

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Youth Services
Rule No. 950-3-1 Rule Title: Committed Youth Release Policy
_____ 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 [Handwritten Signature]

Date 6-15-18

APA-2

Alabama Department of Youth Services

NOTICE OF INTENDED ACTION

AGENCY NAME: Youth Services

RULE NO. & TITLE: 950-3-1 Committed Youth Release Policy

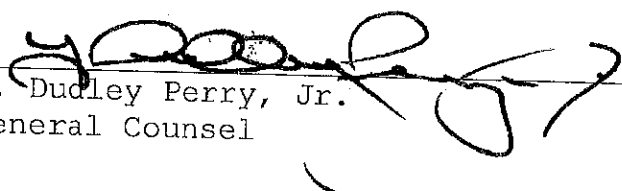
INTENDED ACTION: The Alabama Department of Youth Services proposes to amend Rule 950-3-1 of the Administrative Code.

SUBSTANCE OF PROPOSED ACTION: The Department proposes to amend Rule 950-3-1 to clarify the procedure for release of committed youth and to correct 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

CHAPTER 950-3-1 COMMITTED STUDENT-YOUTH RELEASE POLICY

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950-3-1-.01 Statement of Policy.

(1) ~~It shall be~~ the policy of the Department that committed all-student-youth (other than youth-at short term facilities) shall be reviewed by the a Student Review Committee review committee or team prior to release from any DYS facility. Only upon concurrence with release recommendations by the cCommittee or team will student-youth be released. This chapter applies to youth in DYS operated facilities. A contract facility program director, or designee, may facilitate a release review for committed youth in contract facilities. ~~This chapter applies to youth in DYS operated facilities.~~

(2) ~~Y~~Committed youth's' release shall be facilitated by the Administrator of Institutional Services and designated staff representing various areas of residential life. The committee shall review youth's' progress toward release. ~~The Student Review Committee shall be composed of the facility Superintendent or Regional Coordinator responsible for DYS group home supervision (as applicable), the Executive Assistant to the Director of DYS and the Coordinator of Institutional Services who shall serve as Chairman of the Committee.~~

(3) ~~The Student Review Committee shall meets~~ at regularly scheduled times, for example on the first second and third fourth Fridays Thursday of each month at Mt. Meigs Campus, and on second and fourth Fridays Wednesday in Birmingham at Vacca.

(4) Proposed releases shall be submitted with written justification to the ~~Chairman of the Student Review Ccommittee~~ at least ~~fifteen~~ ten (105) days prior to proposed release date.

Author: Department of Youth Services

Statutory Authority: Title 44, Code of Ala. 1975, Section 44-1-24 (6); Title 44, Code of Ala. 1975, Section 44-1-36 (d).

History: Amendment Filed June 19, 2018 Effective

950-3-1-.02 Procedure For Release.

(1) Request for review of a studentyouth being considered for release along with written justification/documentation should be forwarded to the Chairman of the Student Review Committee or team fifteen ten (105) days in advance of the proposed release date. The committee Chairman is the Coordinator of Institutional Services designated by the Executive Director.

(2) The following materials and written information should may accompany the request for release review:

(a) Academic achievements which should include pre and post-testing along with educational recommendations from teacher or principal. (If studentyouth has not been involved in academic training, this should may be noted.)

(b) Vocational achievement and recommendation if studentyouth has been placed in this training area.

(c) Behavioral changes which reflect studentyouth's adjustment in respective programs. Data should may report both positive and negative response to program assignments, approved temporary absences, including passes, off-campus trips, number of fines, restrictions, conduct disciplinary reports, AWOL'S, relationship to peers and staff out of assigned area, escapes, relationship to peers and staff, health/mental health status, etc.

~~(d) A summary of facility action taken to implement D & E recommendations.~~

~~(ed) Aftercare arrangements recommendations or plans for studentyouth upon release, plans fore. Documentation of employment and 7 home placement or living arrangements, school enrollment, etc., should be stated included, if known.~~

(3) Upon receipt of the written justification by the Committee Chairman, a release hearing date will be established to review the request and to discuss all factors relating to the release. Release hearings will be held at regularly scheduled times, for

example at Mt. Meigs Campus on the ~~first~~ second and ~~third~~ fourth ~~Fridays~~ Thursday of each month and in ~~Birmingham~~ Vacca on the second and fourth ~~Fridays~~ Wednesday of each month.

(4) Staff members involved in the treatment of students may be called to appear and answer any questions or to present appropriate information. The facility Superintendent or his designee serves as the voting member of the Committee on institutional releases. The Regional Coordinator will serve as a voting member for the releases from group homes in his/ her region. When a youth is determined by the professional staff assigned to the youth to have be eligible for release consideration and has substantially completed his or her individual service plan, staff determines whether the youth is eligible for release consideration.

(5) When the release of a student is approved by the Committee and a date for release is established, a petition for release/aftercare or discharge will be sent to the committing court. This document must precede the exit of the student from the facility. A letter is mailed at least thirty (30) days in advance notifying the court thirty (30) day notice of release is sent to the youth's committing court and the youth is scheduled for a release review by the Administrator of Institutional Services. Within two (2) weeks a justification for release and certificate of completion is sent to the committing court. No youth shall be released unless notice is received by the Court at least ten (10) days in advance.

(6) Upon appearing before the committee and receiving approval to proceed with release, the youth's release documentation is submitted for processing to the Deputy Director of Institutional Services prior to the date of release.

(7) After notice to the committing court ~~If within thirty (30) days after release for aftercare supervision, the Department has not received back from the court the order for release/aftercare, the Chairman of the Student Review Committee will request that the appropriate Regional Coordinator contact the probation officer regarding the order. If unsuccessful in obtaining an aftercare order, a request will be made to the Director for discharge.~~

(7) A "Discharge Card" (DYS Form 59b) shall be submitted to the Planning, Research and Development Division for each student released each month. These cards should be sent to PRD at the Central Office by the 5th of each month for the prior month.

the subject youth is immediately released into the aftercare of the committing court. The committing court may determine terms and conditions of aftercare. When a committed youth has fulfilled his period of commitment, he or she shall be discharged from the department's custody, and any recommitment to the department must be based on a new offense and a new hearing.

(8) When the director determines that a particular youth has gained optimal rehabilitation from the programs of the department, such youth may be discharged without aftercare. The youth will not be received again by the department under the original commitment order.

Author: Department of Youth Services

Statutory Authority: Title 44, Code of Ala. 1975, Sections 44-1-2(1); 44-1-24 (6); 44-1-36 (d); 44-1-36(f); and 12-15-1(2).

History: Amendment Filed June 19, 2018 Effective

950-3-1-.03 Statutory Authority. Title 44, Code of Ala. 1975, Section 44-1-24 (6); Title 44, Code of Ala. 1975, Section 44-1-36, subsection (d).

Author: Department of Youth Services

Statutory Authority:

History:

950-3-1-.04 Effective Date. The revised Committed Student Release Youth Release Policy and Procedure ~~was~~ is effective ~~immediately May 10, 1982.~~

Author: Department of Youth Services

Statutory Authority:

History: Amendment Filed June 19, 2018 Effective
