

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Youth Services
Rule No. 950-1-7
Rule Title: Minimum Standards for Juvenile Training Schools
 New X Amend _____ Repeal _____ Adopt by Reference _____

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

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

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

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

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

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

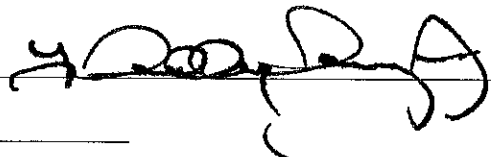
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

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

Certification of Authorized Official

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

Signature of certifying officer 
Date 6-19-78

APA-2

Alabama Department of Youth Services

NOTICE OF INTENDED ACTION

AGENCY NAME: Youth Services

RULE NO. & TITLE: 950-1-7 Minimum Standards for Juvenile Training Schools

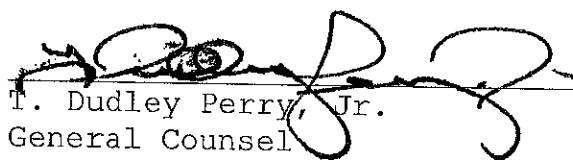
INTENDED ACTION: The Alabama Department of Youth Services proposes to amend Rule 950-1-7 of the Administrative Code.

SUBSTANCE OF PROPOSED ACTION: The Department proposes to amend Rule 950-1-7 to update the minimum standards applicable to licensed juvenile training schools 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 950-1-7 are repealed. The amendment also corrects typographical errors and omissions..

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

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

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


T. Dudley Perry, Jr.
General Counsel

ALABAMA DEPARTMENT OF YOUTH SERVICES
ADMINISTRATIVE CODE

CHAPTER 950-1-7
MINIMUM STANDARDS FOR JUVENILE TRAINING SCHOOLS

TABLE OF CONTENTS

| | |
|-------------|---------------------------------------------------------------------------------------|
| 950-1-7-.01 | American Correctional Association Standards For Juvenile Training Schools, 2002 |
| 950-1-7-.02 | Revocation Of License <u>Repeal</u> |
| 950-1-7-.03 | Statutory Authority |
| 950-1-7-.04 | Effective Date |

950-1-7-.01 American Correctional Association Standards For Juvenile Training Schools, 2002. The Department of Youth Services has adopted the Standards for Juvenile Correctional Institutions, 2002, and as subsequently amended. This manual was formerly known as Juvenile Training Schools. Facilities have a one-year period to comply with these standards. Copies of these ~~standard~~Standards can be obtained from the American Correctional Association.

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

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

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-7-.02 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.~~Conditions for Revocation of a license: The Department may revoke or refuse to issue full license to the holder of a six-month license should the licensee fail to comply with the following:~~

~~(a) Consistently fail to maintain standards prescribed and published by the department, including all new and additional standards which the department may prescribe.~~

~~(b) Violate the provisions of the license issued.~~

~~(c) Furnish or make any misleading or any false statement or report to the department.~~

~~(d) 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 purpose; provided, however, that the department shall not revoke or refuse to renew a license in such case unless it has make written demand on the person, firm or corporation operating the facility requesting such 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

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

History: New Rule: Filed December 17, 2004; effective January 21, 2005. **Repealed:** Filed June 19, 2018

Effective

950-1-7-.03 Statutory Authority.

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

(2) §44-1-27(b) - "No county, or city in the state nor any public or private agency, group, corporation, partnership, or individual shall establish, maintain, or operate any detention facility or foster care facility for ~~youth~~Youths found delinquent or in need of supervision by a juvenile court, without a license from the ~~department~~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

youthYouths 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 youthYouths alleged to be delinquent pending ~~hearing~~Hearing before a juvenile court or adjudged delinquent following ~~hearing~~Hearing, including detention, examination, study, care, treatment, and ~~training~~Training." (6) "Make and enforce all rules and regulations which are necessary and appropriate to the proper accomplishment of the duties and functions vested in the ~~department~~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, §§38-13-4; 44-1-24(4), (6); 44-1-27(a), (b).

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

950-1-7-.04 Effective Date.

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

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

History: New Rule: Filed December 17, 2004; effective January 21, 2005.

~~ED NOTE: Chapter content was previously Chapter 950-4-10, Minimum Standards for Juvenile Training Schools, as per certification filed December 17, 2004; effective January 21, 2005. See Chapter 950-4-10 for previous history.~~