Administrative Policies and Procedures: 12.5

<table>
<thead>
<tr>
<th>Subject</th>
<th>Passes for Delinquent Youth in a Youth Development Center</th>
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<tbody>
<tr>
<td>Authority</td>
<td>TCA 37-5-105 (3); 37-5-106 (4); 37-4-101 (H); ICJ Rule 8-101</td>
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<tr>
<td>Standards:</td>
<td>DCS Practice Standards: 5-500; 8-306; 12-401, 12-402, 12-403; COA: PA-JJCM 3.05; PA-JJR 4.01-4.04; PA-JJR 14.05; PA-JJR 16.01</td>
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<td>Application:</td>
<td>To All Department of Children’s Services Employees serving youth adjudicated delinquent.</td>
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Policy Statement:
Delinquent youth in DCS custody are eligible to receive passes. The youth’s Child and Family Team (CFT) make recommendations for or against passes.

Purpose:
To provide directives and guidelines for staff to ensure compliance with pass procedures for youth adjudicated delinquent.

Procedures:

A. Passes for Youth in a Youth Development Centers (YDC)

1. Youth in a YDC placement may be considered for a day pass if recommended by the CFT. The recommendation is sent to the TL and Superintendent with complete details on why the day pass is recommended. The Superintendent and Team Leader review and approve or disapprove the request.

2. In order to be eligible for an overnight pass, youth placed in a YDC must be in pre-release status and within forty-five (45) days of release.

3. Before a request for an overnight pass is sent for judicial approval it is reviewed by the TL, Superintendent and designated Office of Juvenile Justice director. If the pass is approved, the Residential Case Manager (RCM) makes an official request to the FSW as noted in Section D below.

   ♦ The Regional Administrator (RA)/designee, Deputy Commissioner of Juvenile Justice/designee and the committing court must approve any exceptions to the above request.

Note: If the youth is approved for a pass, day or overnight, he must wear an electronic monitoring device while away from the facility. See DCS policy 13.5, Electronic Monitoring Use on Youth Adjudicated Delinquent for specific details.

B. Coordination of pass requests

1. It is the responsibility of the FSW to make a visit to the parent/guardians home prior to the first pass being granted. The purpose of the visit is to meet with the parent/guardian and determine if the home is safe.
2. Requests for passes are made at least five (5) working days prior to the proposed pass. The RCM at the program provides the FSW with information pertinent to the pass request by completing **CS-0394, Youth Pass Request**.

3. The FSW presents the pass request to the committing judge(s) through the Court Liaison. Once the court approves or denies the pass request, the FSW notifies the RCM at the program of the court’s decision.

4. Each pass is approved in such a manner unless the committing court has made a provision for “blanket” pass approval for an individual youth.

5. If the committing court declines to make a decision in response to a pass request, the decision is determined by the CFT. The Regional TL and/or TC must be consulted to approve or deny the pass. It is the team’s responsibility to ensure continued contact between the youth and family.

6. Monitoring and follow-up on how the pass went is the joint responsibility of the RCM at the program and the FSW. The youth’s behavior, other significant issues concerning parent activities and completion of specific treatment related tasks, are discussed with the youth and parents. Any significant information related to the pass is documented on the appropriate screens in TFACTS, by the RCM or FSW, and shared as needed.

7. The youth’s behavior, other significant issues concerning parent activities and completion of specific treatment related tasks, are discussed with the youth and parents. Any significant information related to the pass is documented on the appropriate screens in **TFACTS** and shared as needed.

8. Youth are allowed passes with parents, guardians and other approved relatives, approved prospective adoptive parents or approved foster parents.

9. All persons accepting temporary physical custody of a youth are properly identified with a photo ID by the designated employee at the residential placement. Persons accepting temporary custody of a youth placed at a YDC are advised, in writing, of their responsibility and sign form **CS-0058, Temporary Custody Agreement**.

### C. Types of Passes

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<thead>
<tr>
<th>1. Day Pass</th>
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<td>a) A day pass is an authorized visit with an approved adult that does not exceed eight (8) hours. The youth is not required to remain at the facility but may not travel beyond a fifty-mile radius from the facility/program location. A day pass may be for emergencies or routine visitation.</td>
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<td>b) If a youth in a YDC is informed in a timely manner of a verifiable death or critical illness of an immediate family member, the Superintendent/designee may approve for the youth to be escorted to visit the sick family member or attend the visitation/funeral following the procedures outlined on form <strong>CS-1102, Visitation Approval for Critical Illness or Death</strong>.</td>
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<th>2. Day Pass to Home</th>
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<td>A day pass to home is an authorized home visit with an approved adult that does not exceed twelve (12) hours. The youth may leave the county in which the facility/program is located. A day pass to home may be granted for</td>
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Original Effective Date: 05/01/98  
Current Effective Date: 10/29/18  
Supersedes: DCS 12.5, 07/27/18  
CS-0001  
RDA SW22
3. **Overnight Pass**

   An authorized visit that does not exceed forty-eight (48) hours to the home of the parent, guardian, or visiting resource. An overnight pass may be granted for emergency situations or for routine visitation.

4. **Extended Overnight Pass**

   An authorized visit that may exceed forty-eight (48) hours to the home of the parent, guardian, or visiting resource. Examples of this type of pass would include but are not limited to extended holiday visits and bereavement passes, visits to see if youth will adjust in the home setting. An extended overnight pass may be authorized for emergency situations, and for routine visitation.

5. **Medical Pass**

   A medical pass is allowed if the youth has a temporary acute or a chronic medical condition that exceeds the care available or cannot be adequately or safely provided through the facility’s health care resources. The Health Administrator can make a recommendation for a medical pass. The central office Director of Nursing and the YDC Superintendent review the recommendation and authorize a medical pass if medically necessary.

6. **Out-of-State Passes**

   a) Out-of-state passes are allowed, as approved, in the Family Permanency Plan, adoption assistance plan, or in case of unanticipated emergency situations.

   b) Out-of-state passes for twenty-four (24) hours or more require the completion of **Form VII, Interstate Compact on Juveniles (ICJ) Out-of-State Travel Permit and Agreement to Return** and the approval of the FSW's Team Leader or Team Coordinator and the committing Court.

   c) Once the out-of-state travel is approved locally, the travel permit form is sent to the DCS ICJ Deputy Compact Administrator.

   d) If the purpose of the out-of-state travel is to test a proposed residence for placement, a formal referral for out of state supervision is sent to the ICJ office within thirty (30) days of the effective date of the travel permit.

   e) A travel permit may be issued for up to ninety (90) days. If the pass exceeds ninety (90) days, the FSW sends specific supervision instructions for the juvenile to maintain contact with the FSW in Tennessee. Refer to the **ICJ Rules- Interstate Commission for Juveniles** for further information on ICJ Travel Permits.

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D. **Clarification of the difference between visitation and passes**

1. Delinquent youth have the right to have visitation from their families at their placement according to DCS Policy **26.2-DOE Youth Development Center Visitation/Visitor Control**.
2. For delinquent youth that also has a sibling in custody; FSW and/or staff must arrange for visitation between siblings and comply with DCS Policy 16.43 *Supervised and Unsupervised Visitation between Child-Youth, Family and Siblings*.

3. Passes may be restricted if there are therapeutic reasons for denial.

4. Violation of program rules while on pass may result in postponement or cancellation of the pass, due to the severity of the violation.

5. Consult the youth’s FSW regarding any change in plans for approved passes.

6. Pass approval is denied if a youth has committed a major violation of program rules.

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### Forms:

- **CS-0058, Temporary Custody Agreement**
- **CS-0394, Youth Pass Request**
- **CS-1102, Visitation Approval for Critical Illness or Death**
- **Form VII, Interstate Compact for Juveniles (ICJ) Out of State Travel Permit and Agreement to Return**

### Collateral documents:

- **13.5, Electronic Monitoring Use on Youth Adjudicated Delinquent**
- **16.43 Supervised and Unsupervised Visitation Between Child/Youth, Family, and Siblings**
- **18.37 Determinate Commitments**
- **26.2-DOE Youth Development Center Visitation/Visitor Control**
- **ICJ Rules- Interstate Commission for Juveniles**

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### Glossary:

<table>
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<tr>
<th>Term</th>
<th>Definition</th>
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<tr>
<td><strong>Interstate Compact for Juveniles (ICJ) Out-of-State Travel Permit:</strong></td>
<td>Written permission for a youth to travel from one state to another state for more than 24 hours.</td>
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<td><strong>Pass:</strong></td>
<td>Any authorized absence by a delinquent youth from his/her placement without staff supervision.</td>
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**Visitation:**

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<td></td>
<td>Regular contact between a youth and his/her parents as mandated and defined by federal foster care legislation. Any dependent/neglected, unruly or delinquent youth placed in foster care must be granted an opportunity for a minimum of four (4) hours visitation each month, which may be supervised or unsupervised. <strong>Note:</strong> Any visitation that involves a return to the home community for a period of time and is <strong>unsupervised</strong> by program staff, the consent of the committing court is required, unless the court has declined or failed to exercise the decision making in regard to home passes. <em>TCA §37-5-106 (4).</em></td>
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