



Administrative Policies and Procedures: 12.1

Subject:	Return to Home Placement Supervision for Youth Adjudicated Delinquent
Authority:	TCA 37-5-105 (3), 37-5-106; 37-5-112; 37-1-137; Fostering Connections Act; Public Chapter No. 486/House Bill No. 713; Interstate Commission for Juveniles (ICJ) Rule 4-101, 4-102, 4-103; ICJ Rule 5-101
Standards:	ACA: 4-JCF-3A-24, 4-JCF-5I-01, 4-JCF-5I-02, 4-JCF-5I-03, 4-JCF-5I-05; COA: PA-JJCM 3.01-3.02; PA-JJCM 4.04; PA-JJCM 7; DCS Practice Model Standards- 5-400; 5-401; 5-402; 5-500; 5-501; 5-502; 8-306
Application:	To All Department of Children's Services Family Service Workers (FSW), Youth Development Center Employees, and Applicable Contract Agency Employees
Policy Statement:	
Delinquent youth in family foster care, contract agencies and Youth Development Centers (YDC) shall be returned to home placement when they have met the desired outcomes and action steps of the Family Permanency Plan (FPP) and Individual Program Plan (IPP) and approval of the committing court and the Commissioner of the Department of Children's Services (DCS) has been given. When a special hardship circumstance exists, an indeterminately or determinately committed youth may be recommended for an advancement of his/her release date.	
Purpose:	
To provide guidelines and procedures for release of a delinquent youth from DCS custody and preparation for return home.	
Procedures:	
A. Planning before the release CFTM	<ol style="list-style-type: none"> 1. Prior to scheduling a Release Child and Family Team Meeting (CFTM) there are several factors that are addressed to ensure the youth has completed adequate requirements to be recommended for release. The Pre-Release Readiness Work Aid for Delinquent Youth is completed prior to the release CFTM. The FSW ensures that the areas listed on the <i>Work Aid</i> are addressed in the release summary. If the youth is in the YDC, the YDC Case Manager completes the work aid prior to scheduling the Release CFTM. 2. To promote continuity and facilitate the delivery of aftercare that helps youth maintain gains made during residential care, the YDC Case Manager follows the guidelines in Protocol: Planning for Reentry and Aftercare-Youth Development Center and required forms, CS-1042, Youth and Family Community Reintegration Planning-YDC and CS-1043, YDC Youth and

	<p>Family Personal Portfolio Checklist.</p> <p>3. The FSW and the Child and Family Team ensure that the areas identified as needs during the assessment phase have been resolved through the treatment process. The following areas are addressed:</p> <ul style="list-style-type: none"> a) Legal; b) Assessment; c) Education; and d) The child/youth’s treatment, mental health treatment, behavior history, family treatment and custodial issues and community reintegration.
<p>B. Preparation for return to home placement</p>	<p>1. Release Child and Family Team Meeting</p> <p>Once the youth has met the requirements for pre-release, the youth’s Facility Case Manager, Family Service Worker (FSW) or designee, schedules a Release CFTM to review the youth’s progress and plan for community reentry and aftercare.</p> <ul style="list-style-type: none"> a) All team members including the youth and family members participate in the CFTM. The meeting will be rescheduled if the youth and parent/guardian or FSW cannot participate. In this meeting, the youth’s aftercare Family Permanency Plan is developed and documented by the FSW. See the <u>Protocol for Juvenile Justice Family Permanency Plan</u> for further details on the aftercare plan. The youth and family have input at the release CFTM and in the plan. b) If it is determined that returning home is appropriate, the applicable (facility, provider or FSW) case manager initiates release documents. c) A youth under 18 years of age will not be released to a person(s) who did not have legal custody prior to DCS committal; however if the Child and Family Team feel permanency is best reached with someone who did not have legal custody prior to the youth entering state custody, a motion or petition for relief of custody to a specific person’s legal custody is filed by appropriate DCS Regional Legal Counsel. The child is released to an appropriate person willing to obtain legal custody. A background check pursuant to DCS Policy <u>16.20 Expedited Custodial Placements</u> is conducted prior to submitting the legal referral and the results are included with the referral. <p>2. Release forms and documents</p> <ul style="list-style-type: none"> a) If the youth is placed in a YDC, the facility case worker sends form CS-0130, Release to Home Placement Request (accessed from TFACTS) and a comprehensive release summary documenting the youth’s entire stay in custody, to the youth’s FSW at least thirty (30) days prior to the youth’s trial home visit date. b) If the youth is in a contract agency, the contract agency caseworker

submits a release summary to the FSW at least thirty (30) days prior to the youth's trial home visit date. The summary is a comprehensive summary of the youth's entire stay in custody. The FSW attaches form **CS-0130, Release to Home Placement Request** to the release summary.

- c) Wherever a youth is placed, the FSW reviews DCS [policy 21.18 Notification to School Principals of Certain Delinquent Adjudications](#), to determine if any adjudication will be reported to the school before the youth returns home and, if so, the FSW immediately e-mails the regional education specialist.
- d) If the youth is currently receiving TennCare, the FSW refers to the [Protocol for Continuation of TennCare Eligibility for Children Exiting Custody](#).
The FSW ensures form **CS-0158, Notification of Equal Access to Programs and Grievance Procedures** is explained and signed by youth.

3. Notification to the committing Court

- a) The FSW notifies the committing Court of the youth's proposed home placement at least fifteen (15) days prior to the trial home visit date by submitting release documentation to the Court.
- b) Form **CS-0130 Release to Home Placement Request** and a copy of the release summary, the Aftercare Family Permanency Plan is presented to the Court for review.
- c) If the committing Court agrees to the recommendation for proposed home placement, a signature is obtained on form **CS-0130, Release to Home Placement Request**. If the court declines to sign the form/documents, the FSW documents the reasons for the courts action in TFACTS.

4. Packet for the Commissioner's review

No release of youth is permitted prior to obtaining Commissioner's/ designee's signature

- a) If the Court approves the release, the FSW sends the completed release packet to Division of Juvenile Justice in Central Office for the Commissioner/designee's review and approval.
- b)** The FSW enters the Release and/or Discharge information into **TFACTS** under the Delinquency Information tab.
- c) Once the Commissioner/designee has reviewed and approved the youth's release, Central Office staff returns the signed form **CS-0130, Release to Home Placement Request** to the FSW and the appropriate DCS residential program.
- d) The FSW notifies the program where the youth is placed that the youth's release packet has been approved and sends the signed form **CS-0130 Release to Home Placement Request**. A notation is made on the appropriate screens in **TFACTS** within forty-eight (48) hours.

- e) The release documents may be scanned and sent electronically to/from Central Office.

5. Advancement of release date due to hardship

- a) Under hardship circumstances a youth may be released early. Examples of hardship circumstances include, but are not limited to:
 - ◆ Death of an immediate family member, or
 - ◆ A major medical problem of the youth or an immediate family member that necessitates the youth's return home.
- b) The facility case worker makes the request to the FSW who investigates the circumstances of the request. The following occurs:
 - ◆ The results of the investigation are reported to the youth's facility caseworker and the FSW's team leader.
 - ◆ The FSW and the other members of the youth's treatment team agree that the advancement of release date is in the best interest of the youth.
 - ◆ The FSW notifies the committing Court of the proposed advancement date and the reasons for advancing the date.
 - ◆ If the proposed date does not allow sufficient time for the required fifteen-day (15) waiting period, the FSW asks the regional attorney to file an emergency motion.
 - ◆ Oral approval from the Court is documented on the appropriate screens in the **TFACTS** and by e-mail or fax to the case worker. The FSW obtains a written order as soon as possible.
 - ◆ The Commissioner/designee approves all cases of advancement of the release date. A **Release to Home Placement Request** (form **CS-0130**) is completed.

6. Determinate Commitment

- a) DCS is required to provide notice to the Juvenile Court, although Court approval is not required for release. Form **CS-0004, Determinate Commitment Release Notification** is completed and submitted to the Court as notification only. If the youth's case is being closed the FSW submits **CS-0046, Discharge** to the Juvenile Court as notification with the release notification.
- b) If the Commissioner/designee or the treatment team believes that the youth should be released to home placement prior to the completion of the determinate commitment, a hearing before the Juvenile Court Judge who made the determinate committal is requested through Regional DCS Legal Attorneys pursuant to *TCA Section 37-1-137 (c)(2)*.

	<p>c) The request clearly states the reasons for the recommended home placement and makes specific recommendations on where the youth will be placed. The District Attorney is copied on the request for the hearing. If the Court reviews the record and agrees, and if the District Attorney does not object, the Court can order the release to home placement without a hearing. Otherwise, a hearing is scheduled within fifteen (15) days of receipt of the request.</p> <p>d) DCS, the youth and the District Attorney are all given the opportunity to be heard at the hearing. If the youth is released to early home placement under this procedure, then he/she is placed on aftercare until the original release date or adjusted release date for any commitment reduction credits that were earned if the Court orders it. The FPP is updated to include an aftercare plan.</p> <p>e) If a youth is nineteen years of age (19) or is returning home after serving a determinate commitment and has no additional obligation to DCS, no supervision is necessary.</p> <p>7. Log of release forms and documents</p> <p>The release documents are tracked in TFACTS on the <i>Release Request History Screen</i>. The paperwork process is documented on this screen as below:</p> <p>a) <u>Youth Development Centers</u></p> <p>The YDC staff records the date release documents are sent to the FSW.</p> <p>b) <u>Regional/Field Offices</u></p> <p>The FSW records the <u>date</u> the release documents are received in the office, submitted to the Court; the Court's decision, the date of the Court's decision and the date the release documents are submitted to Central Office.</p> <p>c) <u>Central Office</u></p> <ul style="list-style-type: none"> ◆ Central Office staff responsible for processing release forms and documents records the <u>date</u> the forms and documents are received in Central Office, the Commissioner/designee's decision, the date of the Commissioner's decision, and the date they are returned to the FSW or facility. ◆ If the release documents are withdrawn at any time, or if the Court objects to the youth's release, it is documented on the <i>Release Approval Tracking screen</i> in TFACTS.
<p>C. Court response to Indeterminate Sentence release request</p>	<p>1. Assent via no objection</p> <p>Unless the committing Court makes an objection in writing or sets a hearing within fifteen (15) days of the date of the Court's receipt of the notice, with such hearing to be held at the earliest possible date, the FSW considers the</p>

	<p>Court to have assented to the home placement and the youth is immediately be released to aftercare.</p> <p>2. If the Court issues a verbal order only, even though they do not follow statute, the FSW immediately contacts Regional General Counsel for further legal advice on whether or not to file a motion clarifying the Court's position.</p>
<p>D. Court objection to release</p>	<p>1. If the committing Court objects to the home placement supervision, such objection is made in writing to the Commissioner/designee documenting the reasons for objections.</p> <p>2. No youth is released on aftercare if the committing Court objects in writing.</p> <p>3. Upon receiving the objection from the committing Court, the Commissioner/designee reviews the child's file and consults with the committing judge regarding such denial in the form of a hearing set by either the Court or by motion of DCS or any attorney for the youth.</p> <p>4. If no agreement is reached between DCS and the committing judge, then the Commissioner/designee requests a hearing on the proposed placement by a three (3) judge panel appointed by the executive committee of the Tennessee Council of Juvenile and Family Court Judges. This panel hears and resolves the controversy within thirty (30) days of receipt of the Commissioner/designee's request for a hearing. The decision of the panel is final.</p> <p>5. As soon as the FSW is notified of the Court's objection, or the Court has written a letter to object to the release of a youth, immediate notice is given to the facility case worker. The detailed reason for the denial is documented in TFACTS. A notation is made by the FSW on the appropriate screens in TFACTS on the <i>Release Request History Screen</i> in the <i>Withdrawal section</i>.</p> <p>6. Delay of the return home</p> <p>In the event of an appeal or consultation hearing, no youth is returned to home placement until the appeal or consultation hearing process has been completed and a written order is issued stating so; However, if a child/youth is in a Youth Development Center he or she may be stepped down without Court permission as soon as it can be responsibly done after the initial denial.</p>
<p>E. Court-ordered release</p>	<p>In the event a Court order to release a youth is issued even without DCS permission, the staff person accompanying the youth to Court contacts the facility and the FSW to notify them of the youth's Court-ordered release and provides the written order. No child/youth is released without a written court order that is given to DCS staff immediately following the hearing.</p>
<p>F. Violation of trial home placement</p>	<p>1. Documentation of violations</p> <p>In the event new delinquent acts are alleged or other major violations occur, the FSW follows DCS Policy 13.6 Major and Minor Violations: Delinquent Youth on Probation and Aftercare and documents the violations in writing in case recordings or on form CS-0156, Violation Report, which addresses the</p>

	<p>following:</p> <ul style="list-style-type: none"> a) The History of Supervision; b) The Nature of the Violation; and c) Recommendation of the Team. <p>2. The youth is afforded all due process rights required by departmental policy prior to a return to custody. A violation petition is filed with the committing Court if termination of a trial home visit is being requested.</p> <p>3. Return to physical custody during trial home pass</p> <ul style="list-style-type: none"> a) The youth’s failure to abide by aftercare rules during the thirty (30) day trial home visit may result in the termination of a youth’s trial home visit and a return to DCS’s physical custody. b) If the youth violates the trial home visit, a CFTM is held to discuss options and efforts are made to maintain the youth in the community. c) If the team decides to return the youth to physical custody, Juvenile Court permission is not required to remove the youth from the home. However, notice of such removal and disruption (e.g. form CS-0156, Violation Report, etc.) of the trial home pass is filed with the Court within ten (10) days as a violation, or other appropriate petition or motion, so that the legal custody of DCS is not terminated. d) A review hearing is held within thirty (30) days of the filing of the petition.
<p>G. Termination of Custody</p>	<p>If the trial home visit is successful, the youth is automatically placed on home placement status, and DCS’s legal custody of the youth terminates at the end of thirty (30) days.</p>
<p>H. Documentation</p>	<p>Unless other requirements are specified in this policy for documentation, or events are not documented elsewhere or require a broader explanation, all information is required to be documented in TFACTS within thirty (30) days from the date of the contact or occurrence.</p>

Forms:	<p><u>CS-0004. Determinate Sentence Release Notification</u></p> <p><u>CS-0046. Discharge</u></p> <p><u>CS-0130. Release to Home Placement Request</u></p> <p><u>CS-0156. Violation Report</u></p> <p><u>CS-1042. YDC Youth and Family Personal Portfolio Checklist-YDC</u></p> <p><u>CS-1043. Youth and Family Community Reintegration Planning</u></p>
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Collateral documents:	<p><u>Protocol for Continuation of TennCare Eligibility for Children Exiting Custody</u></p> <p><u>Pre-Release Readiness Work Aid for Delinquent Youth</u></p> <p><u>Protocol for Juvenile Justice Family Permanency Plan</u></p> <p><u>13.6 Major and Minor Violations: Delinquent Youth on Probation and Aftercare</u></p> <p><u>16.20 Expedited Custodial Placements</u></p> <p><u>21.18 Notification to School Principals of Certain Delinquent Adjudications</u></p> <p><u>Protocol: Planning for Reentry and Aftercare-Youth Development Center</u></p>
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