AND FACILITY SIZE**

(a) The ~~facility~~ Facility conforms to all applicable state and local building codes.

(b) Staff offices are located so that the staff is readily accessible to juveniles.

(c) The ~~facility~~ Facility does not exceed its licensed capacity.

(d) The ~~facility~~ Facility complies with the regulations of Zoning, Health, and the State or Local Fire Safety Authority, whichever has primary jurisdiction over the ~~facility~~ Facility.

(2) Section B - HOUSING

- (a) Each sleeping room has at a minimum:
1. some degree of privacy for the juvenile
 2. thirty square feet of unencumbered floor space per occupant
 3. no more than three persons in a sleeping area
 4. access to toilets and a wash basin with hot and cold running water twenty-four hours a day
 5. a bed, mattress, pillow, desk, chair or stool, and adequate storage space
 6. natural light
 7. temperatures that are appropriate to summer and winter comfort zones
 8. access to writing and seating space

(i) "UNENCUMBERED SPACE" is usable space that is not encumbered by furnishing or fixtures. At least one dimension of the unencumbered space is no less than seven feet.

(b) Living rooms with space for varied activities are available.

(c) The ~~facility~~Facility has, at a minimum, one operable toilet for every eight juveniles. Urinals may be substituted for up to one-half of the toilets in all-male facilities.

(d) Juveniles have access to operable showers with temperature- controlled hot and cold running water, at a minimum ratio of one shower for every eight juveniles, unless local building or health codes specify a different ratio. Water for showers is thermostatically controlled to temperatures ranging from 100 degrees Fahrenheit to 120 degrees Fahrenheit to ensure the safety of juveniles and to promote hygienic practices.

(e) Juveniles with disabilities are housed in a manner that provides for their safety and security. Housing used by juveniles with disabilities is designed for their use and provides for integration with other juveniles. Programs and services are accessible to juveniles with disabilities who reside in the ~~facility~~Facility.

(f) The ~~facility~~Facility has, at a minimum, one operable wash basin with hot and cold water running water for every eight juveniles.

(g) The ~~facility~~Facility has, at a minimum, one operable washer and one operable dryer for every sixteen juveniles.

(3) **Section C - YOUTH CARE STAFF QUARTERS**

(a) Living quarters for a live-in staff member shall be located in close proximity to the sleeping area of the juveniles.

(b) The live-in staff shall be provided with convenient, attractive and comfortable living quarters.

(c) Staff shall have bathroom facilities separate from those used by juveniles.

(4) **Section D - PROGRAM AND SERVICE AREAS**

(a) Adequate space and furnishings to accommodate activities, such as group meetings of the juveniles, are provided in the ~~facility~~Facility.

(b) Adequate private ~~counseling~~Counseling space is provided in the ~~facility~~Facility.

(c) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for adequate and appropriate areas for visiting and recreation programs.

(d) When the ~~facility~~Facility has a kitchen, the kitchen, dining, and food storage areas are properly ventilated, furnished, and cleaned.

(e) Adequate dining space is provided for juveniles.

(f) Toilet and wash basin facilities are available to food service personnel and juveniles in close proximity of the food preparation area.

(g) Space is provided in the ~~facility~~Facility to store and issue clothing, bedding, cleaning supplies, and other items required for daily operations.

(h) Adequate space is provided for storing the personal property of juveniles.

(i) Temperatures in indoor living and work areas are appropriate to summer and winter comfort zones.

(j) Reasonable accommodation is made to ensure that all parts of the ~~facility~~ Facility that are accessible to the public are accessible and usable by staff and visitors with disabilities.

(k) The ~~facility~~ Facility is controlled by appropriate means to provide that juveniles remain safely within the ~~facility~~ Facility to prevent access by the general public without proper authorization.

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.

950-1-6-.05 Physical Standards.

(1) Section A - FACILITY OPERATIONS

(a) There is an operations manual containing all ~~procedure~~ Procedure for ~~facility~~ Facility supervision. The manual is available to all staff and is reviewed at least annually and updated if necessary. At a minimum this manual contains:

1. policies and procedure
2. orientation information for staff
3. orientation information for juveniles
4. ~~facility~~ Facility emergency procedures to include
 - (i) absconders
 - (ii) medical emergency
 - (iii) severe weather and fire emergencies
 - (iv) suicide precautions and actions to be taken in the event of a suicide attempt

5. ~~facility~~Facility inspection procedures for maintenance, safety, sanitation, and hygiene

6. rules and consequences

7. levels of responsibility for juveniles

8. ~~program~~Program description

9. relevant ~~facility~~Facility forms

(b) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice limit the use of physical force to instances of self-protection, protection of the juvenile or others, prevention of property damage, prevention of escape, and in accordance with appropriate statutory authority. In no event is physical force justifiable as punishment. A written report is prepared following all uses of force and is submitted to the facility administrator.

(c) Program residents are never left unsupervised.

(d) Licensed facilities will maintain at a minimum the following resident to staff ratios for each shift when residents are under ~~facility~~Facility care:

1 to 8 residents/1 staff member

9 to 16 residents/2 staff members

(e) The ~~facility~~Facility staffing pattern concentrates staff when most residents are in the ~~facility~~Facility.

(f) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that no resident or group of residents is in a position of control over other residents.

(g) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice require that Careworkers maintain a permanent log that includes routine information, emergency situations, and unusual incidents that occur in the ~~facility~~Facility.

(h) There is a daily inspection including holidays and weekends of all occupied areas of the ~~facility~~Facility. Unoccupied areas of the ~~facility~~Facility are inspected weekly. Notation of the inspection is maintained and reviewed by the administrator.

(i) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for the detection and reporting of absconders.

(j) Student movement into and out of the ~~facility~~Facility is monitored by staff members.

(k) Juveniles and staff members do not share the same sleeping rooms.

(l) Male and female residents do not occupy the same sleeping rooms. Co-ed programs develop means to prevent unsupervised contact between males and females.

(m) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for searches to control contraband and its disposition at a level commensurate with security needs. This ~~policy~~Policy is made available to staff and juveniles. Policy and procedure are reviewed at least annually and updated, if necessary. Body cavity searches are not allowed in the ~~facility~~Facility.

(n) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice govern the control and use of tools, equipment, and keys.

(o) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for prompt notification of the licensing agent in any of the following situations:

1. Accidents or injuries to residents of the ~~program~~Program requiring medical treatment outside the ~~facility~~Facility

2. Situations which require an interruption of program services

3. Suicidal gestures or ideation on the part of a resident requiring the intervention of a mental health professional

4. Any violation of health or fire safety codes

5. Any other ~~standard~~Standards which require verbal or written notification of the licensing agent

(2) **Section B - SAFETY AND EMERGENCY PROCEDURE**

(a) The ~~facility~~Facility complies with the annual regulations of the state or local fire authority, whichever has primary jurisdiction over the ~~facility~~Facility. Reports of

periodic inspections and actions taken to correct deficiencies are to be maintained.

(b) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice specifies the ~~facility~~Facility's regulations and practices to ensure the safety of juveniles, staff, and visitors. These include, but are not limited to, the following:

1. Provisions for the fire inspections and testing of fire safety equipment (smoke detectors, emergency lighting, extinguishers, pull alarms, etc) at least quarterly

2. Annual inspections by local or state fire officials

3. Availability of fire protection equipment at appropriate locations throughout the ~~facility~~Facility

4. Documentation of the organization providing fire protection service to the ~~facility~~Facility

(c) Facility furnishings (i.e. mattresses, cushions, curtains, etc) meet fire safety performance requirements. Annual fire inspections shall denote the inspector's approval of ~~facility~~Facility furnishings.

(d) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice govern the control and use of all flammable, toxic, and caustic materials.

(e) The ~~facility~~Facility has a written evacuation plan prepared in the event of a fire or major emergency that is approved by the state or local fire authority that has jurisdiction. The plan is distributed to the local fire protection service and emergency management personnel having jurisdiction over the ~~facility~~Facility. The plan is reviewed annually, updated if necessary and reissued. The plan includes:

1. location of building/room floor plan

2. use of exit signs and directional arrows

3. locations of exits, fire extinguishers, Ffirst aAide equipment and other emergency equipment

4. corresponding diagrams are posted throughout the ~~facility~~Facility

(f) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that fire drills are conducted at least monthly.

(g) All ~~facility~~Facility personnel are trained in the implementation of written emergency plans as a part of orientation. The ~~training~~Training is repeated as the plan is updated, at least annually.

(h) The ~~facility~~Facility has a fire alarm and detection system that is approved by the authority having jurisdiction. All elements are tested monthly by ~~facility~~Facility personnel to ensure the systems' operation. The system is re-approved annually by the fire authority.

(i) Facility vehicles used primarily for transportation of residents receive an annual safety inspection by a qualified mechanic. Recommended repairs are immediately completed and a record of the repairs is kept on file.

(3) **Section C - RULES AND DISCIPLINE**

(a) There is a written set of disciplinary regulations governing juvenile rule violations. These are reviewed annually and updated, if necessary.

(b) All ~~program~~Program rules and regulations pertaining to residents are conspicuously posted in the ~~facility~~Facility or included in a handbook that is accessible to all juveniles and staff. When a literacy, language, or communication problem exists, a staff person assists the juvenile in understanding the materials.

(c) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice require that employees prepare a disciplinary report when they have reasonable belief that a resident has committed a major violation of ~~facility~~Facility rules.

(d) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that a juvenile charged with a major violation of ~~facility~~Facility rules is given a copy of the alleged violation and has the opportunity to have the violation reviewed by a supervisor not involved with the incident within 24-hours.

(e) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that there are informal resolutions available for minor infractions of ~~facility~~Facility rules.

(f) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that those facilities using a time-out or isolation room provide fifteen minute room checks on ~~youth~~Youth placed in isolation or time-out. Youth placed in isolation who

present suicidal ideation or gestures are placed under continual observation.

(g) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that room restriction or time-out does not exceed eight hours without review and administrative authorization.

(h) All instances of room restrictions, ~~facility~~Facility restrictions, and privilege suspension are recorded, dated and signed by staff. The record is reviewed and signed by supervising staff on a daily basis.

(i) Before disciplinary action is taken, the reason(s) for the action is discussed and the juvenile has the opportunity to explain his/her behavior.

(4) **Section D - JUVENILE RIGHTS**

(a) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice ensure the right of the juvenile to have access to the ~~court~~Courts.

(b) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice prohibit discrimination based on a juvenile's race, religion, national origin, sex, disability or political views in making administrative decisions and in providing access to ~~program~~Programs.

(c) Written, ~~policy~~Policy, ~~procedure~~Procedure, and practice specify that juveniles are not subjected to corporal or unusual punishment, humiliation, mental abuse, or punitive interference with the daily functions of living, such as eating or sleeping.

(d) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for the reporting of all instances of child abuse and/or neglect consistent with appropriate state laws or local laws.

(e) In any investigation of a complaint, the executive and staff shall cooperate in gathering facts relating to the allegation and shall make accessible to the investigation: all personnel, residents, and records, directly or indirectly associated with the complaint.

(f) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice specify the personal property juveniles can retain in their possession and govern the control and safeguarding of such property. Personal property retained in the ~~facility~~Facility is

itemized in a written list that is kept in a permanent file; the juvenile receives a copy listing the property retained for storage.

(g) There is a written grievance and appeal process for juveniles. The process ensures that grievances are transmitted without alteration, interference, or delay to the person responsible for its receipt and investigation. A written report as to the final disposition of the grievance should be maintained.

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.

950-1-6-.06 Facility Services.

(1) Section A - FOOD SERVICE

(a) A certified nutritionist, certified dietician, or licensed physician annually approves the menus provided in the facilityFacility.

(b) Facility personnel develop advanced planned menus and substantially follow that schedule. In the planning and preparation of all meals, food flavor, texture, temperature, appearance, and palatability are taken into consideration.

(c) There is a single menu for staff and juveniles.

(d) Special diets as prescribed by medical or dental personnel are provided.

(e) The facilityFacility provides:

1. weekly inspection of all food service areas including dining and food preparation areas and equipment
2. sanitary, temperature-controlled storage areas for all food
3. daily checks of refrigerator and water temperatures

(f) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that staff members supervise juveniles during meals.

(2) **Section B - SANITATION AND HYGIENE**

(a) Safety and sanitation inspections of all internal and external areas and equipment are conducted weekly.

(b) All areas of the ~~facility~~Facility comply with the sanitation and health codes of the County Health Department.

(c) The ~~facility~~Facility makes provisions for routine vermin and pest control and trash and garbage removal.

(d) The ~~facility~~Facility's potable water source, when derived from a private well, is annually inspected and approved by the County Health Department. If the water is provided through a public source, there is documentation that it is tested and approved by a recognized source annually.

(e) There is a housekeeping and maintenance plan in effect to ensure that the ~~facility~~Facility is clean and in good repair. Specific duties and responsibilities should be assigned to both staff and juveniles.

(f) The ~~facility~~Facility provides for the thorough cleaning, and when necessary, disinfecting of juvenile's clothing before being stored or before allowing the juveniles to keep or wear personal clothing.

(g) The ~~facility~~Facility provides for the issue of suitable, clean bedding, and linens, including two sheets, pillow and pillowcase, one mattress, and sufficient blankets to provide comfort. There is provision for linen exchange, including towels, at least weekly.

(h) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice require that articles necessary for maintaining proper personal hygiene are provided to all juveniles.

(3) **Section C - HEALTH CARE**

(a) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that the ~~facility~~Facility has a designated ~~health authority~~Health Authority with responsibility for ~~health care~~Health Care pursuant to a written agreement, contract, or job description. The ~~health authority~~Health Authority may be a physician, health administrator, or health agency.

(b) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for access to ~~health care~~Health Care. These policies are communicated in writing and orally to juveniles upon their arrival in the ~~facility~~Facility in a language clearly understood by each juvenile.

(c) Dental care is provided to each juvenile under the direction and supervision of a dentist licensed in the state.

(d) Financial arrangements for the provision of medical and dental services, including routine services, hospitalization and/or emergency medical or surgical treatment, are made a part of the placement agreements for juveniles.

(e) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that medical treatments carried out by ~~facility~~Facility staff are performed pursuant to written standing orders or direct orders by personnel authorized by law to give such orders. Written standing orders are reviewed and approved annually; such approval is documented.

(f) The ~~facility~~Facility arranges for the provision of mental health services to residents.

(g) There is a written suicide prevention and intervention program that is reviewed and approved by a qualified medical or mental health professional. All staff members with responsibility for juvenile supervision are trained in the implementation of the ~~program~~Program. This ~~program~~Program includes specific ~~procedure~~Procedures for intake screening, identification, and supervision of suicide-prone ~~youth~~Youth.

(h) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for the proper and safe storage and distribution of medication. This should include but is not limited to:

1. prescription and non-prescription medication
2. administering or distributing medications in a timely manner according to physician orders

(i) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice require medical, dental, and mental health screening be performed by health-trained staff on each juvenile at the time of entry into the ~~program~~Program. The screening includes:

1. Inquiry into:

- (i) current illnesses and health problems, including sexually transmitted and other infectious diseases
 - (ii) dental problems
 - (iii) suicide ideation and/or history of attempts for suicide
 - (iv) mental health problems
 - (v) use of alcohol and other drugs, which includes types of drugs used, mode of use, amounts used, frequency, date and time of last use, and a history of problems that may have occurred after ceasing use
 - (vi) past and present treatment or hospitalization for mental disturbance or suicide attempts
2. Observation of:
- (i) behavior, which includes state of consciousness, mental status, appearance, conduct, tremors, and sweating
 - (ii) body deformities, ease of movement, etc
 - (iii) condition of skin, including trauma markings, bruises, lesions, jaundice, rashes, and infestations and needle marks or other indications of drug abuse
 - (j) Program staff are informed of juveniles' special medical needs.
 - (k) Written ~~policy~~ Policy, ~~procedure~~ Procedure, and practice provide for medical examination of any employee or juvenile suspected of having a communicable disease.
 - (l) There is a written plan which provides for twenty-four hour emergency medical, dental, and mental health care availability. It includes arrangements for:
 - 1. on-site emergency first-aid and crisis intervention
 - 2. emergency evacuation of the juvenile from the ~~F~~facility
 - 3. use of an emergency medical vehicle
 - 4. use of one or more designated hospital emergency rooms or other appropriate health facilities

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

6. security procedures providing for the immediate transfer of juveniles when appropriate

(m) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice ensure that all staff either part or full-time, who provide supervision to ~~youth~~Youth, are trained and currently certified in CPR and First Aid. This ~~training~~Training should include:

1. recognition of signs and symptoms and knowledge of action required in potential emergency situations

2. administration of ~~first-aid~~First Aid and cardiopulmonary resuscitation (CPR)

3. methods of obtaining assistance

4. signs and symptoms of mental illness, retardation, and chemical dependency

5. ~~procedure~~Procedures for patient transfer to appropriate medical facilities or ~~health care~~Health Care providers

(n) The ~~facility~~Facility has available at all times ~~first-aid~~First Aid equipment approved by a recognized ~~health-authority~~Health Authority. The ~~health-authority~~Health Authority may be a physician, health administrator, or organization that has the expertise to determine the potential ~~F~~first Aid needs of the ~~F~~facility and to evaluate the condition of the ~~first-aid~~First Aid supplies and equipment.

(o) Any person injured in an incident receives immediate medical examination and treatment.

(p) Instructions and assistance in personal hygiene, grooming, and ~~health care~~Health Care are provided to all ~~program~~Program participants.

(q) There is a written plan which addresses the management of serious and infectious diseases to include tuberculosis, hepatitis-B, HIV, and AIDS within the facility. This plan should be developed in conjunction with the local health department. It should address control, treatment, and

prevention strategies. The plan is to be updated as new information becomes available, and reviewed annually.

(r) All juveniles, juvenile careworkers, and ~~counseling~~Counseling staff receive ~~training~~Training relevant to communicable diseases and sexually transmitted diseases among at-risk youth. This ~~training~~Training is developed in conjunction with the local health department.

(s) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice specify methods for monitoring alcohol and drug abuse among juveniles. These policies and procedures are reviewed and approved by an individual or ~~agency~~Agency with expertise in this field and are consistent with ~~program~~Program needs.

(t) The ~~program~~Program seeks medical consent authorization from each juvenile's parent, guardian, or ~~committing authority~~Committing Authority as a part of the ~~admission~~Admissions process.

(u) Written ~~policy~~Policy prohibits the use of juveniles for medical, pharmaceutical or cosmetic experiments. This ~~policy~~Policy would not preclude individual treatment of a juvenile based on his/her need for a specific medical procedure that is not generally available.

(v) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for the prompt notification to the juvenile's parent(s)/guardian and referring ~~agency~~Agency in case of serious illness, surgery, injury or death. Any death in the ~~program~~Program is reported immediately to the appropriate law enforcement officials.

(w) Each juvenile's file will contain a health record which would consist of, at a minimum:

1. complete receiving screening form
2. all findings, diagnosis, treatments, dispositions
3. medical consent forms
4. place, date, and time of health encounters
5. prescribed medications and records of their administration

(x) For juveniles being transferred to other facilities, copies of the health record and medications are

forwarded to the receiving facility prior to or at the time of arrival.

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.

950-1-6-.07 Juvenile Services.

(1) The facility has clearly defined written policies, ~~procedure~~Procedures, and practices governing ~~admission~~Admission.

(2) The facility records information on each juvenile being admitted, that includes at a minimum:

- (a) name
- (b) address
- (c) date of birth
- (d) sex
- (e) race or ethnic origin
- (f) social security number
- (g) reason for referral
- (h) whom to notify in case of emergency
- (i) date information is gathered
- (j) name of referring ~~agency~~Agency and the person with primary planning responsibility
- (k) educational/school history
- (l) social history, where available
- (m) special medical needs
- (n) legal status

(o) signature of ~~youth~~Youth and person gathering information

(3) The facility advises the person or ~~agency~~Agency making a referral when a prospective juvenile is not accepted into the ~~program~~Program, stating specific reasons.

(4) At the time of ~~admission~~Admission, facility staff discuss ~~program~~Program goals, services available, rules governing conduct, ~~program~~Program rules, emergency and medical procedures, and possible disciplinary actions with the juvenile. This is documented by employee and juvenile signature. Orientation is provided in a language understood by the juvenile.

(5) The facility administrator or designee receives appropriate information on each juvenile being considered for ~~admission~~Admission to the ~~program~~Program.

(6) The ~~facility~~Facility does not discriminate on ~~admission~~Admission on the basis of race, religion, national origin, or disability.

(7) The ~~facility~~Facility provides that a quarterly progress report is made available to the parent/legal guardian and referral source of each juvenile.

(8) The ~~facility~~Facility provides or makes arrangements for the provision of the following services:

- (a) educational/vocational programs
- (b) individual and group ~~counseling~~Counseling activities
- (c) appropriate recreation and leisure activities
- (d) consistent family contact
- (e) food service
- (f) assistance with transportation
- (g) medical health services
- (h) mental health services
- (i) employment ~~counseling~~Counseling and placement (when appropriate)

(9) Section B - CLASSIFICATION

(a) Program staff design and complete the juvenile's Individual Service Plan within the first twenty-one days of ~~admission~~Admission. The plan is documented with staff and juvenile signatures and is shared with the juvenile's parents as soon as possible.

(b) Juveniles are provided with an opportunity to have input into planning, problem solving, and decision making related to their participation in the ~~program~~Program.

(c) The juvenile's progress in the ~~program~~Program is reviewed either through staff meetings or by individual staff monthly. The review is documented in writing.

(d) The community residential program systematically and periodically identifies the needs of its residents by review of the case files, staff meetings, and through group meetings with juveniles.

(e) Prior to release, a progress report is made available to the ~~agency~~Agency with primary planning responsibility. The report includes a current and complete history of the juvenile's activities in the ~~facility~~Facility and a proposed release plan.

(10) **Section C - SOCIAL SERVICES**

(a) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide for a social service program that makes available a range of resources appropriate to the needs of its residents.

(b) The ~~facility~~Facility provides that each resident is assigned a ~~facility~~Facility staff member who meets with and counsels that resident.

(c) The ~~facility~~Facility maintains and periodically updates an inventory and evaluation of community agencies that can provide services to its residents.

(11) **Section D - EDUCATION/VOCATION**

(a) There is a designated staff member who coordinates the juveniles enrollment and attendance at educational, vocational, and work ~~program~~Programs.

(b) Special education programs are available to meet the needs of special education students as defined in public law.

(c) The ~~facility~~Facility only enrolls residents in educational, vocational, and ~~training~~Training programs whose credits, certificates, and diplomas are transferable following release.

(d) Juvenile work programs do not interfere with educational and treatment programs.

(e) Juveniles employed outside the ~~program~~Program either full-time or part-time comply with legal and wage and hour guidelines.

(12) **Section E - RECREATION**

(a) The ~~facility~~Facility provides for indoor and outdoor recreational and leisure time needs for juveniles. Juveniles should be encouraged to be physically active and receive at least one hour of planned recreation (excluding school physical fitness) on weekdays and two hours on weekends and school holidays.

(b) The residential ~~facility~~Facility staff seek the cooperation of various community groups offering recreational activities that benefit juveniles.

(13) **Section F - RELIGION**

(a) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that juveniles have the opportunity to participate in the practice of their religious faith.

(14) **Section G - MAIL, TELEPHONE, VISITING**

(a) The ~~facility~~Facility makes provisions that indigent juveniles receive a specified postage allowance to maintain community ties.

(b) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice defines the juveniles' access to publications in the ~~facility~~Facility.

(c) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that juveniles' mail, both incoming and outgoing, may be opened and inspected for contraband. When based on legitimate ~~facility~~Facility interests of order and security, mail may be read or rejected. The juvenile is notified when incoming mail is returned or outgoing mail is withheld.

(d) The ~~facility~~Facility provides for the forwarding of first-class letters and packages after transfer or release.

(e) Juveniles shall have access to a telephone to initiate and receive personal calls.

(f) Written, ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that juveniles receive approved visitors during normal visiting hours, except when there is substantial evidence that a visitor poses a threat to the safety of the juvenile or the security of the ~~program~~Program.

(g) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provides for special visits in the event of an emergency or circumstances which require special visitation needs.

(15) **Section H - RELEASE**

(a) Written review of performance is used in planning for release and is placed in the juvenile's file.

(b) Each juvenile should be given gradual increased responsibility in the community prior to release.

(c) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide whenever possible, opportunities for involvement with family and participation in community activities before final release.

(d) Written ~~policy~~Policy, ~~procedure~~Procedure, and practice provide that whenever possible, staff members counsel the parent(s)/guardian in preparation for the resident's return to their home; provision is made for trial visits before such decisions are made.

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.

950-1-6-.08

License-

Manual Of Operating Procedures And Application For

(1) Examination and Investigation of Operation Manual

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

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

~~(2) Six-Month Permit~~

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

~~(b) Issuance of a six-month license implies that the Department approves a program or facility's temporary operation without fully meeting 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 facility 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.~~

~~(3) 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 or facility, a license will be issued to the facility.~~

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

~~(d) A full license may be issued only upon a determination by the Department that the minimum standards prescribed for the type program or facility 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 standards which have not been met. Consultation will be provided by the Department to advise the program or facility on how to attain prescribed minimum standards.~~

~~(4) Renewal of License~~

~~(a) Application for renewal of a license to continue operating a program or facility 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 facility 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 the program or facility, officers and staff of the youth care facility continue to meet and to maintain the prescribed 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**

950-1-6-.09 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 licensed 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 any 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 program or facility for licensing purposes; provided, however, 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 facility 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

950-1-6-.10 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 program or facility 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 the right to counsel shall be given the appellant by the Department, along with a copy of Regulations and Procedures for Hearings.~~

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. **Repealed:** Filed June 19, 2018

Effective

950-1-6-.11 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, ~~program~~Programs for the prevention and correction of 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 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 youthYouths found delinquent or in need of supervision by a juvenile courtCourt, 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, 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~~ Department. The ~~department~~ 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: (4) "License and subsidize foster care facilities or group homes for ~~youth~~ 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.

950-1-6.-12 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 950-4-1, Minimum Standards for Residential Facilities and Programs, as per certification filed December 17, 2004; effective January 21, 2005. See Chapter 950-4-1 for previous history.